

PREA Facility Audit Report: Final

Name of Facility: Coxsackie Correctional Facility

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 07/19/2022

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: AMY JO FAIRBANKS	Date of Signature: 07/19/2022

AUDITOR INFORMATION	
Auditor name:	Fairbanks, Amy
Email:	fairbaa@comcast.net
Start Date of On-Site Audit:	06/13/2022
End Date of On-Site Audit:	06/14/2022

FACILITY INFORMATION	
Facility name:	Coxsackie Correctional Facility
Facility physical address:	11260 Rte 9W, Coxsackie, New York - 12051
Facility mailing address:	

Primary Contact	
Name:	Tami Kelly
Email Address:	tami.kelly@doocs.ny.gov
Telephone Number:	518-731-2781

Warden/Jail Administrator/Sheriff/Director	
Name:	Raymond Shanley
Email Address:	raymond.shanley@doocs.ny.gov
Telephone Number:	518-731-2781

Facility PREA Compliance Manager	
Name:	Corey Bedard
Email Address:	corey.bedard@doccs.ny.gov
Telephone Number:	
Name:	Tami Kelly
Email Address:	Tami.Kelly@doccs.ny.gov
Telephone Number:	O: (518) 731-2741

Facility Health Service Administrator On-site	
Name:	Brooke Blaise
Email Address:	brooke.blaise@doccs.ny.gov
Telephone Number:	518-731-2781

Facility Characteristics	
Designed facility capacity:	1006
Current population of facility:	598
Average daily population for the past 12 months:	627
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:	19-92
Facility security levels/inmate custody levels:	maximum
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	558
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	218
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	166

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

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.

Auditor Note: In general, no standards should be found to be "Not Applicable" or "NA." A compliance determination must be made for each standard. In rare instances where an auditor determines that a standard is not applicable, the auditor should select "Meets Standard" and include a comprehensive discussion as to why the standard is not applicable to the facility being audited.

Number of standards exceeded:

12

- 115.11 - Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
- 115.16 - Inmates with disabilities and inmates who are limited English proficient
- 115.17 - Hiring and promotion decisions
- 115.21 - Evidence protocol and forensic medical examinations
- 115.32 - Volunteer and contractor training
- 115.33 - Inmate education
- 115.34 - Specialized training: Investigations
- 115.41 - Screening for risk of victimization and abusiveness
- 115.42 - Use of screening information
- 115.53 - Inmate access to outside confidential support services
- 115.67 - Agency protection against retaliation
- 115.71 - Criminal and administrative agency investigations

Number of standards met:

33

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:	2022-06-13
2. End date of the onsite portion of the audit:	2022-06-14

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:	Unity Crisi Services, Crime Victim Treatment Services, (awaiting responses) JDI

AUDITED FACILITY INFORMATION

14. Designated facility capacity:	1006
15. Average daily population for the past 12 months:	627
16. Number of inmate/resident/detainee housing units:	22
17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Not Applicable for the facility type audited (i.e., Community Confinement Facility or Juvenile Facility)

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

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

36. Enter the total number of inmates/residents/detainees in the facility as of the first day of onsite portion of the audit:	578
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:	3
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:	2
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:	0

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:	0
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:	3
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:	3
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:	1
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:	3
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:	2
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):	This information is based on targeted interviews conducted.
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:	558
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:	166
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:	218
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:	No text provided.
INTERVIEWS	
Inmate/Resident/Detainee Interviews	
Random Inmate/Resident/Detainee Interviews	

53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:	15
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 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?	I requested to interview each inmate housed in bed 13 for each general population inmate and RRU.
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):	No text provided.
Targeted Inmate/Resident/Detainee Interviews	
58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:	15
<p>As stated in the PREA Auditor Handbook, the breakdown of targeted interviews is intended to guide auditors in interviewing the appropriate cross-section of inmates/residents/detainees who are the most vulnerable to sexual abuse and sexual harassment. When completing questions regarding targeted inmate/resident/detainee interviews below, remember that an interview with one inmate/resident/detainee may satisfy multiple targeted interview requirements. These questions are asking about the number of interviews conducted using the targeted inmate/resident/detainee protocols. For example, if an auditor interviews an inmate who has a physical disability, is being held in segregated housing due to risk of sexual victimization, and disclosed prior sexual victimization, that interview would be included in the totals for each of those questions. Therefore, in most cases, the sum of all the following responses to the targeted inmate/resident/detainee interview categories will exceed the total number of targeted inmates/residents/detainees who were interviewed. If a particular targeted population is not applicable in the audited facility, enter "0".</p>	
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:	3
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:	2

<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>There are other facilities in this agency that are designed to meet the needs of "sensorially disabled incarcerated individuals".</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>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>There are other facilities in this agency that are designed to meet the needs of "sensorially disabled incarcerated individuals".</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>3</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>1</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>2</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:	3
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:	0
a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:	<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. <input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.
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).	Observations and interviews with two staff who regularly work in segregation in addition to the interview with the Superintendent provided credible evidence to support this.
70. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):	No text provided.
Staff, Volunteer, and Contractor Interviews	
Random Staff Interviews	
71. Enter the total number of RANDOM STAFF who were interviewed:	12
72. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)	<input checked="" type="checkbox"/> Length of tenure in the facility <input checked="" type="checkbox"/> Shift assignment <input checked="" type="checkbox"/> Work assignment <input type="checkbox"/> Rank (or equivalent) <input checked="" type="checkbox"/> Other (e.g., gender, race, ethnicity, languages spoken) <input type="checkbox"/> None
If "Other," describe:	Gender and race/ethnicity were used when selecting staff for random interviews.
73. Were you able to conduct the minimum number of RANDOM STAFF interviews?	<input checked="" type="radio"/> Yes <input type="radio"/> No

<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>Shift assignments: 7-3 nine, 3-11 5, 11-7 2, other 1. Gender:males 8, females 4 Job assignment: housing units, commissary, front gate, area supervisor, program corridor, school, trainer, relief staff</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>22</p>
<p>76. Were you able to interview the Agency Head?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>78. Were you able to interview the PREA Coordinator?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>79. Were you able to interview the PREA Compliance Manager?</p>	<p><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>

<p>80. Select which SPECIALIZED STAFF roles were interviewed as part of this audit from the list below: (select all that apply)</p>	<p><input type="checkbox"/> Agency contract administrator</p> <p><input 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</p> <p><input type="checkbox"/> Line staff who supervise youthful inmates (if applicable)</p> <p><input type="checkbox"/> Education and program staff who work with youthful inmates (if applicable)</p> <p><input checked="" type="checkbox"/> Medical staff</p> <p><input checked="" type="checkbox"/> Mental health staff</p> <p><input type="checkbox"/> Non-medical staff involved in cross-gender strip or visual searches</p> <p><input checked="" type="checkbox"/> Administrative (human resources) staff</p> <p><input type="checkbox"/> Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) staff</p> <p><input checked="" type="checkbox"/> Investigative staff responsible for conducting administrative investigations</p> <p><input checked="" type="checkbox"/> Investigative staff responsible for conducting criminal investigations</p> <p><input checked="" type="checkbox"/> Staff who perform screening for risk of victimization and abusiveness</p> <p><input checked="" type="checkbox"/> Staff who supervise inmates in segregated housing/residents in isolation</p> <p><input checked="" type="checkbox"/> Staff on the sexual abuse incident review team</p> <p><input checked="" type="checkbox"/> Designated staff member charged with monitoring retaliation</p> <p><input type="checkbox"/> First responders, both security and non-security staff</p> <p><input checked="" type="checkbox"/> Intake staff</p> <p><input checked="" type="checkbox"/> Other</p>
<p>If "Other," provide additional specialized staff roles interviewed:</p>	<p>Volunteer Coordinator, Grievance Coordinator, Training Coordinator, Program Committe chair, Captain - security monitors, food service staff, union representative, mailroom staff.</p>
<p>81. Did you interview VOLUNTEERS 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 VOLUNTEERS who were interviewed:</p>	<p>1</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>No text provided.</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).	No text provided.

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.).	No text provided.

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	5	5	0	0
Staff-on-inmate sexual abuse	5	5	0	0
Total	10	10	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	5	0	5	0
Total	5	0	5	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	3	0	0	0	0
Staff-on-inmate sexual abuse	2	0	0	0	0
Total	5	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	0	0
Staff-on-inmate sexual abuse	0	0	0	0
Total	0	0	0	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	0	0	0	0	0
Total	0	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	2	0	3	0
Total	2	0	3	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:	10
99. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?	<input type="radio"/> Yes <input checked="" 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:	5
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<p>101. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
<p>102. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
<p>Staff-on-inmate sexual abuse investigation files</p>	
<p>103. Enter the total number of STAFF-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</p>	<p>5</p>
<p>104. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal 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 abuse investigation files)</p>
<p>105. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>
<p>Sexual Harassment Investigation Files Selected for Review</p>	
<p>106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>5</p>
<p>107. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual harassment investigation files)</p>
<p>Inmate-on-inmate sexual harassment investigation files</p>	
<p>108. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>0</p>

<p>109. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?</p>	<p> <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files) </p>
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<p>110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p> <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files) </p>
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Staff-on-inmate sexual harassment investigation files

<p>111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>5</p>
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<p>112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?</p>	<p> <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files) </p>
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<p>113. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p> <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 harassment investigation files) </p>
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<p>114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.</p>	<p>No text provided.</p>
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SUPPORT STAFF INFORMATION

DOJ-certified PREA Auditors Support Staff

<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 <input checked="" type="radio"/> No </p>
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Non-certified Support Staff

<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 <input checked="" type="radio"/> No </p>
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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: Exceeds Standard
	<p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Directive #4027 Sexual Victimization Prevention & Response, 2/15/2022 · Directive #4027A, Sexual Abuse Prevention & Intervention-11/29/17 (Inmate-on-Inmate) · Directive #4028A, Sexual Abuse Prevention & Intervention-11/29/17 Staff-on-Inmate/Staff-on-Parolee · Employee Manual, 2019 · Memo from the Commissioner dated March 14, 2012, appointing the Agency-wide PREA Coordinator who currently holds the position today. · Email announcement dated April 25, 2013, announcing that Jason Effman holds the rank of Associate Commissioner. · DOCCS Organizational Chart which indicates that the PREA Coordinator reports directly to the Commissioner 2/8/2022 · Duties Description Associate Commissioner (PREA) Item #00901 · Duties Description for Assistant Deputy Superintendent SG-25 (PREA) · Memo establishing PREA Compliance Manager April 2014 · Email appointment ADS PREA 9/26/2019 · Memo Establishing the PREA Point Person August 2017 · Facility Organization Chart PREA Point Person and ADS PREA report to the Superintendent · Email from Superintendent designating the Captain the PREA Point Person July 2021 · Interview with the PREA Coordinator · Interview with the ADS PREA · Interview with the PREA Point Person <p>(a) The auditor reviewed excerpts from the following policies:</p> <p>Directive #4027 Sexual Victimization Prevention & Response, 2/15/2022 states the following:</p> <p>Prison Rape Elimination Act (PREA) Standard Zero Tolerance Statement: The Department has zero tolerance for sexual abuse, sexual harassment, and unauthorized relationships. No employee shall engage in sexual conduct, sexual contact, or an unauthorized relationship with an incarcerated individual or a releasee, whether in a correctional facility or under Community Supervision; engage in sexual harassment of an incarcerated individual or a releasee; or engage in retaliation related to such an incident or investigation. No incarcerated individual or releasee shall engage in sexual abuse or sexual harassment or engage in retaliation related to such an incident or investigation. Incarcerated individuals and releasees have the right to be free from sexual abuse and sexual harassment. Sexual abuse, sexual harassment, and unauthorized relationships violate Department rules, may violate criminal statutes, and are a serious breach of the public trust. Additionally, they constitute serious threats to safety and security. All allegations of sexual abuse, sexual harassment, unauthorized relationships, and retaliation against staff, an incarcerated individual, or a releasee for reporting a sexual abuse or sexual harassment incident or for participating in an investigation will be thoroughly investigated. Furthermore, any perpetrator of sexual abuse, sexual harassment, an unauthorized relationship, or retaliation related to such an incident or investigation will be dealt with severely through discipline or prosecution to the fullest extent permitted by law.</p> <p>This updated policy supersedes DIR #4027A, 11/29/17; DIR #4027B, 11/29/17; DIR #4028A, 11/29/17; and DIR #4028B, 11/29/17. It is a nine-page policy outlining the governing policies and rules used by this agency to ensure the prevention, detection and response to sexual abuse and sexual harassment.</p> <p>Additionally, a Sexual Victimization Prevention Policy Manual has been developed providing authority and direction for the following standards: 115.6, 115.13, 115.41, 115.42, 115.53, 115.63, 115.65, 115.67, 115.86, 115.87, 115.88, and 115.89. It states,</p>

SEXUAL VICTIMIZATION PREVENTION POLICY MANUAL

The Sexual Victimization Prevention Policy Manual (SVPPM) supplements this Directive and shall have the same force and effect as a Directive in setting forth the Department's policies for the prevention of sexual abuse, sexual harassment, unauthorized relationships, and retaliation related to such incidents or investigations, and provides detailed operating procedures implementing the National PREA Standards. The SVPPM is issued by the Associate Commissioner and electronically maintained and distributed by the Sexual Abuse Prevention and Education Office (SAPEO). The SVPPM is reviewed on an annual basis. Revisions to the content are made as warranted by SAPEO.

Directive #4027A, Sexual Abuse Prevention & Intervention-11/29/17 Inmate-on-Inmate – II, III, IV D 1 states that the agency has a zero tolerance for sexual abuse and sexual harassment. It further emphasizes that incarcerated individuals and parolees have a right to be free from sexual abuse and sexual harassment. It supports that all matters of sexual abuse, sexual harassment and retaliation will be investigated, and disciplinary action will occur up to prosecution. Definitions are provided for all aspects regarding incarcerated individual-on-incarcerated individual sexual abuse and harassment.

Directive #4028A, Sexual Abuse Prevention & Intervention-11/29/17 Staff-on-Inmate/Staff-on-Parolee – II, III, V C. This policy states that the agency has a zero tolerance for sexual abuse and sexual harassment. It emphasizes that incarcerated individuals and parolees have a right to be free from sexual abuse and sexual harassment. It supports that all matters of sexual abuse, sexual harassment and retaliation will be investigated, and disciplinary action will occur up to prosecution. Definitions are provided regarding staff-on-incarcerated individual sexual abuse and harassment. The policy further supports efforts in prevention, detection, response and investigation of sexual abuse, sexual harassment, protection from retaliation, investigation while ensuring the safety and treatment needs of a victim.

The Employee Manual, dated 2019, reinforces numerous aspects of the agency's efforts to prevent, detect and respond to PREA requirements: zero tolerance for sexual abuse, sexual harassment or retaliation; professionalism when communicating with incarcerated individuals, particularly those who identify as transgender or gender non-conforming; reinforcing reporting requirements to include retaliatory actions; supervisory unannounced rounds and prohibition on alerting staff of the rounds; opposite gender announcements; and continuing duty to report any allegations made against them regarding sexual abuse as required in standard §115.17.

(b) In addition to Directive #4027 Sexual Victimization Prevention & Response, 2/15/2022, the following documents support that the Agency has an agency-wide PREA Coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities:

- Memo from the Commissioner dated March 14, 2012, appointing the Agency-wide PREA Coordinator who currently holds the position today.
- Email announcement dated April 25, 2013, announcing that Jason Effman holds the rank of Associate Commissioner.
- DOCCS Organizational Chart which indicates that the PREA Coordinator reports directly to the Commissioner.
- Duties Description Associate Commissioner (PREA) Item #00901

Directive #4027 Sexual Victimization Prevention & Response, 2/15/2022

ORGANIZATIONAL STRUCTURE PREA Coordinator states, The Commissioner has designated the Associate Commissioner for PREA Compliance as the agency-wide PREA Coordinator, who is responsible for the implementation of policies and programs to address sexual victimization of incarcerated individuals and others under the jurisdiction of the Department, unauthorized relationships, and related forms of misconduct. 1. The Associate Commissioner for PREA reports to the Commissioner and is a member of the Executive Team. 2. The Associate Commissioner for PREA oversees the Sexual Abuse Prevention & Education Office. Director of PREA Compliance: The Director of PREA Compliance serves under the Associate Commissioner for PREA as the assistant agency-wide PREA Coordinator. The Director of PREA Compliance is responsible for administering the PREA Audit program; provides direct oversight of agency-wide PREA implementation activities; and assists in the development and implementation of programs and policies in areas relating to compliance with PREA and the reduction of sexual abuse, sexual harassment, and unauthorized relationships within the Department.

The interview with the Agency PREA Coordinator confirmed the following: "My time is almost exclusively devoted to PREA compliance and the prevention of sexual abuse and sexual harassment, as well as work on policy matters concerning our transgender, gender nonconforming and gender nonbinary population and workforce. With the recent appointment of the Director of PREA Compliance and the creation within my office of an Assistant Deputy Superintendent for LGBTIQ+ Initiatives, I feel that I am well positioned to manage our PREA-related responsibilities, and to advance our work to mitigate sexual victimization within the Department."

He confirmed he works with sixteen (16) Assistant Deputy Superintendent (ADS) PREA Compliance Managers. "In addition, each of the 44 facilities has a senior security supervisor designated as the PREA Point Person. I interact with the ADS PREA

Compliance Managers routinely. We have bi-weekly conference calls to discuss policy updates, new initiatives and to discuss any issues that they or I should be aware of. We email and speak on an ongoing basis as well. In addition, with the exception of 2020 due to COVID-19, we meet as a group at least annually for training programs, often in conjunction with the Office of Special Investigations, Sex Crimes Division staff. The Director of PREA Compliance serves as the assistant agency wide PREA Coordinator. The Director reports to me, is assuming primary responsibility for the PREA Audit Program, and assists me in overseeing all PREA compliance activities and the development and implementation of strategies to reduce incidents of sexual victimization. The Director also runs a mentoring program to support each new Assistant Deputy Superintendent PREA Compliance Manager upon appointment and as they become familiarized with their new role. Further, I have two Correctional Facility Operations Specialist (CFOS) items in my Office in Albany who work with the ADS PREA Compliance Managers on a daily basis, and who have frequent contact with the designated PREA Point Persons. They answer questions, provide guidance, and share information. If they cannot answer a question, they bring the matter to the attention of the Director or to me.”

When identifying issues with complying with a PREA standard, the PREA Coordinator stated, “I review the matter with members of the Central Office or facility Executive Team with subject matter expertise, to determine whether the issue is with the policy or implementation of the policy. Then, I either issue a revised policy, work with the proper Deputy Commissioner to prepare a policy revision or provide clarifying direction as appropriate. For significant issues, I will bring the matter to the attention of the Acting Commissioner and the Department’s Executive Team”

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

The auditor, who has audited many facilities in this agency, concluded that the PREA Coordinator is continually examining the process to look for areas of improvement. For this audit, the auditor was provided Directive #4027 Sexual Victimization Prevention & Response, 2/15/2022 and the SVPPM.

(c) Directive #4027 Sexual Victimization Prevention & Response, 2/15/2022

ORGANIZATIONAL STRUCTURE PREA Compliance Managers states, Each facility shall have a PREA Compliance Manager with sufficient time and authority to coordinate the facility’s efforts to comply with the PREA standards and implementation of policies and programs to address sexual victimization of incarcerated individuals within the facility. 1. Assistant Deputy Superintendent (ADS) PREA Compliance Managers (PCM) shall be appointed to designated primary correctional facilities and may have PREA compliance oversight duties at one or more facilities as designated by the Associate Commissioner for PREA. An ADS PCM is responsible for fulfilling PREA Compliance Manager duties at their primary correctional facility under the supervision of the Associate Commissioner for PREA, Director of PREA Compliance, and the facility Superintendent. a. Each ADS PCM shall be responsible for coordinating and providing oversight of PREA Compliance activities and efforts to address sexual victimization at their designated cluster facilities in coordination with the Superintendent and facility executive team at each cluster facility. NO. 4027, Sexual Victimization Prevention & Response DATE 02/15/2022 PAGE 3 of 9 b. The ADS PCM is expected to maintain ongoing communication with the Associate Commissioner, Director of PREA Compliance, and OSI to facilitate sexual victimization prevention efforts and investigative matters and shall keep the Associate Commissioner apprised of any issues requiring attention, including but not limited to matters regarding audit and compliance. 2. Each Superintendent shall designate a Security Supervisor, not to fall below the rank of Lieutenant, as the PREA Point Person (PPP) for the correctional facility. The designated PPP will liaison with the facility’s designated ADS PCM in a joint effort to implement the PREA Standards within the facility.

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

This process is supported by a memo from the Deputy Commissioner to all Superintendents which requires the appointment of a PREA Point Person of the rank of Captain (dated August 2017). Duties Description for Assistant Deputy Superintendent SG-25 (PREA) specifies the duties of the PREA Compliance Manager (ADS PREA). The current ADS PREA was appointed for this facility, July 2019. The facility Organization Chart shows that the ADS reports to the Superintendent. An email from the Superintendent dated July 2021, appoints the Captain as the PREA Point Person. The ADS PREA, and Captain were both interviewed regarding their duties which demonstrated the team effort utilized at this facility to meet the goals of PREA. All indicated they have sufficient time and authority to coordinate the facility’s effort to comply with the PREA standards. Both indicated they serve on the PREA incident review team, assist with monitoring for retaliation after allegations are made and monitor training activities. The ADS PREA reports that bi-weekly telephone conference calls are made with the PREA Coordinator to ensure up to date information is communicated, and current issues are addressed. Additionally, she discussed with the auditor the mentoring program and found it to be helpful with understanding different areas of the facility and how it

is affected by the efforts to prevent, detect and respond to sexual abuse and sexual harassment. The Superintendent demonstrated to the auditor during the on-site audit his commitment to zero tolerance of sexual abuse and sexual harassment and his support for the efforts of the ADS PREA and PREA Point Person.

Summary of evidence to support a finding of compliance:

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

115.12	Contracting with other entities for the confinement of inmates
	<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 1286 300">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="242 329 1069 528" style="list-style-type: none"> <li data-bbox="242 329 852 358">· Community Based Programs Contracting with DOCCS <li data-bbox="242 387 1069 416">· Request for Application for Community Based Residential Programs (CBRP) <li data-bbox="242 445 528 474">· NY CLS § Correc 121 <li data-bbox="242 504 539 533">· CBRP PREA Schedule <p data-bbox="242 562 1469 819">(a) The Agency contracts for Community Based Residential Programs; the programs are required to adopt and comply with the PREA standards. The agency has provided contracts for the following: Bridges of Greater NY, Catholic Charities – Chemung, Schuyler, and Diocese of Rochester, Hillcrest House, Hope of Buffalo, Saving Grace Ministries, Volunteers of America, Catholic Family Center, Fitzgerald House, Community Missions of Niagara, Pathways Renewed Rescue Mission, Windham Residence, Rescue Mission of Utica, MADE Transitional Services, and Society of St. Vincent De Paul which demonstrated support for a finding of compliance as well as a memo from the Agency PREA coordinator supporting compliance. Recently, two private organizations terminated their contracts. There are now a total of 13 operations contracted with for the confinement of inmates.</p> <p data-bbox="242 851 1469 943">(b) The Request for Application for Community Based Residential Programs (CBRP) includes a requirement for compliance with the PREA standards. Effective May 1, 2017 CBRPs are required to become PREA compliant, including PREA certification. Completed reports are available on the NYSDOCCS website for review.</p> <p data-bbox="242 974 1490 1267">A written interview with the agency Reentry Manager, March 2020 (contract monitor for community programs) yielded the following confirmation: "New York State contracts with a number of organizations to provide residential programs for parolees and others subject to community supervision upon release. These include Residential Stabilization Programs (RSP) and Community Based Residential Programs (CBRP). Department Reentry Managers are responsible for contract monitoring of such programs. This includes ensuring that program staff participate in PREA training, that residents receive PREA educational materials, and that information is posted, and that Program staff comply with reporting requirements as specified by the Department. The new contracts require full PREA compliance and include quarterly goals to ensure that each program is able to achieve full compliance with the PREA Community Confinement Facilities Standards within one year". The auditor reaffirmed in April 2021 that these responses are still current.</p> <p data-bbox="242 1299 812 1328">Summary of evidence to support a finding of compliance:</p> <p data-bbox="242 1359 1490 1451">Based on the review of the documentation provided, this Agency is deemed compliant with the requirements of the standard for community confinement operations however, these operations do not house incarcerated individuals (inmates). Therefore, the standard is deemed not applicable – compliant.</p>

115.13	Supervision and monitoring
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 208 453 237">Auditor Discussion</p> <p data-bbox="240 271 1286 300">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li data-bbox="240 329 1174 358">· Sexual Victimization Prevention Policy Manual – Supervision and Monitoring 2/15/2022 <li data-bbox="240 387 488 416">· Employee Manual <li data-bbox="240 445 847 474">· Supervision & Monitoring Plan Review 2020 and 2021 <li data-bbox="240 504 643 533">· Interview with the Superintendent <li data-bbox="240 562 675 591">· Interview with the PREA Coordinator <li data-bbox="240 620 1126 649">· Post Closure Reports – examples provided and randomly requested and reviewed <li data-bbox="240 678 1067 707">· DIR #4001 Facility Administrative Coverage & Supervisory Rounds 7/8/2021 <li data-bbox="240 736 722 766">· Security Chart and Staff Review 1/7/2021 <li data-bbox="240 795 616 824">· Interviews with the ADS PREA <li data-bbox="240 853 927 882">· Interviews with supervisors who conduct unannounced rounds <li data-bbox="240 911 1145 940">· Randomly requested documentation of unannounced rounds/Weekly Activity Report <li data-bbox="240 969 1414 999">· Daily and Weekly Security Supervisor Report – randomly requested and provided with pre audit documentation <li data-bbox="240 1028 608 1057">· Logbook entries, observations <li data-bbox="240 1086 1034 1115">· Video evidence of randomly selected date showing unannounced rounds <li data-bbox="240 1144 587 1173">· Interviews with random staff <li data-bbox="240 1202 355 1232">· PAQ <p data-bbox="240 1249 1477 1310">The PAQ indicates that the average daily population since the last PREA audit is 709. The staffing plan is predicated on an incarcerated individual population of 1006.</p> <p data-bbox="240 1339 608 1368">Below is the analysis of the SVPPM:</p> <p data-bbox="240 1397 1477 1426">Sexual Victimization Prevention Policy Manual – Supervision and Monitoring 2/15/2022 supports the following requirements:</p> <ul style="list-style-type: none"> <li data-bbox="240 1456 1485 1516">· Policy: Each facility will develop, document and comply with their staffing plan which will provide for adequate levels of staffing and where applicable, video monitoring, to protect incarcerated individuals against sexual abuse. <li data-bbox="240 1545 1465 1641">· Procedure: Annually or when there is a change in circumstances, each facility will submit their annual review by the due date which will be completed on a template which addresses all provisions of the standard. It is to be forwarded to the Director of Security Staffing, copy to the PREA Coordinator and Deputy Commissioner of Correctional Facilities. <li data-bbox="240 1671 1169 1700">· It requires documentation and justification for deviations utilizing the Post Closure Key. <li data-bbox="240 1729 847 1758">· It reinforces the requirement for unannounced rounds. <p data-bbox="240 1787 1203 1816">(a) The interview with the Superintendent and review of the staffing plan confirmed the following:</p> <ol style="list-style-type: none"> <li data-bbox="240 1845 1350 1874">(1) The facility has been maintaining accreditation status through the American Correctional Association (ACA). <li data-bbox="240 1904 719 1933">(2) There are no judicial findings of inadequacy. <li data-bbox="240 1962 1002 1991">(3) There are no findings of inadequacy from Federal investigative agencies. <li data-bbox="240 2020 1058 2049">(4) There are no findings of inadequacy from internal or external oversight bodies. <li data-bbox="240 2078 863 2107">(5) All components of the facility's physical plant are reviewed. <li data-bbox="240 2136 1458 2166">(6) The composition of the incarcerated individual population includes a Regional Medical Unit, a Restrictive Housing Unit,

and maximum-security general population inmates.

(7) The number and placement of supervisory staff has been reviewed and determined to be adequate.

(8) Institution programs occurring on a particular shift; there is detailed evaluation of the time and days of the programs occurring.

(9) Any applicable State or local laws, regulations, or standards are reviewed. This includes the Halt Act which has affected restricted housing operations.

(10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse are addressed. There were no substantiated allegations of sexual abuse or sexual harassment during the previous 12 months.

(11) No other relevant factors have been identified.

(b) After review of the documentation provided, the auditor confirmed that Post Closure Reports are completed when a post is closed, documenting the reason. The example of this document was provided to the auditor for February 2022 demonstrating the process for having deviations documented. The auditor randomly requested to review post closure reports for the 7th day of the month for the previous six months. The review demonstrated that post closures are monitored daily and documented regarding how the closure is addressed. Hours closed had documentation showing how the hours were reconciled. Closures related to weekend operations and closed housing units. There was no active post closed which had direct supervision of the incarcerated individuals. Additionally, while on site, the auditor observed ample staff throughout the facility during the tour. The interview with the Superintendent confirmed that the "Plot Plan", based on security level, capacity, physical plant, programs, and general operation is utilized and regularly reviewed on an ongoing basis and formally annually. He noted that incidents of sexual abuse or sexual misconduct are considered among other factors. Video monitoring does exist at this facility, a recent addition. He indicated there is an assigned supervisor who constantly monitors staffing needs, post closures and other temporary adjustments.

(c) As stated, the facility completed the Annual Supervision and Monitoring Plan Review. The interview with the PREA Coordinator yielded the following: "I am consulted regarding assessments of, or adjustments to, facility staffing plans. In recent years when the purpose of Adirondack and Hudson Correctional Facilities changed to Adolescent Offender Facilities and then back to adult prisons for specialized populations, I was involved in the development of the staffing plan. In accordance with SVPPM 115.13, a formal written assessment is completed annually by the facility Superintendent and submitted for consideration by the Director of Security Staffing, the Deputy Commissioner for Correctional Facilities, and me. In addition, I am notified of all facility staffing plan adjustments through the Security Staffing Information Unit. "

Coxsackie CF Security Chart and Staffing Review Report, January 7, 2021, was reviewed. It is an eleven-page document assessing staffing levels pursuant to all needs of the facility. This document demonstrates that a review of staffing was conducted by the Security Information Staffing Unit/Deputy Commissioner for Correctional Facilities.

Annual staffing reviews dated November 2020 and November 2021 entitled Annual Supervision and Monitoring Plan Review, specific to Coxsackie Correctional Facility, provides a detailed assessment of each of the categories required by the standard. The document revealed that the review is sent to the Deputy Commissioner for Correctional Facilities and Agency PREA Coordinator in addition to the Director of Security Staffing. The report for 2021 was reviewed with the Superintendent during his interview.

(d) The Employee Manual indicates that employees are prohibited from alerting other employees that supervisory rounds are occurring unless the announcement is related to legitimate operational functions. DIR #4001 7/8/2021 Facility Administrative Coverage & Supervisory Rounds requires Security supervisors to conduct daily rounds and complete the Daily Security Supervisor Report which specifically addressed rounds being unannounced.

The auditor requested and received copies of the Daily Security Supervisory Report and logbook entries for randomly picked dates (November 21, 2021, and April 25, 2021) for all three shifts. The document demonstrated that unannounced rounds are conducted. Interviews with shift supervisors (two) indicate that a strategy is used to make rounds at irregular intervals. Additional confirmation of these rounds was observed in unit logbooks, randomly checked during the tour. Supervisory staff sign in red ink and note "unannounced round". The auditor asked staff during random interviews if they see the supervisor on their shift conducting unannounced rounds. All confirmed they do, and they are not informed of his/her arrival, nor do they alert other staff when the supervisor makes rounds.

Summary of evidence to support a finding of compliance:

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

115.14	Youthful inmates
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 208 451 237">Auditor Discussion</p> <p data-bbox="240 271 1286 300">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="240 329 831 470" style="list-style-type: none"> <li data-bbox="240 329 831 358">· Coxsackie Correctional Facility DIR #0048 1/24/2020 <li data-bbox="240 387 523 416">· NYS CLS Correc §80 <li data-bbox="240 445 411 474">· Interviews <p data-bbox="240 504 1458 562">(a) (b) (c) Coxsackie Correctional Facility DIR #0048 1/24/2020 states, "This facility is used for the general confinement of males 18 years of age or older."</p> <p data-bbox="240 591 1485 987">The State of New York passed a "Raise the Age Law," effective April 10, 2017 New York Consolidated Laws Service > Correction Law (Arts. 1 — 35) > Article 4 Establishment of Correctional Facilities, Commitment to Department and Custody of Inmates (§§ 70 — 79-c) § 77. Adolescent offender facilities. The state shall establish one or more facilities with enhanced security features and specially trained staff to serve the adolescent offenders sentenced to a determinate or indeterminate sentence for committing offenses on or after their sixteenth birthday who are determined to need an enhanced level of secure care which shall be managed by the department with the office of children and family services assistance, and services or programs. That law has since been amended, adopting Correction Law § 80, effective April 3, 2020, requiring DOCCS and the New York State Office of Children and Family Services to "establish a transition plan and protocol to be used in transferring custody of all adolescent offenders and individuals under the age of eighteen from the custody of the department to the custody of the office of children and family services." Correction Law § 77 is repealed, effective October 1, 2020. As of October 6, 2020, all offenders under the age of 18 have been transferred out of DOCCS custody and are now housed by the New York State Office of Children and Family Services.</p> <p data-bbox="240 1016 1465 1113">Interview with the Superintendent confirmed that there are no incarcerated individuals under the age of 18 at this facility. Based on these documents and the law, as well as observations made during the tour, the auditor finds this standard does not apply to this facility and therefore is deemed to be compliant.</p>

115.15	Limits to cross-gender viewing and searches
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 1286 297">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="240 331 1241 1160" style="list-style-type: none"> · Directive #2230 Guidelines for Assignment of Male and Female Correction Officers 2/21/2019 · Directive #4910 Control and Search for Contraband 7/27/2021 · HSPM 1.37 Body Cavity Search 9/3/2021 · Directive #4001 Facility Administrative Coverage & Supervisory Rounds 7/8/2021 · HSPM 1.19 Health Appraisal 9/22/2020 · Facility KHRT Course 01062/17008 · Contraband and Frisk Curriculum 17008 1/2021 · Interviews with random staff · Interviews with random incarcerated individuals · PAQ · FAQ · Form #1140 Report of Strip Search or Strip Frisk (June 2021) · Form # 1140 CGPF Report of Cross Gender Pat Frisk – Female (June 2021) · Employee Manual 2019 · Observations – video monitoring, showers/toilets, strip search areas <p data-bbox="240 1189 1485 1283">The PAQ indicates that there has been no cross-gender strip or cross-gender visual body cavity searches of inmates, no cross-gender strip or cross-gender visual body cavity searches of inmates that did not involve exigent circumstances or were performed by non-medical staff.</p> <p data-bbox="240 1373 1445 1496">(a) Directive #2230 Guidelines for Assignment of Male and Female Correction Officers 2/21/2019 addresses which duties cannot be performed by opposite gender staff which includes strip searches, viewing showers, videos of strip searches, special watch, monitoring of incarcerated individual bathrooms via Closed-Circuit television (CCTV), and urine specimen collection.</p> <p data-bbox="240 1529 1473 1588">Directive #4910 Control and Search for Contraband 7/27/2021 supports that strip searches shall be conducted by an officer or employee of the same sex as the incarcerated individual being searched.</p> <p data-bbox="240 1621 1473 1715">It additionally states that any incarcerated individual who has Gender Dysphoria, is intersex, or transgender with a permit to wear gender affirming/transgender clothing may request that a Correction Officer of the incarcerated individual's preferred gender conduct the pat frisk, when the request can be honored.</p> <p data-bbox="240 1749 1445 1906">HSPM 1.37 Body Cavity Search 9/3/2021 states that this type of search is only authorized by the Superintendent, Acting Superintendent or Facility Officer of the Day upon approval from the Deputy Commissioner/Chief Medical Officer, or designee when there is imminent danger to an incarcerated individual's health or facility safety. A correction officer of the same sex as the incarcerated individual will be present during the exam. This policy indicates that the exam is only conducted by primary care providers.</p> <p data-bbox="240 1939 818 1966">(b) This facility only houses male incarcerated individuals.</p> <p data-bbox="240 2000 1433 2094">(c) As stated, the facility does not house female incarcerated individuals. The auditor was informed that strip searches and/or strip frisk would be reported on Form 1140 in accordance with policy which only affords a strip search/frisk of the same gender of staff. The auditor found no reason to dispute this during the audit process.</p> <p data-bbox="240 2128 1485 2154">(d) The facility shall implement policies and procedures that enable inmates to shower, perform bodily functions, and change</p>

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. Such policies and procedures shall require staff of the opposite gender to announce their presence when entering an inmate housing unit.

Directive #4001 Facility Administrative Coverage & Supervisory Rounds 7/8/2021 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 Employee Manual reinforces these two directives.

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. One stated he wasn't comfortable using the showers based on perceptions from other incarcerated individuals. The auditor viewed all shower and toilet areas and found there was sufficient protection to provide privacy yet not prohibit the security staff from determining safety in those areas, with the exception of the Special Housing Unit. The auditor was informed that female staff are not in the area when showers are provided. It was suggested this process be formalized. However, the auditor did find this credible based on the spontaneity of the question, the limited number of incarcerated individuals in this area and additional male officers in the unit. The incarcerated individual interviewed did not express any concerns regarding the showers.

Most of the incarcerated individual interviews confirm that opposite gender staff are announcing when entering the unit (twenty-six total, four stated "sometimes"). All random staff interviews confirmed that this is occurring. During the tour, the auditor and escort team was announced prior to entering the unit; this did not appear to be odd based on the observations of the incarcerated individuals in the unit at the time.

During the tour, the auditor observed the area where strip searches are conducted in the Intake area, Restrictive Housing Unit, Special Housing Unit and Visiting Room. They all provided appropriate privacy for the incarcerated individual during this process.

The auditor observed the video monitoring for all housing units and strip search areas and found that the view does not afford the observer the ability to see breasts, buttocks, or genitalia.

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

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

(f) Directive #4910 Control and Search for Contraband 7/27/2021 supports that staff are provided specific training which emphasizes professionalism, dignity and respect when searching inmates and when searching transgender inmates.

Training Curriculum, Contraband and Frisk January 2021, addresses cross-gender pat frisks and searches of transgender/intersex inmates, emphasizing professionalism and respect, and using the least intrusive manner possible consistent with security needs. Additionally, it provides detailed information of the techniques to be used for the different

aspects of searches. Training records provided to the auditor confirmed that staff have been trained in contraband control and frisk searches. This updated curriculum is provided to new security staff. Updates for status employees have been observed by this auditor in the last two PREA refresher courses provided to all current security staff. All staff interviews confirmed they have been appropriately trained in how to conduct cross-gender pat-frisk searches, and searches of transgender and intersex incarcerated individuals. Most articulated to the auditor the different techniques.

Summary of evidence to support a finding of compliance:

Observations made during the on-site portion of the audit, review of the policies, memo reflecting updated information, the training curriculum, training records as well as all interviews with staff support a finding of compliance with this standard. All staff interviews confirmed that they are aware that transgender incarcerated individuals are not to be searched for the sole purpose of determining genital status. All staff and incarcerated individual interviews support that incarcerated individuals are allowed to change clothes, shower and use the toilet without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. In accordance with FAQ clarifications, policy was updated to allow a transgender/intersex incarcerated individual to designate the gender of the staff to frisk search in accordance with the incarcerated individuals preferred gender. Interviews all confirmed that they have been appropriately trained regarding how to search transgender/intersex persons and cross-gender pat searches.

115.16 Inmates with disabilities and inmates who are limited English proficient

Auditor Overall Determination: Exceeds Standard

Auditor Discussion

The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Observations during the tour
- Interview A/Commissioner
- Interviews incarcerated individuals LEP and disabled
- Random staff
- PAQ
- Directive #2612 Inmates with Sensorial Disabilities 10/1/2020
- Directive #4490 Cultural and Language Access Services 1/6/2020
- Language Access Line Contract
- Memo Jason D. Effman "Ending Sexual Abuse Behind the Walls: An Orientation" 10/26/2015
- Ending Sexual Abuse Behind the Walls: An Orientation video
- Inmate Education & Orientation Film Facilitator Guide 6/25/15
- Inmate Education Facilitator Training NYDOCCS 5/13/2015
- Pamphlet translations – The Prevention of Sexual Victimization in Prison: What You Need to Know
- Form 4021A revised 5/15/2020
- Form 4021A facility specific documents
- Memo - Jason D. Effman, Associate Commissioner New and Updated PREA Materials
- Interview with the Deputy Superintendent (supervises the Assistant Deputy Superintendent ADA Coordinator)

The PAQ indicates that the number of instances where inmate interpreters, readers, or other types of inmate assistants have been used and it was not the case that an extended delay in obtaining another interpreter could compromise the inmate's safety, the performance of first-response duties under § 115.64, or the investigation of the inmate's allegations is zero.

(a) 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."

This facility is not designated to house incarcerated individuals with sensorial deficiencies. Incarcerated individuals at this facility had slight physical needs observed during the tour or were housed in the Regional Medical Unit. The auditor interviewed the Deputy Superintendent (supervises the Assistant Deputy Superintendent ADA Coordinator) who confirmed to the auditor the process for ensuring incarcerated individuals with hearing or low vision are screened for placement at one of the designated facilities. This includes those that may be housed in the Regional Medical Unit; these individuals may stay at this location depending on other needs but provided devices needed.

The interview with the A/Commissioner confirms the following: ". . . DOCCS has designated facilities and established programs to meet the needs for sensorial disabled incarcerated individuals. The facilities have additional resources for the incarcerated individuals in their populations including but not limited to manual translators (i.e., sign language interpreters), electronic reading devices, magnifiers, and other accommodations as appropriate to ensure access to all programs,

including the Department's PREA program." The auditor has conducted PREA audits at these facilities that house incarcerated individuals with sensorial disabilities.

The auditor formally and informally interviewed twelve incarcerated individuals located in the Regional Medical Unit and the infirmary. The confirmed to the auditor their ability to use the phone; the auditor observed phones in the dayroom area for mobile patients and phones brought to the room for immobile residents. Interviews confirmed to the auditor that they 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.

(b) The interview with the A/Commissioner confirms the following: "DOCCS has a system-wide language access policy that ensures that individuals who require assistance with language can still fully participate in critical functions. This includes using the Language Line services for translation of written documents or interpretation of spoken language. Our Office of Cultural and Language Access Services is responsible for implementing DOCCS' Language Access Plan and ensuring that Limited English Proficient (LEP) individuals can access the Department's programs, services and benefits. In keeping with State language access policies, DOCCS makes vital documents available in the most common non-English primary languages within the state. This includes the Department's PREA informational brochures and our incarcerated individual education film. Languages are periodically updated based upon data regarding language dominance in the State. As of June 2021, these languages include Arabic, Bengali, Chinese (simplified), Haitian Creole, Italian, Korean, Polish, Russian, Spanish, and Yiddish. "

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

Pamphlet translations – "The Prevention of Sexual Victimization in Prison What You Need to Know" is available in English, Spanish, Bengali, Simplified Chinese, Haitian Creole, Korean, and Russian. The language needed is noted on the receipt of the PREA Sexual Abuse Brochure provided at the intake process. One completed example was provided with the pre-audit documentation, fifteen additional examples were reviewed. The Victim Support brochure is available in the following languages: English plus Arabic, Bengali, Chinese (Simplified), Haitian-Creole, Italian, Korean, Polish, Russian, Spanish and Yiddish. Pamphlets with additional languages were observed in the intake area, library and medical unit by the auditor.

"Ending Sexual Abuse Behind the Walls: An Orientation" is available with audio tracks and closed captioning in English, Spanish, Mandarin Chinese, Haitian Creole, Korean, Polish, Italian and Russian. It can be viewed on the agency website. For previous audits, the auditor received video copies that contain closed caption for these languages.

The agency has a contract with Language Line Services, Inc. (copy provided to the auditor). Directions for how to access the line was provided to the auditor. During random staff interviews, many staff, including the intake sergeant, are aware of the availability of the line if its use is needed. Phones were observed in the facility which had a label indicating it had the ability to contact the language line services.

In addition to having Spanish speaking staff, the facility has Spanish speaking Offender Rehabilitation Coordinator (ORC) which helps ensure programming needs and other concerns are addressed for Spanish only speaking incarcerated individuals. Interviews with LEP incarcerated individuals (three total) supported that their language needs were addressed upon intake and their views regarding which materials they preferred were addressed. Limited English incarcerated individuals (Spanish) confirmed to the auditor that they have been assigned to this ORC for their needs. (c) Directive #2612 Inmates with Sensorial Disabilities 8/1/2019 supports that generally an inmate will not be used to interpret for another inmate for confidential/sensitive matters unless there are exigent circumstances.

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

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

Summary of evidence to support a finding of compliance:

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

115.17	Hiring and promotion decisions
	Auditor Overall Determination: Exceeds Standard
	<p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 1286 297">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="240 331 1489 1693" style="list-style-type: none"> · Observations · Interviews Human resource staff · Employment Application · Documents - Personnel files of those hired or promoted in the past 12 months · Documentation randomly requested staff confirmation of fingerprint process · PAQ · Directive #2216, Fingerprinting/Criminal History Inquiry - New Employees and Contractors – 11/01/2018 · Directive #2216 Attachment A · NYS Department of Correctional Services Personnel Procedure Manual #406A Recruitment Process – 4/8/16 – Forms: PPM 406A1, Recruitment Process Checklist, PPM 406A.2 · Employment Telephone Verification · Recruitment Process checklist · Memo: from Director of Personnel, 4/30/14, RE: Personnel Procedure #407 – Civilian Promotions, Personal Procedure Manual #407A – Security Promotions, 4/29/14 · Electronic Mail Memo: from Director of Personnel, 7/15/15, RE: Fair Chance Hiring Application Revisions and Statewide Employment Application reinforces the use of the Application. · Form 1253 - Personal History and Interview Record - 4/13 · Non-competitive and Labor Class appointments 11/5/2020 · Memo: from Deputy Commissioner and Counsel, 8/18/15, RE: Prison Rape Elimination Act (PREA) – Background Checks – Appendix · Directive #2112, Report of Criminal Charges – 4/10/18 · Form EIU23 - Personal History Questionnaire – (Rev. 6/15) · Employee Manual Revised 2019 · Directive #2012, Release of Employee Personnel and Payroll Information – 10/7/2019 · Facility example and requested documentation Form 1253 Derogatory Denial or Approval on Background Check · Contractor personnel files <p data-bbox="240 1727 1414 1787">The PAQ indicates that twenty-seven staff have been hired who may have contact with incarcerated individuals in the previous twelve months, forty contractual staff (contractual staff operate the Regional Medical Unit).</p> <p data-bbox="240 1821 1485 2145">(a) Directive #2216, Fingerprinting/Criminal History Inquiry - New Employees and Contractors – 11/01/2018 states, All employees and contractors of the Department of Corrections and Community Supervision (DOCCS) will be subjected to a criminal history inquiry in order to obtain background information pertinent to the security of operations, to verify data on employment applications, and to receive notification when Department employees are arrested. Employees and contractors may also be fingerprinted in accordance with this directive. This policy applies to all titles as defined in Section II, Definitions. Information Technology Services (ITS) staff, Department of Motor Vehicles (DMV) staff, and Office of Mental Health Staff (OMH) will have criminal history inquiries conducted. Policy indicates a request is submitted to the Employee Investigative Unit (EIU) via email transmittal; a response must be received with non-derogatory indicated prior to the first day of employment. The policy has an Attachment A which designates how this background check is conducted on potential employees, contractors and staff from other agencies.</p>

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

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

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

(c) The following documents support a finding of compliance:

- Directive #2216, Fingerprinting/Criminal History Inquiry - New Employees and Contractors – 11/01/2018 requires the background check for all employees, contractors and per diem employees as well as verification of information on the employment application. Attachment A identifies the process for fingerprinting potential employees, employees, contractors and interns.
- NYS Department of Correctional Services Personnel Procedure Manual #406A Recruitment Process – 4/8/16 specifically requires that previous employers shall be contacted for candidates previously employed by a prison, jail, lock up community confinement or juvenile facility. The contact is documented on the form PPM 406A.2 Employment Telephone Verification. This requirement is included on the Forms: PPM 406A1, Recruitment Process Checklist and PPM 406A2 Employment Telephone Verification
- Personal Procedure #407 4/30/2014 states, Prior to appointment, every candidate selected for a potential promotional appointment will be reviewed for prior incidents of sexual abuse, a conviction for a disqualifying sexual offense, or a civil administrative find for such sexual acts. The review will also identify any incidents of sexual harassment.
- Memo: from Deputy Commissioner and Counsel, Division of Criminal Justice Services, 8/18/15, RE: Prison Rape Elimination Act (PREA) – Background Checks – Appendix and Directive #2112, Report of Criminal Charges – 4/10/18. All staff and contractors are fingerprinted prior to employment. The EIU is notified if an arrest is made corresponding to the employee/contractor fingerprint.

The auditor observed documentation regarding staff fingerprints when reviewing eight newly hired personnel files, two files for staff who promoted and two contractual files. The auditor reviewed the detailed process outlined for the personnel staff to use when needing to acquire background information on all candidates. The Employee Investigative Unit (EIU) centrally established, provides information as needed (observed during the review of the personnel files). By fingerprinting, the agency would receive a report of any arrests that have occurred with these employees nationwide (as confirmed by the interview with the Human Resource staff). Additionally, the auditor requested and received verification of randomly requested current employees' verification of fingerprinting for staff, twelve total.

(f) The following documents support a finding of compliance:

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

been civilly or administratively adjudicated to have engaged in sexual activity in the community by force, overt or implied, or coercion, etc.

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

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

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

Summary of evidence to support a finding of compliance:

Review of policy directives, Employee Manual, and the application process support compliance. The application process requires all new applicants and promotional candidates to answer the questions required in subpart (a). The Agency has an Employee Investigative Unit (EIU) designated to conduct background checks which does conduct a national search for criminal records. The Agency uses a system which notifies them when a current employee has been arrested so that the circumstances can be investigated. The Employee Manual, which each staff signs an acknowledgment of receipt, notifies employees of a continuing duty to report. Reference checks are conducted by central office; information provided to other states would be provided by central office with a signed release. The investigative unit has a process to ensure that this check would reveal if the employee quit pending an investigation. This was all reiterated during the interview with the Human Resource supervisor. After analysis of the noted written documentation, interviews and observations, the auditor finds that agency/facility in compliance with this standard. A finding of exceeds standard is provided due to the fingerprinting operation in which any criminal activity would be immediately and continually reported.

115.18	Upgrades to facilities and technologies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Observations
- Interviews A/Commissioner
- Interview Superintendent
- PAQ
- Directive #3053, Alterations and Construction Request 4/22/2019
- Example Form 1612

The PAQ indicates the facility has made any substantial expansions or modifications of existing facilities since the last PREA audit and has installed nor updated a video monitoring system, electronic surveillance system, or other monitoring technology since the last PREA audit.

(a)(b) 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.

The interview with the A/Commissioner confirmed the following: "The Department has wide-spread audio/video surveillance in a number of its facilities, and also coverage in specialized units such as Special Housing Units, Behavioral Health Units, and our Residential Rehabilitation Units. When a report of sexual abuse or sexual harassment is received by our Office of Special Investigations (OSI), standard protocol calls for them to secure surveillance footage for the date, time and location of the reported incident. Video surveillance has provided corroborating evidence used to help obtain convictions, and has also assisted in vindicating wrongfully accused staff. It is becoming more frequent for DOCCS OSI, Sexual Abuse Prevention & Education Office, and Operations to review areas of concern for possible adjustment of existing camera systems, or to make recommendations for augmentation of the system. Regrettably, technical limitations do prevent rapid adjustments to the surveillance system. In recent years, the Department has significantly expanded its video surveillance capabilities with installation of full coverage camera systems at Attica and Clinton Correctional Facilities, and completion of a significant expansion of the existing camera system at Bedford Hills Correctional Facility. Camera system installation projects are in various stages of construction at Auburn, Coxsackie, Elmira, Great Meadow, Green Haven, Shawangunk, Sullivan, and Wende Correctional Facilities. The following facilities are currently in the design phase: Albion (expansion), Bedford Hills (expansion), Eastern, Fishkill, Five Points (expansion), Greene, Marcy, Mid-State, Orleans, Sing Sing, and Taconic (expansion) Correctional Facilities. The long-term goal is to install full-coverage camera systems at all maximum and medium-security facilities. Beginning in 2017, DOCCS has used Body-Worn Cameras in several correctional facilities. DOCCS initially piloted body-worn camera systems using a local storage solution. The Department is currently phasing out the original model in favor of Axon body worn camera systems using a cloud-based storage solution. Body-worn camera systems are now in place at Albion, Bedford Hills, Fishkill, Great Meadow, Green Haven, Greene, and Taconic Correctional Facilities. Axon body-worn cameras are being piloted at Bedford Hills, Collins, Franklin and Mid-State Correctional Facilities, with a plan to expand the number of cameras in use upon completion of data infrastructure upgrades. The Department's intent is to use grant and matching funds to expand its use of body[1]worn cameras to 6 other correctional facilities during 2022."

Summary of evidence to support a finding of compliance:

Policy noted above supports that sexual abuse and sexual harassment prevention will be considered when making changes to the physical plant or upgrading the camera system. The auditor observed that substantial modifications are in progress at this facility to include a new housing unit and administration building. The Superintendent confirmed that the designs will consider incarcerated individual safety and prevention of sexual abuse, as did the placement of the camera system. Written responses by the A/Commissioner further ensures that any upgrades to facilities and/or monitoring equipment has a process in place that ensures that changes will be evaluated to protect incarcerated individuals from sexual abuse. A process is in place, form 1612, to ensure this is considered. An example of this form was provided with the pre-audit documentation regarding conversion of a custodial maintenance shop to a barbershop school. For all these reasons, the auditor finds there is substantial evidence to support a finding of compliance.

115.21	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Exceeds Standard
	<p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Directive #4027 2/15/2022 · Directive #4027B Sexual Abuse Reporting & Investigation -Inmate on Inmate (11/29/2017) · Directive #4028B Sexual Abuse Reporting & Investigation -Staff on Inmate/Staff-on-Parolee (11/29/17) · Directive #0700 Office of Special Investigations (OSI) 9/10/2020 · HSPM1.60 Sexual Assault 10/25/2017 · A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents, April 2013 · OSI Investigation Manual – confidential · Memo to the Superintendent of the New York State Police (May 2014) · § 2807-c. General hospital inpatient reimbursement for..., NY PUB HEALTH §... · Observations · Interview ADS PREA · PAQ · Review of the Watch Commander response manual which provides information for the first three Hospitals that have SANE exams locally · New York State Sexual Assault Victim Bill of rights · Coordinated Response Plan to An Incident of Inmate Sexual Abuse FOM 30.0 2/22/2022 <p>The PAQ indicates there have been no forensic medical exams, no Sane/Safe exams nor exams performed by a qualified medical practitioner during the previous twelve months.</p> <p>(a) Directive #4027 2/15/2022 ensures that an administrative or criminal investigation shall be completed for all allegations of sexual abuse, sexual harassment, and unauthorized relationships. Pursuant to Directive #0700, "Office of Special Investigations (OSI)," the Commissioner has designated OSI to conduct these investigations.</p> <p>Directive #4027B Sexual Abuse Reporting & Investigation -Inmate on Inmate (11/29/2017) and #4028B Sexual Abuse Reporting & Investigation -Staff on Inmate/Staff-on-Parolee (11/29/17) outline in detail the requirements for the collection of evidence regarding inmate-on-inmate abuse for use for a situation when evidence must be collected at the facility level. Directive #0700 Office of Special Investigations (OSI) 9/10/2020 addresses the role of the Office of Special Investigations (OSI) Sex Crimes Division (SCD) who conduct investigations involving sexual misconduct.</p> <p>(b)The New York State Department of Corrections and Community Supervision (DOCCS) does not conduct on-site forensic medical examinations. In accordance with DOCCS policies, when evidentiarily or medically appropriate, a victim of sexual abuse shall be transported to an outside hospital and shall be provided treatment and services as required by the laws, regulations, standards and policies established by the State of New York and administered by the New York State Department of Health. The New York State Department of Health requires hospitals to follow "A National Protocol for Sexual Assault Medical Forensic Examinations Adults/Adolescents Second Edition."</p> <p>(c)(d)(e) HSPM1.60 Sexual Assault 10/25/2017 states the following:</p> <p>All treatment will be provided without financial liability regardless of whether the victim cooperates in the investigation. Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services expeditiously to a hospital staffed with a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) and a victim advocate available to provide services. Further written authority confirming the compliance with this is located in the confidential OSI Policy Manual Sex Crimes Division (provided to and reviewed by the auditor).</p> <p>Coordinated Response Plan to An Incident of Inmate Sexual Abuse FOM lists the three closest SANE services. Additionally, the auditor observed the contact information for the three closest SANE certified hospitals to the facility in the FOM, located</p>

in the Watch Commander office.

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

(g) Auditor is not required to audit this provision.

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

Summary of evidence to support a finding of compliance:

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

115.22	Policies to ensure referrals of allegations for investigations
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 1286 297">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="240 331 1461 1133" style="list-style-type: none"> · Directive #4027 2/15/2022 · Observations · Interviews A/Commissioner · Interviews investigative staff · Documentation of investigations · Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate individual (11/29/17) · Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee (11/29/17) · Directive #4027B Sexual Abuse Reporting & Investigation -Inmate on Inmate (11/29/2017) Directive #4028B Sexual Abuse Reporting & Investigation -Staff on Inmate/Staff-on-Parolee (11/29/17) · PAQ · 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) · Coordinated Response Plan to An Incident of Inmate Sexual Abuse FOM <p data-bbox="240 1167 1437 1227">The PAQ indicates that there have been 16 allegations of sexual abuse and sexual harassment that were received; two resulted in administrative investigations,14 resulted in criminal investigations.</p> <p data-bbox="240 1261 1485 1350">(a) Directive #4027 2/15/2022 ensures that an administrative or criminal investigation shall be completed for all allegations of sexual abuse, sexual harassment, and unauthorized relationships. Pursuant to Directive #0700, "Office of Special Investigations (OSI)," the Commissioner has designated OSI to conduct these investigations.</p> <p data-bbox="240 1384 1469 1574">Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate, Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee, Directive #4027B Sexual Abuse Reporting & Investigation -Inmate on Inmate (11/29/2017) and #4028B Sexual Abuse Reporting & Investigation -Staff on Inmate/Staff-on-Parolee (11/29/17) all require that all allegations of sexual abuse and sexual harassment or retaliation for reporting such an incident be thoroughly investigated. It further states it will be promptly initiated; the OSI will determine the appropriate investigative response. Directive #0700 Office of Special Investigations 9/10/20 supports that this will occur as well.</p> <p data-bbox="240 1608 1477 1832">The interview with the A/Commissioner confirmed the following: "In accordance with my authority under Section 112 of the New York State Correction Law, I have designated the Department's Office of Special Investigations (OSI) as the Department's investigative branch to investigate allegations of serious misconduct in the facilities. The Office of Special Investigations conducts criminal and administrative investigations of all allegations of sexual abuse. Allegations of sexual harassment are reviewed by OSI and may either be investigated by OSI or by the facility subject to OSI's review. In any potentially criminal case, OSI coordinates with the New York State Police Bureau of Criminal Investigation and the pertinent District Attorney's Office to ensure that any appropriate criminal charges are pursued."</p> <p data-bbox="240 1865 1485 2022">Coordinated Response Plan to An Incident of Inmate Sexual Abuse FOM requires the Watch Commander to contact OSI when an incident of sexual abuse has occurred. The interview with the investigators confirmed that they have been notified timely of all allegations of sexual abuse, sexual harassment and/or retaliation. The review of the investigations supported this as well. All allegations are documented on the Form 2103SAII and Form 2103SASI. Documentation demonstrating this was provided with the pre-audit documentation.</p> <p data-bbox="240 2056 1493 2145">When reviewing investigations, the auditor reviews the following: date of report, date of incident, date of completion, how reported, type of report, was notification immediate, was staff reassigned pending the investigation, was evidence gathered and preserved, need for forensic examination, credibility assessed individually, assessment of staff actions/failures, criminally</p>

referred, retention, files maintained in secure area, investigation continued when abuser or victim left the facility, findings, referred for prosecution and/or licensing board, notification to abuser, retaliation monitoring completed and PREA incident review).

A list of the sixteen investigations for the previous twelve months was provided. Sixteen investigations were reviewed for this facility. One investigation was reopened. They are summarized as follows:

Staff, contractor, volunteer/inmate abuse - five

Staff, contractor, volunteer/inmate harassment - five

Incarcerated individual/incarcerated individual abuse - five

Incarcerated individual/incarcerated individual harassment - zero

Staff neglect - zero

Retaliation – zero

Substantiated - zero

Unsubstantiated - seven

Unfounded - three

Ongoing - five

(c) This is not applicable to this facility as OSI is a part of the agency although outside of the facility/department.

(d) Auditor is not required to audit this provision.

(e) Auditor is not required to audit this provision.

Summary of evidence to support a finding of compliance:

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

115.31	Employee training
Auditor Overall Determination: Meets Standard	
Auditor Discussion	
<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Training Manual Section: 0.100 - Frequency Training Chart and Training Bulletins – 12/3/2018 · 8.300A Attachment Recruit Training Catalog of Courses 7/10/2017 · Training Manual Subject 8.300A – Recruit Training Catalog of Courses 7/10/17 · Training Bulletin #7 PREA: Sexual Abuse Prevention and Response (PREA)1/22/20 · Training Manual Subject #7.000 – Initial Employee Training/40-hour Orientation 5/19/20 · Training Manual Section #7.100 Employee Familiarization In-Service Training Program 5/19/2020 Sexual Abuse Prevention and Response Introduction – Transfer Lesson Plan 17093 1/2018 · Memo – Commissioner 7/8/2021 RE: Policies and Standards Generally Applicable to all Employees · Memo – Deputy Commissioner/Associate Commissioner (PREA Coordinator) 4/8/2015 RE: Sexual Abuse Prevention and Response Training · Report of Training Form: Sexual Abuse Prevention and Response Introduction – Transfer (PREA) RTF – PREA 7/2017 · PREA Orientation - Sexual Abuse Prevention & Response RTF 35029 · PREA Refresher Training RTF 17078 · Sexual Abuse Prevention and Response Refresher Training Lesson Plan – January 2020 and 2022 · Recruit Training Program 7/10/2017 · Annual Training Bulletin May 2021 · KHRT #35029 Report of training completed · KHRT #17093 Report of training completed · KHRT #17078 Report of training completed · Completed Training Intro/Transfer Refresher 2020 · Observations · Interviews random staff · Informal interviews with staff · FAQ <p>(a) Training Manual Section: 0.100 - Frequency Training Chart and Training Bulletins – 12/3/2018 - confirms that PREA Training is provided every two years, and a module on Professional Boundaries provided annually.</p> <p>Training Manual Section #7.000 4/19/2018, 40 Hour Orientation/Initial Employee Training confirms that all civilian new employees receive mandatory training which includes 3-hour module on Sexual Abuse Prevention and Response.</p> <p>8.300A Attachment Recruit Training Catalog of Courses 7/10/2017 7 ensures that sexual abuse prevention and response training is addressed in recruit training. It is a 3-hour training.</p> <p>Training 35029 Sexual Abuse Prevention and Response Training is a 93 page module that addresses the following: define key terms defined by PREA and DOCCS policies, review of Employee Manual that addresses PREA requirements, discuss how to communicate effectively and professionally with LGBTI/GNC inmates and parolees, actions of first responders, categories of misconduct for duty to report, mandatory laws for reporting and consequences for abuse with inmates, dynamics of sexual conduct in confinement (males and females), reactions of victims, how to avoid inappropriate relationships with inmates and parolees, assessment of vulnerability or abusiveness, vulnerable populations, reporting</p>	

requirements, and coordinated response plan.

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 males inmates and female inmates, common reactions of victims, communicating effectively with lesbian, gay, bisexual, transgender and intersex, or gender nonconforming inmates, how to avoid inappropriate relationships, employee responsibilities of prevention, detection, reporting and response and mandatory reporting.

The auditor reviewed a video presentation of PREA training – 2022. It addresses the following: Preventing Sexual Misconduct review of DOCSS PREA policy and duties under the policy, importance of professional boundaries, recognition of signs and circumstances, duty to report and respond to suspicions and allegations of sexual abuse, sexual harassment and unauthorized relationships. There are video clips of reactions of victims, red flags, and opportunities to discuss the information and the videos.

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

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

(b) Training Manual Section #7.100 Facility Familiarization In-Service Training Program 5/19/2020 specifies that all transfer staff receive familiarization on compliance with PREA and the Department's Sexual Abuse Prevention and Response procedures. It further states that the training will be tailored to the gender of the incarcerated individuals at the facility, including gender dynamics, for staff who are transferring from a facility that houses opposite gender staff that they on they worked. The training at this facility includes 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 LGBTI 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.

The auditor observed documentation of orientation PREA training at the facility with all newly hired personnel files reviewed. It confirmed that all employees, whether corrections officers or civilians received PREA training prior to assignment in the facility which supports compliance with the FAQ issued October 2014, September 2015 and March 2019.

(c) Training Bulletin 5/17/2021 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; review of the Employee Manual requirements, limits to cross gender viewing and searches, reporting and investigation, and supervision and monitoring.

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

Memo – Commissioner 7/8/2021 RE: Policies and Standards Generally Applicable to all Employees reinforces that Prevention of Sexual Abuse is to be complied with by all staff.

(d) The training form signed by staff after completion of training (RTF) 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 observed during the on-site audit when reviewing personnel files of newly hired staff.

Summary of evidence to support a finding of compliance:

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 orientation to the facility training provides information specific to working with male incarcerated individuals. Training occurs every two years with a refresher training annually. Documentation of training records for courses 35029 PREA and 17078 Refresher were provided to further support that the facility is compliant. It demonstrated that all staff have been trained. All staff interviews support that staff have received the training and staff were knowledgeable regarding the various aspects required by the standard.

115.32	Volunteer and contractor training
	Auditor Overall Determination: Exceeds Standard
	<p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Directive #4027 2/15/2022 · Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate, 11/29/2017 · Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee, 11/29/17 · Directive #4750 Volunteer Services Program 7/21/20 · Standards of Conduct for Volunteers 12/18 form and completed · Application for Volunteer Status 12/18 Form MFVS 3080 · Form MFVS3087 Acknowledgement of "Standard of Conduct for Volunteers" 12/18 · Directive # 4071 Guidelines for Construction Projects 4/10/2019 form and completed · Memo- Commissioner 9/4/18 RE: Policy on the Prevention of Sexual Abuse of Offenders (revised) to all Employees, Contractors, Volunteers, and Interns · Observations · Interview contractor (Regional Medical Unit) · Review contractor training records · Interview with the Volunteer Coordinator · Interview with a Volunteer – Bard College · PAQ <p>The PAQ indicates there are 201 volunteers and contractors who have been trained in agency policies and procedures regarding sexual abuse/harassment prevention, detection, and response.</p> <p>(a)(b) Directive #4027 2/15/2022 confirms the following: For reporting purposes under this directive, "employee" includes any employee, contractor, contract employee, volunteer, or intern of the Department or any employee, contractor, or contract employee assigned to work in a Department correctional facility by any other State agency.</p> <p>Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate, 11/29/2017 and Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee, 11/29/17, Directive #4750 Volunteer Services Program states, Restrictions: During orientation, volunteers must be cautioned regarding the seriousness of personal/emotional involvement with incarcerated individuals. This will include visiting, corresponding, and accepting phone calls. In order to avoid any misunderstanding, the following guidelines must be strictly observed:</p> <p>"Volunteers are prohibited from having any sexual contact or engaging in any sexual conduct with an incarcerated individual. DOCCS has a zero-tolerance policy for sexual abuse. It is a crime for any employee to engage in sexual conduct or sexual contact with an incarcerated individual. For purposes of Penal Law §130.05, an employee also includes any person providing direct services to incarcerated individuals in a State Correctional Facility pursuant to a contractual arrangement with the Department or, in the case of a volunteer, a written agreement with the Department. All volunteer applicants will read the most updated version of the Policy on the Prevention of Sexual Abuse of Inmates. All volunteers are to be provided with training on Directives #4027A, "Sexual Abuse Prevention & Intervention - Inmate-on-Inmate," and #4028A, "Sexual Abuse Prevention & Intervention - Staff-on-Inmate/Staff-on-Parolee." All volunteer applicants must acknowledge receipt in writing that they will be held accountable for and act in accordance with the policy and the law. All volunteer applicants must acknowledge that they understand the Department's zero tolerance policy regarding sexual abuse and sexual harassment and how to report such incidents under DOCCS' sexual abuse and sexual harassment prevention, detection, and response policies and procedures and Directives #4071 Guidelines for Construction Projects and #4750 Volunteer Services Program require that contractors, contract employees, volunteers and interns shall receive orientation and periodic in-service training consistent with their level of inmate contact relating to the prevention, detection, and response to sexual abuse and sexual harassment. "This is reinforced in the Standards for Conduct for Volunteers within the New York State Department of Corrections and Community Supervision Form #4750C. Form #4071A Guidelines for Construction Projects which provide</p>

written information for contract workers and also require a signed acknowledgment form. Volunteers must also sign Form MFVS3087 "Acknowledgement of 'Standard of Conduct for Volunteers' and All Applicable Policies."

(c) Form # MFVS3087 Acknowledgement of "Standard of Conduct for Volunteers" and All Applicable Policies and Form #4071A Guidelines for Construction Projects provide written information for contract workers which also require a signed acknowledgment form.

The auditor interviewed the Volunteer Coordinator; she reaffirmed the requirements as indicated in the policy. She indicated that currently there are four areas where volunteers are entering the facility; the agency is slowly phasing in volunteer services at this time. Documentation for three volunteers in these four areas was requested and received. They demonstrated that volunteers receive background checks and sign acknowledgements noting the volunteer/contractor understands the policy on prevention of sexual abuse and sexual harassment in a confinement setting were included in the documentation. A refresher is required annually, therefore exceeding the standard. These files were highly organized. Contractual staff signs acknowledgements noting that they understood the training they receive. This was observed in the personnel files for contractual staff randomly requested. The auditor additionally interviewed one contractual staff who confirmed to her the process of training related to PREA.

Summary of evidence to support a finding of compliance:

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

115.33	Inmate education
Auditor Overall Determination: Exceeds Standard	
Auditor Discussion	
<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Observations of Posters, pamphlets (Prevention of Sexual Victimization – multiple languages) · Interviews Intake staff · Interviews Random incarcerated individuals · Documentation of incarcerated individual participation in education sessions – randomly requested Form 4021A · Orientation Manual specific to Coxsackie Correctional Facility · PAQ · Directive #4021 Inmate Reception/Classification dated 01/23/2019 · Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate, 11/29/2017 · Memo Deputy Commissioner/Associate Commissioner 6/18/2015 RE: PREA Inmate Orientation Film Implementation · Form 115.33L Report of Inmate Training Participation · Form 115.33 – Report of Inmate Participation · Memo Deputy Commissioner 3/25/16 RE: Revised Transitional Services Phase I · Transitional Services Phase I Manual - Male Facilities Introduction and PREA Module 2016 · Memo Associate Commissioner – 12/28/2015 RE: New and Updated PREA Materials · Memo Associate Commissioner – 12/28/2015 RE: Reasonable Accommodations PREA Information · Inmate Orientation Outline · Memo Associate Commissioner – 10/26/2015 RE: Ending Sexual Abuse Behind the Walls: An Orientation · Facility specific –Form 115.33 randomly requested · Facility Specific “Catch Up” training of incarcerated individual population schedule · Facility Specific – Orientation Packet/Signed acknowledgement of receipt <p>The PAQ indicates that 717 incarcerated individuals were admitted that were given information at intake, 461 stayed past 30 days who received comprehensive education on their rights to be free from both sexual abuse/harassment and retaliation for reporting such incidents and on agency policies and procedures for responding to such incidents within 30 days of intake. Both numbers represent 100%.</p> <p>(a) Directive #4021 Inmate Reception/Classification dated 01/23/2019 states, each inmate is to receive the gender-specific Prison Rape Elimination Act (PREA) pamphlet, “The Prevention of Sexual Victimization in Prison: What You Need to Know,” Form #DC055 for inmates assigned to a male classified facility, upon arrival at the facility, and distribution shall be documented on Form #4021A, “Draft Receipt.” PREA pamphlets are distributed to each offender upon arrival. . . . Each inmate shall be initially assessed by a Security Supervisor for their risk of being sexually abused by other inmates or sexually abusive toward other inmates using the gender-appropriate PREA Risk Screening Form #115.41M, “PREA Risk Screening Form – Male Facility” in accordance with the facility-specific PREA Risk Screening Facility Operation Manual. Each inmate is to view the gender-specific version of the film “Ending Sexual Abuse Behind the Walls; An Orientation,” during the reception and classification process. Viewing of the film is to be documented on Form #115.33, “Report of Inmate Training Participation.”</p> <p>The auditor randomly reviewed Guidance folders which contained documentation of receipt of the pamphlet and handbook at intake. Folders were requested for the first incarcerated individual to arrive for each month who was still present at the facility: 4/13/2021, 5/11/2021, 6/14/2021, 7/2/2021, 8/9/2021, 9/3/2021, 10/4/2021, 12/7/2021, 12/31/2021, 2/11/2022, and 3/8/2022. All reflected documentation of receipt of the pamphlet and facility Inmate Handbook.</p>	

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

Folders were requested for the first incarcerated individual to arrive for each month who was still present at the facility: 4/13/2021, 5/11/2021, 6/14/2021, 7/2/2021, 8/9/2021, 9/3/2021, 10/4/2021, 12/7/2021, 12-31-2021, 2/11/2022, and 3/8/2022. All reflected documentation demonstrating they attended orientation.

Additionally, PREA education is addressed at Transition Phase I education. Evidence to support this is located in the Transitional Services Phase I Manual and the memo from Deputy Commissioner 3/25/16 RE: Revised Transitional Services Phase I. Incarcerated individual interviews confirmed to the auditor that if they attended Phase I, they did receive this education. This included an interview with the incarcerated individual who assists with presenting this information.

(c) The PAQ reports that all incarcerated individuals have received the education on PREA. Documentation was provided, Forms catch up, dated 2015, which reflected this.

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

See comments in 115.16. Limited English incarcerated individual interviews confirmed to the auditor that they received the handbook in Spanish and saw the closed caption language in Spanish on the video.

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

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

Summary of evidence to support a finding of compliance:

Review of the policy, incarcerated individual interviews regarding their knowledge of PREA and verification of the process in place, in addition to formal and informal interviews with staff all support that the facility is meeting the requirements of this standard. Incarcerated individual interviews confirmed that they are effectively educated regarding their right to be free from sexual abuse and sexual harassment, their right to be free from retaliation, zero tolerance for sexual abuse or sexual harassment, how to file a complaint and agency policy regarding this. They readily pointed out that they have viewed the PREA video numerous times.

For all the reason stated, the auditor finds ample evidence to support a finding of compliance. Additionally, the auditor

believes the facility exceeds the standard based on the extensive information provided at intake via video and in person, the education provided at orientation, the additional education provided for incarcerated individual in Transition Phase I, the numerous culturally diverse posters located throughout the facility, the feedback received during the incarcerated individual interview, the availability of additional education materials.

Auditor Overall Determination: Exceeds Standard

Auditor Discussion

The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Observations
- Interviews Investigative staff
- Training completion docs
- PAQ # of investigators agency
- Power Point Presentation: PREA Specialized Training – 9/14/18
- NIC training – PREA: Investigating Sexual Abuse in Confinement Settings
- KHRT Training Report for Course #17072
- Training report for investigators for 35029
- Report of Training Form for Sexual Abuse Investigations and PREA Update 6/19/2014
- OSI Policy Manual - confidential
- Excel spreadsheet highlighting training received by Office of Special Investigations (OSI) investigators

The PAQ indicates there are currently 31 investigators trained to handle and respond to sexual abuse allegations.

(a) (b) (c) Office of Special Investigations (OSI), Sex Crimes Division (SCD) training curriculum dated September 2018 for PREA includes an overview of the PREA law, state law, staff and incarcerated individual sexual abuse definitions, duty to report, evidence protocols, effective communication with special populations, privacy for interviews, techniques for interviewing victims, credibility assessment, criteria to determine substantiated, unfounded and unsubstantiated investigations, Miranda and Garrity warnings. Investigators also received the standard PREA training, as confirmed by interviews with the investigators and documentation provided to the auditor.

Policy noted above and additional documentation showing the training curriculum support a finding of compliance.

Documentation (a spread sheet showing training provided and hire dates) was provided to the auditor demonstrating the following:

All investigators have received the following:

- PREA training and PREA Refresher training
- OSI Investigative Course
- NIC Investigation Sexual Abuse in a Confinement Setting
- NIC Communicating Effectively and Professionally with LGBTI Offenders
- Interview and Interrogation Course
- Strangulation

Other Specialized Courses received by some of the investigators include:

- Forensic Experiential Trauma Interview (FETI)
- Advocate Training
- Basic Investigative Photography
- Police Crime Scene and Evidence Specialist
- Certified Inspector General Investigator
- Reid Technique Interview and Interrogation

· Cell phone search

(d) Auditor is not required to audit this provision.

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

115.35	Specialized training: Medical and mental health care
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Training Manual Subject – 7.000, 40 Hour Orientation/Initial Employee Training – 5/19/20 (Mandatory) · Training Manual Subject – 7.150, Orientation Program for Per Diem and Non-Departmental Employees – 5/19/2020 · Office of Mental Health Memorandum of Understanding – 9/14/2016 · Facility Medical Staff KHRT & RTF – Medical/Mental Health Training code 17083 · OMH Staff Medical/Mental Health Training code 17083 · Observations · Interviews medical staff and mental health staff · Sexual Assault Post Exposure Protocol/PREA (Course 17083) · PAQ <p>The PAQ indicates that the facility has seventy-eight (78) medical and mental health staff, 100% have received the specialized training.</p> <p>(a) Medical staff are Department of Corrections employees. with the exception of staffing for the Regional Medical Unit which is contractual. Mental Health staff work in Department of Corrections facilities for the Office of Mental Health through a Memorandum of Understanding. This MOU includes the requirement for PREA training including the specialized training for medical and mental health staff. The auditor reviewed the specialized training curriculum for medical and mental health staff. Medical and mental health staff have attended Specialized PREA Training for Medical and Mental Health Providers. Documentation demonstrating this was provided to the auditor. Specifically, the training is entitled Inmate Sexual Assault Post Exposure Protocol/PREA (Course 17083). It addresses the emotional and psychological effects of victims of sexual assault, how to report to the Office of Special Investigations, responding to victims, and sending a victim to an Emergency Room for a proper forensic examination and evidence collection. Training in how to detect and assess signs of sexual abuse and sexual harassment is provided in the PREA training all staff receives. A copy of the power point presentation is maintained in a PREA Binder located in the medical operation (observed by the auditor).</p> <p>(b) This is not applicable to this facility.</p> <p>(c) Documentation was provided which demonstrated that medical and mental health staff have received the specialized training. Staff signs the Report of Training Form acknowledging participation in the course; records are maintained by the training staff. Interviews with the nursing supervisor and unit chief confirmed this training occurs. Additionally, medical staff and mental health staff attend regular PREA refresher training as required per 115.31(based on documentation and interviews) or the facility orientation (documentation observed newly hired personnel files for two nurses). The auditor therefore finds that the facility meets all the requirements of this standard support a finding of compliance. The interview with a contractual staff and physician for the contractual agency at the Regional Medical Unit confirmed to the auditor that these requirements are met for all agency staff.</p> <p>Summary of evidence to support a finding of compliance: Interviews with medical and mental health supervisors, and contractual physician, review of personnel files, review of the curriculum, location of the curriculum in the medical unit, and review of training completion documents all provided sufficient evidence for the auditor to support a finding of compliance.</p>

115.41	Screening for risk of victimization and abusiveness
	Auditor Overall Determination: Exceeds Standard
	<p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Sexual Victimization Prevention Policy Manual Screening or Risk of Sexual Victimization and Abusiveness · Interviews staff who perform risk screens · Random review of incarcerated individuals risk assessments · Interview PREA Coordinator · Interview ADS PREA · Directive 4027A, Sexual Abuse Prevention & Intervention Inmate-on-Inmate 11/29/17 · Directive #4021 Inmate Reception/Classification 1/23/2019 · Forms 115.41M, 115.41 GI, 4021A Draft Receipt 5/15/2020 · Facility Operations Manual (FOM) PREA Risk Screening 31.0 2/22/2022 · Interviews with random incarcerated individuals · FAQ · Observations <p>The PAQ indicates that 613 incarcerated individuals were screen were screened for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of their entry into the facility, 461 were reassessed for their risk of sexual victimization or of being sexually abusive within 30 days after their arrival at the facility based upon any additional, relevant information received since intake.</p> <p>Below is a summary of the SVPPM:</p> <p>Sexual Victimization Prevention Policy Manual: Screening or Risk of Sexual Victimization and Abusiveness states that 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.</p> <p>The procedure requires the following:</p> <ul style="list-style-type: none"> · Each facility shall develop a Facility Operation Manual FOM. · Screening shall be conducted using the approved risk screening form. · The form addresses all the provisions of the standard. · Risk assessments will be completed again within 30 days. · They will be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the assessment. · Incarcerated individuals may not be disciplined for refusing to answer or not disclosing complete information. · Information is not disclosed to anyone other than when necessary, when making security decisions, housing/placement, programming, treatment, investigations or other security or management decisions. · The screening will be conducted in a private setting. <p>(a) (b) Directive 4027A, Sexual Abuse Prevention & Intervention Inmate on-Inmate requires that all incarcerated individuals be screened upon arrival at each facility for any indication of risk of abuse or being abused. Cossackie Correctional Facility Operations Manual PREA Risk Screening 31.0 states, Screening will be completed by a sergeant or above ordinarily within 24 hours of arrival. Directive #4021 Inmate Reception/Classification (1/23/2019) further indicates, each incarcerated individual shall be initially assessed by a Security Supervisor for their risk of being sexually abused by other incarcerated individuals or sexually abusive toward other incarcerated individuals using the gender-appropriate PREA Risk Screening</p>

Form #115.41M, "PREA Risk Screening Form – Male Facility in accordance with the facility-specific PREA Risk Screening Facility Operation Manual. . . ." Incarcerated individual interviews and random review of incarcerated individual files all confirmed that this assessment is taking place immediately upon arrival, in a private setting. The auditor interviewed the Intake Sergeant who demonstrated how he completes the intake assessment on incarcerated individuals in a private setting during the onsite audit. He confirmed that the questions were asked verbally and affirmatively to the incarcerated individuals. He ensured the auditor that he would make a subjective opinion about appearing effeminate; it would be noted on the risk screen. This meets the requirements set forth in the FAQ October 2016.

(c) (d) (e) An objective screening tool is used that considers the following information:

Risk of Sexual Victimization:

- mental, physical, development disability
- age
- physical build
- incarcerated for less than two years
- convictions for sex offense against an adult or child
- self identifies as gay, lesbian, bisexual, transgender, intersex or gender nonconforming
- previous experience as a victim of sexual abuse
- inmate's perception of risk for sexual abuse
- detained solely for civil immigration

Risk of Sexual Abusiveness:

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

On the form is the following: SCREENING MUST BE CONDUCTED IN A PRIVATE SETTING. It states, Inmates may not be disciplined for refusing to answer or provide complete responses to these questions and Information contained on this form shall not be disclosed to anyone other than to the extent necessary to make security classification, housing placement, programming, treatment, investigation, and other security and management decisions.

A Gender Identity Interview process has been developed and refined. A form (115.41GI dated 6/20) with specific interview questions is completed by the ORC. One question is specifically dedicated to asking the individual for any information they may wish to provide with respect to their safety in connections with decisions regarding housing and placement.

(f) FOM PREA Risk Screening 31.0, states Inmates will be reassessed by an assigned ORC ordinarily within 14 days of arrival. A final risk assessment determination shall ordinarily be made by the Assistant Deputy Superintendent ADS PREA within 30 days of the inmate's arrival at the facility. Directive #4021 Inmate Reception/Classification also requires the following: Each inmate shall be re-assessed by an ORC for their risk of being sexually abused by other inmates or sexually abusive toward other inmates using the gender-appropriate PREA Risk Screening Form #115.41M, in accordance with the facility-specific PREA Risk Screening Facility Operation Manual. Sexual orientation and gender identity information from the PREA Risk Screening shall be used to assign Other Security Characteristics as appropriate. The interview with the random incarcerated individuals confirmed that they are being interviewed privately and verbally asked the relevant questions at intake and then a second time. Folders were requested for the first incarcerated individual to arrive for each month who was still present at the facility: 4/13/2021, 5/11/2021, 6/14/2021, 7/2/2021, 8/9/2021, 9/3/2021, 10/4/2021, 12/7/2021, 12/31/2021, 2/11/2022, and 3/8/2022. Completed Risk Assessments were viewed in each folder, representing the initial risk assessment and a second assessment within 30 days. The same form is used for the reassessment. One column is designed to be completed by the Intake Sgt, the other by ORC. This allows the ORC to have an immediate review of the information received at the first assessment. Interviews with staff who completes the 30-day risk assessment verified to the auditor that she will make a notation if they believe an incarcerated individual is demonstrating effeminate mannerisms but will also note the response given the by individual. Additionally, she confirmed that all questions are reviewed a second time with the incarcerated individual. Therefore, the procedure is compliant with the clarifications in the FAQ issued August 2019 for this standard.

(g) FOM PREA Risk Screening 31.0 states, if at any time additional information is received due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the incarcerated individual's risk of sexual victimization or abusiveness, an incarcerated individual's risk level will be reassessed. Reassessment is noted utilizing a new intake screening Form 115.41M. One example of this was provided to the auditor for review confirming compliance. Additionally, the ORC, as required by the agency, reviews a portion of risk assessment at least every 90 days when the incarcerated individuals have their quarterly assessment with the ORC. If behavior changes are observed, a new risk assessment can be conducted, if warranted. This was confirmed by the interview with the two ORCs and several random incarcerated individual interviews.

(h) FOM PREA Risk Screening 31.0 states, inmates will not be disciplined for refusing to answer or for not disclosing complete information in response to questions asked. Incarcerated individuals interviewed were asked if they believed they would be disciplined for not answering the questions. Most indicated without hesitation that they had not. As stated, the form also states, Inmates may not be discipline for refusing to answer or provide complete responses to these questions. This was also stated by the Sergeant who conducts the initial risk assessment.

(i) FOM PREA Risk Screening 31.0 states, PREA Intake Screening Forms (Form 115.41M) is confidential. The completed form shall be filed in the Guidance Folder (Assessments Section), and distribution shall be limited to the Watch Commander, Assistant Deputy Superintendent ADS PREA and Captain/PREA Point Person. Access to completed forms is limited to the Executive Team and Guidance Staff with a business necessity to review the completed forms. Noted on the form is the following: Information contained on this form shall not be disclosed to anyone other than the extent necessary to make security, classification, housing/placement, programing, treatment, investigation and other security and management options. The interviews with the ORCs, PREA Point Person and ADS PREA confirmed that the forms are stored in a secure location, access is limited. The auditor observed this area during the onsite audit.

The interview with the PREA Coordinator confirms that the agency does outline who should have access to an inmate's risk assessment within the facility to protect sensitive information from exploitation. He states, "This is addressed in Sexual Victimization Prevention Policy Manual (SVPPM) item 115.41 and the approved risk screening Facility Operations Manual template. During the risk screening process, the screening form is routed to the ADS PREA Compliance Manager and the designated PREA Point Person at the respective facility. Policy dictates that the PREA Intake Screening Forms are confidential. The completed forms are filed in each incarcerated individual's Guidance Folder with other sensitive and protected assessments. Access to completed forms is limited to the Executive Team and Guidance Staff with a business necessity to review the completed forms. Completed PREA Risk Screening forms are part of the document package that will be reviewed when a transgender incarcerated individual requests placement in a correctional facility consistent with their gender identity. In such an instance, review is limited to the Executive level and legal staff who are involved in making the case-by-case placement determination. An incarcerated individual's assessment as potentially being at 'high risk of sexual victimization' or 'high risk of being sexually abusive' is made available to staff only as necessary in furtherance of the goal to keep separate those incarcerated individuals at high risk of being sexually victimized from those at high risk of being sexually abusive. An incarcerated individual's assessment as potentially being at "high risk of sexual victimization" or "high risk of being sexually abusive" is provided to the facility Movement and Control Office, who use the information to inform housing and bed assignments, and to the Program Committee Chairperson, who uses the information to inform work, education, and program assignments".

The form for the Gender Identity Interview notes "Information contained on this form shall not be disclosed to anyone other than to the extent necessary to make security classification, housing/placement, programming, treatment, investigation, and other security and management decisions." The distribution is as follows: Original – File in Guidance Folder (Section IV); Copies – ADS PREA, Captain/PREA Point Person. This was reinforced by the interview with the ADS PREA

Summary of evidence to support a finding of compliance:

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

needs of the incarcerated individual based on the finding of the risk assessment.

115.42	Use of screening information
	Auditor Overall Determination: Exceeds Standard
	<p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Observations · Interviews ADS PREA · Interview staff who conduct Risk screens · Interview with the Watch Commander · Interview PREA Coordinator · Documentation for housing, bed, work, education, program Form 115.42 Report of Risk Screening Information – seven examples · Directive #4021 Inmate Reception/Classification Transgender/Intersex Inmate Classification and Placement · FOM PREA Risk Screening 31.0 2/22/2022 · Directive #4401 Guidance & Counseling Services 8/21/20 · Risk Screening Form 115.41M · Gender Identity Interview Form - 115.41GI 6/20/20 · Directive #4009, Minimum Provisions for Health and Morale, 9/17/2021 · Memo to all security staff regarding separate showers for transgender/intersex incarcerated individuals (March 2021) · Interview with the A/Deputy Superintendent of Programs · Sexual Victimization Prevention Policy Manual: Use of Screening Information <p>Below is a summary of the SVPPM Sexual Victimization Prevention Policy Manual: Use of Screening Information states, the Department shall use information from the risk screening, including any change of circumstances, reassessment to inform housing, bed, work, education and program assignments with the goal of keeping separate those incarcerated individuals at high risk of being sexually victimized from those at high risk of being sexually abusive.</p> <p>Procedure:</p> <p>Form 115.42 is to be completed for incarcerated individuals determined to be at high risk for sexual victimization or sexual abusiveness for the following:</p> <ul style="list-style-type: none"> · Housing and bed assignments (using a PREA Risk Tracking Sheet) · Changes in housing/bed assignments will be authorized by the Watch Commander · Program Committee chairperson will receive a copy of Form 115.42 to determine work and program assignments · Any concerns should be addressed to the ADS PREA or PREA Point Person <p>The facility reports they currently house 10 incarcerated individuals at high risk for sexual victimization and one incarcerated individual at high risk for sexually abusive behavior.</p> <p>(a) (b) FOM PREA Risk Screening states, If the inmate is assessed as potentially being at “high risk of sexual victimization” or “high risk of being sexually abusive,” an immediate referral shall be made to the Watch Commander for housing assignment. The Watch Commander shall determine the most appropriate housing assignment with the goal of keeping separate incarcerated individuals at high risk of sexual victimization from those at high risk of being sexually abusive. Interviews with the Intake Sergeant, Watch Commander and ORC confirmed that this is done via a telephone call to the Watch Commander and the housing assignment information is noted using form 115.41M.</p> <p>Documentation supporting this process was provided to the auditor with the review of the randomly requested documentation. The interview with the Watch Commander confirmed this process. A PREA binder/procedure, observed by</p>

the auditor in the Watch Commander's office, outlines where to house individuals who are at risk for victimization or those who are potential abusers at this facility. Seven examples of the Form 115.42 were provided with the pre-audit documentation for review. The interview with the A/Deputy Superintendent of Programs confirmed to the auditor the receipt of the memos so that the Program Classification Committee can make informed decisions when placing incarcerated individuals at high risk for sexual victimization or high risk for sexual abusiveness in programming or work assignments.

(c) Directive #4021 Inmate Reception/Classification Transgender/Intersex Inmate Classification and Placement states, An inmate who identifies as transgender, intersex, or gender non-conforming during PREA Risk Screening, or who has a diagnosis of Gender Dysphoria or Intersex (identified via extended classification codes), shall be asked additional questions by their ORC using the "Gender Identity Interview," Form #115.41GI, regarding their gender identification, expression, and preferences. The interview will also document the incarcerated individual's statement regarding their safety in connection with decisions regarding their housing and placement. Information from the Gender Identity Interview will be used to assist the Department in making an individualized assessment of the inmate's placement and program assignments in order to maximize the inmate's safety. FOM PREA Risk Screening states, a copy of Form 115.42 Report of Risk Screening Information shall be provided to the movement and control officer for housing and bed assignments, the housing unit sergeant and the program committee chairperson who shall use the information to determine appropriate work, education, and program assignments. This is documented through a Memorandum, Report of PREA Risk Screening Information. . . . Upon request from an inmate who identifies as transgender or intersex for a transfer from a male classified facility to a female classified facility, or vice versa, the ORC shall notify the Supervising Offender Rehabilitation Coordinator (SORC) upon completion of the Gender Identity Interview, Form #115.41GI. The SORC shall notify the Deputy Superintendent for Program Services and the facility's designated Assistant Deputy Superintendent (ADS PREA). The Deputy Superintendent for Program Services/Deputy Superintendent for Reception/Classification shall notify the Director of Classification and Movement of the inmate's request via electronic mail, including the completed Form #115.41GI, and the most recently completed gender-appropriate PREA Risk Screening Form #115.41M or Form #115.41F, which shall be used to assist the Department in making an individualized assessment of the inmate's placement and program assignments, in order to maximize the inmate's safety. The request will be forwarded to the Central Office Transgender Placement Review Committee for a case-by-case assessment. Housing assignment by gender identity will be made when appropriate.

(d) Directive #4401 Guidance & Counseling Services states, a transgender or intersex inmate's own view with respect to his or her own safety shall be given serious consideration. The process describes in subpart C further confirmed the written authority for compliance with this standard. 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 quarterly review occurs for all inmates during the audit. Four examples of the 115.41GI were provided for review. They demonstrated that the individual's concerns are addressed.

(f) Directive #4009, Minimum Provisions for Health and Morale, 9/17/2021, states, transgender and intersex incarcerated individuals shall be given the opportunity to shower separately from other inmates. A memo to security staff has been authored by the superintendent authorizing separate shower times for transgender/intersex incarcerated individuals. Interviews with transgender/intersex incarcerated individuals confirmed that the shower arrangements are acceptable.

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

Directive #4021 Inmate Reception/ Classification states, an inmate who identifies as transgender or intersex will not be placed in a gender-specific facility, housing unit, or program based solely on their external genital anatomy.

Summary of evidence to support a finding of compliance:

Review of the policy, PREA Manual and other documentation which included examples of Form 115.42, comments noted on the 115.41M and processes in place that communicate risk needs to staff support a finding of compliance. As stated, at this facility, all incarcerated individuals are reassessed quarterly, and asked questions again related to sexual abuse/harassment safety. This was confirmed by staff interviews and incarcerated individual interviews. Documentation showing that a transgender incarcerated individual's own views are given serious consideration was provided to the auditor with the pre audit documentation. Based upon this analysis of written authority, completed documentation, interviews with the intake sergeant, ORCs, PREA Coordinator, ADS PREA, and incarcerated individuals all provides the auditor with sound evidence for the auditor to find the facility substantially exceeds compliance with this standard.

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

115.51	Inmate reporting
Auditor Overall Determination: Meets Standard	
Auditor Discussion	
<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Directive #4027 Sexual Victimization Prevention & Response, 2/15/2022 · Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate and Directive - 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 · Notice to Auditor – No incarcerated individuals detained solely for civil immigration purposes · PREA Pocket Card · Interviews incarcerated individuals · Interviews random staff · Review of investigations · Employee Manual <p>Directive #4027 Sexual Victimization Prevention & Response, 2/15/2022 states,</p> <p>Incarcerated Individual and Releasee Reporting:</p> <p>The Department provides multiple internal ways for incarcerated individuals and releasees to privately report sexual abuse and sexual harassment, retaliation by other incarcerated individuals, releasees, or staff for reporting sexual abuse and sexual harassment, unauthorized relationships, and staff neglect or violation of responsibilities that may contribute to such incidents.</p> <p>a. As set forth in the Employees' Manual, Section 2.20, and this Directive, staff are mandated to accept reports of sexual abuse, sexual harassment, and unauthorized relationships made verbally, in writing, anonymously, and from third parties. b. Incarcerated individuals and releasees may report to OSI. Reports may be made by writing to: DOCCS Office of Special Investigations, 1220 Washington Ave., Building 4, Albany, NY 12226-2050. Incarcerated individuals may also use the OSI Reporting Line by dialing 444 on the incarcerated individual telephone system during regular business hours. Calls to 444 are not monitored by facility staff. Releasees and family members may also contact the OSI reporting line at 1-844-OSI-4NYS, via email to OSIComplaint@doccs.ny.gov, or by submitting an online complaint at https://doccs.ny.gov/doccs-office-special-investigations-osi. c. Incarcerated individuals and releasees may also report to the State Commission of Correction (SCOC), a separate State office that is not part of the Department by writing to: State Commission of Correction, Alfred E. Smith State Office Building, 80 South Swan Street, 12th Floor, Albany, New York 12210. Incarcerated individuals may use privileged correspondence for this purpose. The SCOC will receive and immediately forward reports of sexual abuse, sexual harassment, and unauthorized relationships to OSI. An incarcerated individual or releasee may request that the SCOC allow them to remain anonymous and the SCOC will not include their name in the report.</p> <p>(a) Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate and Directive - 11/29/17 and #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee - 11/29/17 supports that incarcerated individual reports of sexual abuse, sexual harassment, or retaliation can be verbal or in writing. Incarcerated individuals are notified through the orientation manual and the pamphlet received upon intake that they can tell any staff, contractor or volunteer. The Orientation Manual for Coxsackie Correctional Facility dedicates numerous pages to PREA. It includes information from JDI. DOCCS OSI implemented a #444 misconduct reporting line on the phone system which is documented in postings near the phone. All incarcerated individual interviews confirmed that they were aware of multiple avenues for making a report. Most indicated they would call the #777 PREA rape crisis hotline number, noting they observed the information on the posters by the phone. It was reported to the auditor that DOCCS is in the process of updating its incarcerated individual education to reinforce that the purpose of the 777 line is to provide emotional support counseling. As noted by review of the investigations, the following methods were used to report concerns with sexual abuse or sexual harassment: third party, calls to 777 (emotional support services), letter received from legal services, direct report to staff and letter to staff.</p>	

(b) The New York State Commission of Correction (SCOC) has agreed to receive all written incarcerated individual reports containing sexual abuse and sexual harassment allegations, including anonymous allegations, and will immediately forward them to DOCCS for investigation. This is confirmed by a memo from the Chairman of the Commission. This information is provided in the pamphlet given to incarcerated individuals upon arrival, The Prevention of Sexual Victimization in Prison: What You Need to Know. The New York State Department of Corrections and Community Supervision does not detain incarcerated individuals solely for civil immigration purposes. However, information on how to contact relevant consular officials is available. A Jailhouse Lawyer's Manual: Immigration & Consular Access Supplement is available in all NYSDOCCS facility law libraries.

(c) 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 Employee's Manual notes the requirement of the duty to report sexual abuse and sexual harassment, retaliation that resulted from 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.

Additionally, this is reinforced in the Employee Manual which states, All staff shall report immediately and according to Agency policy any know, suspicion, or information regarding an incident of sexual abuse, sexual harassment that occurred in a facility, any acts of retaliation against inmates or staff for reporting such an incident or for participating in an investigation of an incident of sexual abuse or sexual harassment, any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. The duty to report includes third-party and anonymous reports.

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

Summary of evidence to support a finding of compliance:

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

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

Auditor Overall Determination: Exceeds Standard

Auditor Discussion

The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Sexual Victimization Prevention Policy Manual: Incarcerated Individual Access to Outside Confidential Support Services
- Observations of the area afforded to make legal calls
- Interviews random incarcerated individuals
- Memo, Associate Commissioner RE: Implementation of A PREA Statewide Rape Crisis Hotline 12/8/2019
- Directive #4423 Inmate Individual Telephone Calls 1/15/14
- Directive #4421, Privileged Correspondence 6/02/2016, Directive #4422 Incarcerated Individual Correspondence Program 7/28/2021
- Directive #4404 Inmate Legal Visits 9/18/19
- Interview Mailroom supervisor
- Contract NYSCASA and designated Rape Crisis Programs through to 9/30/2022
- Unity House Hotline contract – NYS Domestic & Sexual Violence Hotline 2021-2024
- Poster Sexual Abuse Hotline 777 Program (English and Spanish)
- Facility Orientation Handbook – victim services insert
- Poster PREA brochures, "Help for Victims of Sexual Abuse in Prison"
- Documentation of legal status handling correspondence to Crisis services
- Email correspondence with advocacy group that provides services
- Email correspondence with Program Coordinator for the Crisis Services

Below is a summary of the SVPPM:

Sexual Victimization Prevention Policy Manual: Incarcerated Individual Access to Outside Confidential Support Services states the following:

Policy – DOCCS, in partnership with State and non-governmental partners, makes available emotional support and victim advocacy services for incarcerated survivors of sexual victimization. These services are provided by community-based Rape Crisis Programs.

- DOCCS Rape Crisis Hotline is intended to provide crisis counseling and referrals for emotional support.
- Ongoing emotional support and advocacy services are available through partner PREA Centers.

Procedure:

- Statewide rape crisis hotline – 777
- Calls for the intended purpose are confidential by law
- Calls will be reported if the caller reveals intent to commit a crime or harmful act
- Crisis hotline staff have been trained in the appropriate reporting mechanisms
- Ongoing services can be provided
- Duration, Frequency and number of calls
- Cancelled calls

- Protection of confidentiality of the incarcerated individual
- Rape Crisis Program Legal Visits
- Rape Crisis Program Correspondence

(a) A memo from Jason D. Effman, Associate Commissioner indicates the following: A PREA Statewide Rape Crisis Hotline went into effect January 8, 2019. A 777-speed dial number, available through the Inmate Telephone System, is active at all New York DOCCS Correctional Facilities and the Willard Drug Treatment Campus. Calls made are routed to one number, who provides crisis counseling services and if requested, a referral to a Rape Crisis Program for follow-up services. Multi-language services can be provided. If requested, they will also make referrals to the DOCCS via OSI, the facility Assistant Deputy Superintendent/PREA Compliance Manager, facility designated PREA Point Person or to the PREA Coordinator.

Ten current PREA service providers across the state have staff specifically trained to assist inmates at all 48 of the NYSDOCCS facilities. All conversations are kept confidential; they are not monitored. Ongoing emotional support and victim advocacy services are provided via legal calls and in some locations via legal visits (privately, arranged by the PREA Compliance Manager or Guidance staff).

There are at least four incarcerated individual phones in each housing unit. Directive #4421, Privileged Correspondence 06/02/2016, Rape Crisis Programs- inmates can send and receive privileged correspondence. It addresses that any local, state or national organization authorized to provide rape crisis services, victim advocacy services, and emotional support services is considered privileged correspondence. Mailroom staff confirmed that correspondence with these organizations is considered confidential and handled in the same manner as legal mail. Incarcerated individuals in restrictive housing areas are issued tablets in which they can make phones call, for up to four hours daily. Mail is collected in these areas by staff who place the mail directly into a lock box.

Therefore, the auditor finds the facility provides reasonable communication.

(b) Posters announcing the service were visible throughout the facility, located by every incarcerated individual phone. On the poster, it indicates that the calls are confidential and are not monitored by the facility but that they are recorded in the event of misuse. It also provides the agency's address should an incarcerated individual wish to correspond instead of talk on the phone. It further educates the incarcerated individual population that the counselors are only allowed to report information back to the Department with the permission of the incarcerated individual. PREA brochures, "Help for Victims of Sexual Victimization in Prison" are widely available to incarcerated individuals. In addition this pamphlet provides victim support information on how to report abuse, and outlining the PREA Statewide Rape Crisis Hotline, and it provides contact information regarding the community-based Rape Crisis Program (RCP) for rape crisis counseling victim advocacy and emotional support services (Crisis Services, Inc., Crime Victims Treatment Center, Family Services Center for Victim Safety & Support, RESTORE Sexual Assault Services, Safe Harbors of the Finger Lakes, Sexual Assault Resource Center of Planned Parenthood of Greater NY, St. Peter's Crime Victim Services at Samaritan Hospital, Victim Advocacy Services of Planned Parenthood of Greater NY, Victims Assistance Center of Jefferson County, Victims Assistance Services of WestCOP, and Vera House, Inc. It too reinforces that calls are confidential, will not be monitored but are recorded. It further informs the incarcerated individuals that they do not have to have 777 on their approved telephone list. Telephone numbers to a specific Rape Crisis Program can be added at any time to their approved telephone list.

The following policy directives support this process: Directive #4423 1/15/14, revised 5/21/2015, Inmate Telephone Calls, an inmate may add an attorney, or Department of Health approved Rape Crisis Program to their telephone list. Directive #4404 Inmate Legal Visits 9/18/2019, there is an area designated for confidential visits and as stated, Directive #4421, Privileged Correspondence 06/02/2016, Rape Crisis Programs- inmates can send and receive privileged correspondence; Directive #4422 Incarcerated Individuals may receive some free postage for privileged correspondence, and advances for personal postage and legal mail postage. The interview with the Mailroom staff confirmed this process.

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

Manager. A Help for Victims of Sexual Abuse in Prison pamphlet does provide detailed information on how to obtain this service. Phone numbers and addresses are provided for agencies throughout the State of New York. This is available throughout the facility in areas accessible to incarcerated individuals. Contact information for St. Peters Crime Victim Services is also posted on housing unit bulletin boards and is printed in the facility Inmate Orientation Handbook.

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

Additionally, the following was analyzed to determine compliance:

Documentation was provided to the auditor reflecting that the 777 number was called 108 times in the previous twelve months. This information is contained in a report that gives the number for all facilities, broken down by length of call (one to five minutes, five to ten minutes, ten to fifteen minutes, over fifteen minutes) as well as a reflection on any trends occurring for the month.

As stated, on-going short term crisis counseling and advocacy services are provided by St. Peters Crime Victim Services. The auditor communicated with the Director of St. Peters Crime Victim Services. She confirmed that her organization can provide these services through the mail, in person or over the phone, or onsite at the hospital if needed. Staff who perform these services are certified by the New York State Department of Health, which requires completion of a forty (40) hour training program; counselors receive additional ongoing training. All incarcerated individuals who are requiring services receive the agency service guidelines and confidentiality limitations through the mail through the legal mail process. They are discussed during the first session with the individual to ensure the content is understood. The organization also has an accessible translator line service for use when incarcerated individuals have limited English understanding in addition to bilingual staff.

The auditor communicated with the Program Coordinator for the Unity House which receives all calls statewide from the 777 number. She confirmed the following: Unity House provides/serves as the vendor of the New York State PREA Rape Crisis Hotline for incarcerated survivors within DOCCS facilities on behalf of the NYS Office for the Prevention of Domestic Violence. The organization provides the following: emotional support services, crisis intervention, information and referrals to OSI. Contact is made via the phone. If another language is required, Hotline staff have access to a live, over the phone, interpretation through a contracted company. Hotline staff are also certified through the Department of Health in addition to passing extensive onboarding protocols. She confirmed that Unity House employs several bilingual/multilingual staff. She informed the auditor that since October 2021, the Unity House has received 4985 calls.

Summary of evidence to support a finding of compliance:

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

115.54	Third-party reporting
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 208 451 237">Auditor Discussion</p> <p data-bbox="240 271 1286 300">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="240 329 1027 528" style="list-style-type: none"> <li data-bbox="240 329 440 358">· Observations <li data-bbox="240 387 472 416">· DOCCS website <li data-bbox="240 445 1027 474">· Directive #4027 Sexual Victimization Prevention & Response, 2/15/2022 <li data-bbox="240 504 644 533">· Test of complaint form on website <p data-bbox="240 562 1485 786">Directive #4027 Sexual Victimization Prevention & Response, 2/15/2022 states, Third-party reporting: Third-party reports on behalf of anyone under the Department’s custody or supervision can be made to any employee. The receiving employee shall immediately forward such report to the facility Superintendent or Bureau Chief. Immediate after-hours reports concerning an incarcerated individual may be made to the facility Watch Commander. Anyone may report an incident of sexual victimization involving an incarcerated individual or a releasee to the Department’s OSI through the OSI reporting line at 1-844-OSI-4NYS, via email to OSIComplaint@doccs.ny.gov, or by submitting an online complaint at https://doccs.ny.gov/doccs-office-special-investigations-osi.</p> <p data-bbox="240 815 812 844">Summary of evidence to support a finding of compliance:</p> <p data-bbox="240 873 1493 1068">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. 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
	<p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 1286 297">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="240 331 1452 1216" style="list-style-type: none"> · Directive #4027 Sexual Victimization Prevention & Response, 2/15/2022 · Observations · Interviews Random sample of staff · Interviews Medical & Mental Health staff · Interview PREA Coordinator · Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate · Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee - 11/29/17 · Employee Manual · Office of Mental Health MOU · Directive #0700 Office of Special Investigations (OSI) · Notice to Auditor – Vulnerable Persons Central Register · HSPM 1.01 Inmate Orientation to Health Care Services – 8/21/20 Form 3102 Health Services Orientation 8/9/2021 · Form 3102 · Coordinated Response Plan – Facility specific · Watch Commander Quick Reference Chart for Sexual Abuse/Sexual Harassment related complaints · Watch Commander Sexual Abuse Response Checklist <p data-bbox="240 1305 1497 2134">Directive #4027 Sexual Victimization Prevention & Response, 2/15/2022 states, Reporting 1. Staff Reporting a. All staff shall report to a supervisor immediately: (1) Any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility whether or not the facility is part of the Agency, and any unauthorized relationship. This duty to report includes any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment of a releasee whether in a community based residential program or while under Community Supervision, and any unauthorized relationship with a releasee. (2) Any acts of retaliation against an incarcerated individual, releasee, or staff for reporting such an incident or for participating in an investigation of an incident of sexual abuse, sexual harassment, or an unauthorized relationship. (3) Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. b. For reporting purposes under this directive, “employee” includes any employee, contractor, contract employee, volunteer, or intern of the Department or any employee, contractor, or contract employee assigned to work in a Department correctional facility by any other State agency. c. The duty to report includes verbal, written, third-party, and anonymous reports, regardless of whether staff personally believe the information to be true or reliable. d. Staff may privately report suspected sexual abuse, sexual harassment, or an unauthorized relationship by calling the Department of Corrections and Community Supervision’s (DOCCS) OSI’s Sex Crimes Division at 1-844-OSI4NYS or 518-457-2653, or via the online reporting portal. e. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse or sexual harassment report to anyone other than to the extent necessary, as specified in Agency policy including, but not limited to, SVPPM 115.61, to make treatment, investigation, and other security and management decisions. f. Pursuant to Directive #0700, “Office of Special Investigations (OSI),” and Directive #2111, “Report of Employee Misconduct,” unReports of Sexual Victimization 1. The Deputy Superintendent for Security of each facility shall be responsible for maintaining a bound and numbered “Report of Sexual Victimization Logbook” that shall be a chronological listing of each report of sexual victimization or related conduct (i.e., sexual abuse, sexual harassment, sexual threat, unauthorized relationship, inappropriate frisk, etc.) that occurs. 2. To preserve confidentiality, the logbook shall be secured and access to it limited to those personnel with an operational need, including the ADS PCM and the designated PPP. The ADS PCM shall conduct regular reviews of the logbook and ensure that details from case updates are properly recorded. NO. 4027, Sexual Victimization Prevention & Response DATE 02/15/2022 PAGE 7 of 9 3. Report of Sexual Victimization</p>

Logbook entries shall include the following: a. Report log number. NOTE: Each incident shall be numbered utilizing the facility three-letter code, followed by the four-digit calendar year of the report, and a three-digit number identifying the consecutive order that the report was received during that year (i.e., ADK-2022-001 denotes the first Sexual Victimization Report at Adirondack for calendar year 2022). b. Date and time of the report. c. Date and time of the incident. d. Name, DIN, and role of the incarcerated individual(s) involved. e. Location of the incident. f. Brief description of the incident. NOTE: If the incident was also an Unusual Incident (UI), it is sufficient to list only the UI number in this section. g. Name, title, and role of staff and others involved. h. Date and time facility health services was contacted. i. Date and time that the incarcerated individual was referred to OMH by completion of Form #3150 or other means. j. Date, time, and manner OSI was contacted, noting who was contacted. k. Case result (substantiated, unsubstantiated, or unfounded) and date of determination. l. Date notification sent via legal mail to the incarcerated individual.

(a) Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate and Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee - 11/29/17 Requires all employees (which includes contractors, contract employees, volunteers, interns or other state agency employees assigned to the facility) to immediately report to their immediate supervisor any information pertaining to sexual abuse, sexual harassment, or retaliation. The Employee Manual requires staff to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse, sexual harassment, any retaliation against an incarcerated individual or staff who report such an incident and any neglect or violation of responsibilities that may have contributed to an incident or retaliation. Random staff interviews confirmed that they are trained and aware of this requirement to report 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; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

(b) Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate and Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee - 11/29/17 states that reports are confidential and only to be shared with essential employees involved in the reporting, investigation, discipline and treatment process or as otherwise required by law. The Employee Handbook also reinforces this requirement. Random staff interviews confirmed that they are trained and aware of this requirement to maintain confidentiality after they have reported to the appropriate supervisor and completed appropriate actions and reports.

(c) Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate and Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee 11/29/17 specifically addresses that a medical practitioner is required to report the minimum information necessary.

HSPM 1.01 Inmate Orientation to Health Care Services – 8/21/20 Form 3102 Health Services Orientation 8/9/2021 states the following: "At the time of admission/intake, health staff at each correctional facility provides all incarcerated individuals with a written and oral orientation to the health services available at the facility, the procedure for requesting such services, and the method by which complaints regarding services can be made. This information is available to incarcerated individuals with limited English proficiency in a language they can understand. . . Provide each incarcerated individual with Form 3102 "Health Services Orientation" (English). Form 3102 "Health Services Orientation" (Spanish) is available on the Health Exchange share drive. The incarcerated individual will sign Form 3102, attesting to the fact that they received orientation and received Form DOH-5032. "

Form 3102 . Disclosure of Sexual Abuse – Limitations of Confidentiality: "Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners are required to report sexual abuse or sexual harassment that occurs in any facility, whether or not that facility is part of DOCCS. Disclosures of sexual abuse or sexual harassment will be reported and referred for an investigation under agency policy."

Interviews with medical and mental health staff confirmed to the auditor their awareness of the limits of confidentiality and their duty to report these limitations, explain the process described above.

(d) This facility does not house incarcerated individuals under the age of 18 (see 115.14). In this state, vulnerable person statutes do not apply to those incarcerated. NY Soc Serv § 492 establishes the "vulnerable persons' central register" It addresses that this section excludes persons in DOCCS custody. Interview with the PREA Coordinator indicated the following: DOCCS is not included within the statutory jurisdiction of the State entity that investigates allegations concerning vulnerable adults. As of August 6, 2020, DOCCS no longer houses any individuals under the age of 18. Previously, beginning October 1, 2018, the Department's two "Adolescent Offender Facilities" fell under the PREA Standards for Juvenile Facilities. Directive #4029 "Reporting Suspected Child Abuse or Maltreatment" was adopted in October 2018 and training regarding compliance with child abuse reporting laws was conducted at those facilities to ensure that Mandated Reporters complied with New York State Law regarding child abuse reporting to the Statewide Central Register of Child Abuse and Maltreatment. Directive #4029 was rescinded effective March 24, 2021.

(e) As stated, the appropriate investigating agency is OSI. Directive #0700 Office of Special Investigations (OSI) supports the following: The Sex Crimes Division (SCD) conducts investigations involving unauthorized relationships and sexual

misconduct between incarcerated individuals or parolees and Departmental staff, as well as incarcerated individual-on-incarcerated individual sexual abuse. Furthermore, the SCD coordinates with outside law enforcement and prosecutors in the development of these cases for criminal prosecution. The SCD also collaborates with others within the Department to ensure compliance with the Prison Rape Elimination Act (PREA).

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

Summary of evidence to support a finding of compliance:

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

115.62	Agency protection duties
	Auditor Overall Determination: Meets Standard
	<p data-bbox="242 210 453 237">Auditor Discussion</p> <p data-bbox="242 271 1286 297">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="242 329 1166 701" style="list-style-type: none"> <li data-bbox="242 329 440 356">· Observations <li data-bbox="242 387 580 414">· Interviews A/Commissioner <li data-bbox="242 445 560 472">· Interview Superintendent <li data-bbox="242 504 541 530">· Interview Random staff <li data-bbox="242 562 882 589">· Directive #4948 - Protective Custody Status – 12/24/2020 <li data-bbox="242 620 1166 647">· Form #2168A Sexual Victimization – Involuntary Protective Custody Recommendation <li data-bbox="242 678 355 705">· PAQ <p data-bbox="242 732 1461 790">The PAQ indicates there have been no times the facility determined that an incarcerated individual was at risk of imminent sexual abuse. The auditor found no reason to dispute this during the audit process.</p> <p data-bbox="242 822 1450 916">Directive #4948 - Protective Custody Status – 12/24/20 addresses the use of involuntary protective custody for an inmate who is subject to a substantial risk of imminent sexual abuse. It supports that placement will occur immediately until the facility can complete an assessment.</p> <p data-bbox="242 947 1481 1108">The interview with the A/Commissioner further elaborated, “Each case is evaluated by the facility or Office of Special Investigations based upon the nature of the report and the potential harm. Supervisory rounds will also be increased as appropriate. An incarcerated individual at risk or a potential predator may be moved to another housing unit or transferred. If no other options are available, a potential victim may be temporarily placed in protective custody until other steps can be taken.”</p> <p data-bbox="242 1140 1489 1364">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 his safety. All staff interviews confirmed to the auditor that they would take immediate action if they believed an incarcerated individual was at imminent risk of sexual abuse. Incarcerated individual interviews illustrated to the auditor that staff are approachable. Corrections Officers and supervisors confirmed that this request would be supported, and action would be taken to protect the incarcerated individual before the believed event occurred. Based on this and overall observations during the audit, the auditor found this credible and to be an integral part of the culture of this facility.</p>

115.63	Reporting to other confinement facilities
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 1286 297">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="240 329 1401 813" style="list-style-type: none"> <li data-bbox="240 329 1401 356">· Sexual Victimization Prevention Policy Manual: Official Response Following an Incarcerated Individual Report <li data-bbox="240 387 440 414">· Observations <li data-bbox="240 445 616 472">· Interview with A/Commissioner <li data-bbox="240 504 560 530">· Interview Superintendent <li data-bbox="240 562 1023 589">· Memo: Associate Commissioner RE: PREA Standard 115.63 11/7/2019 <li data-bbox="240 620 437 647">· Form 115.63 <li data-bbox="240 678 687 705">· Jail Administrators contact information <li data-bbox="240 736 1313 763">· Documentation of notifications within 72 hours both sent and received for the previous twelve months <li data-bbox="240 795 355 822">· PAQ <p data-bbox="240 846 1477 907">The PAQ indicates that thirteen allegations were received that incarcerated individual was abused while confined at another facility, five allegations of sexual abuse were received from another facility.</p> <p data-bbox="240 938 600 965">Below is a summary of the SVPPM:</p> <p data-bbox="240 996 1337 1023">Sexual Victimization Prevention Policy Manual: Official Response Following an Incarcerated Individual Report</p> <p data-bbox="240 1055 1492 1180">Policy: 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. This notification shall be as soon as possible but no later than 72 hours after receiving the allegation.</p> <p data-bbox="240 1211 355 1238">Procedure:</p> <p data-bbox="240 1270 1492 1330">The Superintendent shall notify the head of the facility or appropriate office of the agency or facility where the abuse allegedly occurred within 72 hours of receipt</p> <p data-bbox="240 1361 1492 1422">Preparation of the Notification: Among other specific directions, the procedure requires a follow up phone call to the receiving facility to confirm receipt.</p> <p data-bbox="240 1453 1422 1514">The Deputy Superintendent for Security at each facility shall record the allegation in the Report of Sexual Victimization Logbook.</p> <p data-bbox="240 1545 970 1572">Each form 115.63 will be electronically maintained in a designated folder.</p> <p data-bbox="240 1603 943 1630">The OSI SCD shall ensure that the report is or has been investigated.</p> <p data-bbox="240 1662 1492 1951">(a) (b) (c) Memo: from Jason D. Effman, Associate Commissioner RE: PREA Standard 115.63, addressed to "All Superintendents" states that allegations received from an inmate regarding abuse at another facility will be forwarded from the Superintendent to the Superintendent at the facility where the alleged incident occurred within 72 hours of receiving the report. Form 115.63 shall be used to make the notification. Additionally, the Office of Special Investigations shall be sent a copy. This process was reinforced by the written interview responses from the A/Commissioner. He states, The allegation is referred to the Office of Special Investigations for an investigation, and to the Superintendent or designee for appropriate documentation. If the incarcerated individual is currently in a DOCCS facility, the Assistant Deputy Superintendent PREA Compliance Manager also ensures that retaliation monitoring is initiated, and access to victim support and advocacy services is facilitated if desired. we have received reports following a transfer to another facility, as well as from other agencies.</p> <p data-bbox="240 1982 1492 2141">The interview with the Superintendent supported that these notifications are made by his office within 72 hours of receipt. Copies of this documentation was readily provided to the auditor with the pre-audit documentation. Review confirmed that the notification is made from the Superintendent to the Head of the Facility immediately, typically the same day. Additionally, one such notification was made by the Superintendent during the onsite audit; he provided the auditor with a copy during his interview.</p>

(d) The auditor reviewed one notification based on receipt of the form 115.63 when reviewing investigations.

Summary of evidence to support a finding of compliance:

The policy, review of notification forms and interview with the A/Commissioner and Superintendent provided the auditor with sufficient evidence to support a finding of compliance. There is a process in place to ensure the requirements of this standard are met. To further ensure the efficiency of this process, the agency maintains a contact list for all Jail Administrators in the state.

115.64	Staff first responder duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Observations · Random staff · Directive #4027B Sexual Abuse Prevention & Intervention Inmate-on-Inmate · Directive #4028B Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee - 11/29/17 · Sexual Abuse Prevention and Response (SAPR) Lesson Plan · Watch Commander's Sexual Abuse Response Tracking Sheet, August 2021 · Watch commander Quick Reference Chart · PREA Pocket Card · Interview with a staff who has acted as a first responder · FOM Coordinated Response to Reports of Sexual Victimization 30.0 2/22/2022 · PAQ <p>The PAQ indicates there were fourteen allegations of sexual abuse, zero times the first security staff member separated the alleged victim and abuser, zero times a non-security staff member was the first responder, zero times staff were notified within a time period that still allowed for collection of physical evidence that allowed for time to collect evidence. The auditor found no reason to dispute this during the audit process.</p> <p>(a) (b) Directive #4027B Sexual Abuse Prevention & Intervention Inmate-on-Inmate and Directive #4028B Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee - 11/29/17, Watch Commander's Sexual Abuse Response Checklist, August 2021, Sexual Abuse Prevention and Response (SAPR) Lesson Plan, PREA Pocket Card all address the requirements of this standard. Whether a first responder or not, all reports go to the immediate supervisor and to the Watch Commander. The scene would be immediately secured. An inmate victim is asked, and any alleged perpetrator are told to not take any action which could potentially destroy evidence such as washing, brushing teeth, changing clothes, urinating, defecating smoking, drinking or eating. The Watch Commander's Sexual Abuse Response Tracking Sheet, August 2021, would be initiated. All random staff responses supported this process. No staff were identified that have acted as a first responder at this facility. Both first responder staff and non-first responder staff attend training as required in 115.31; these requirements are reinforced at that time. Also, staff carry a Pocket Card to review in the event of a situation. All staff interviews demonstrated knowledge of the process. FOM Coordinated Response to Reports of Sexual Victimization 30.0 2/22/2022 additionally supports the requirements of this standard. For these reasons noted, the auditor finds the facility in compliance with the requirements of this standard.</p>

115.65	Coordinated response
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Sexual Victimization Prevention Policy Manual: Official Response Following an Incarcerated Individual or Releasee Report · Coordinated Response to Reports of Sexual Victimization Template · FOM Coordinated Response to Reports of Sexual Victimization 30.0 · Random staff interviews · Observations · Interview Superintendent · Interview with Watch Commander · Sexual Victimization Prevention Policy Manual: Official Response Following an Incarcerated Individual or Releasee Report <p>Below is the analysis of the SVPPM:</p> <p>Sexual Victimization Prevention Policy Manual: Official Response Following an Incarcerated Individual or Releasee Report</p> <p>Policy: Each facility must maintain a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, agency investigators and facility leadership.</p> <p>Procedure:</p> <p>Each Facility Coordinated Response Plan shall be in the form of a Facility Operation manual (FOM) addressing Coordinated Response to Reports of Sexual Victimization which delineates facility-specific procedures to coordinate actions in response to an incident of sexual abuse and related matters, among staff first responders, medical and mental health practitioners, investigators, and facility leadership.</p> <p>The Coordinated Response Plan shall address coordination of the following actions as appropriate:</p> <ol style="list-style-type: none"> 1. Assess victim's acute medical needs 2. Inform victim of their rights under relevant laws 3. Explain the need for a forensic medical exam and offer the victim the option of undergoing one 4. Offer the presence of a victim advocate or a qualified staff member during the exam 5. Provide crisis intervention counseling 6. Interview the victim and any witnesses 7. Collect evidence 8. Provide for any special need the victim may have <p>Each Facility coordinated response plan shall be derived from the approved FOM Coordinated Response to Reports of Sexual Victimization which incorporates the Watch Commander Quick Reference Chart (Form #4027RC) and the Watch Commander's Sexual Abuse Response Sheet (form #4027WC).</p> <p>Evidence Collection and Preservation (Incarcerated Individual-on-Incarcerated individual) – Most cases evidence collection and preservation will be conducted by the OSI or State Police. However, if they are unable to respond promptly, facility staff may have to collect evidence required from the victim and suspected perpetrator as directed by the Superintendent/designee who will ensure that trained, uniformed personnel are designated to perform as Facility Evidence Collectors in the rare event that they are required to perform this duty. A current list of Facility Evidence Collectors will be maintained in the Facility's RED Book.</p>

Additional details regarding the use of a Sexual Abuse Evidence Bag and Recovery Kit are detailed.

The Coordinated Response to Reports of Sexual Victimization Template provides each facility a detailed format for development of their specific plan. Coxsackie Correctional Facility FOM Coordinated Response Plan to an Incident of Inmate Sexual Abuse provides a detailed plan for all staff to follow in the event of a response to an incident of sexual abuse. It addresses First Party/Victim Report action, Third-party, Anonymous report actions, the details of the Coordinated Response as directed by the Watch Commander. This includes notification to OSI, Health Services, and specifics on how to arrange for outside transport and what hospitals to use. It addresses post medical assessment, mental health staff actions, and emphasizes confidentiality. All staff interviewed were knowledgeable regarding the process. The interview with the Superintendent further solidified that the facility has a Coordinated Response Plan in which staff are knowledgeable regarding it, reports are directed to the Watch Commander who ensures notifications and appropriate actions are made. The interview with the Watch Commander confirmed he receives all notifications regarding PREA allegations. All staff interviewed had the PREA Response Card on their possession. Based on the feedback in all interviews, the review of the plan, and review of completed investigations, the auditor finds there is ample evidence to support a finding of compliance.

115.66	Preservation of ability to protect inmates from contact with abusers
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 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 · Seven union contracts · Union Contracts continuation after expiration – Taylor Law Tri-Borough Amendment · Interview A/Commissioner · Interview union representative <p>(a) Directive #2110, Employee Discipline-Suspension from Duty During the Continuation of Disciplinary Proceedings – 4/17/2020, Directive #2114, Function of the Bureau of Labor Relations - 7/10/2019 both comply with the requirements of this standard. There are eight contracts that address staff at this facility. The contracts do not preclude the facility from removal of alleged staff pending an outcome of the investigation.</p> <p>This was reinforced by the written interview responses from the A/Commissioner: He states, “the applicable contracts permit the agency to take appropriate action when warranted to remove alleged staff sexual abusers from contact with any incarcerated individual pending the outcome of an investigation or a final determination of whether and to what extent discipline is warranted. The contracts permit the agency to suspend an employee without pay or temporarily reassign an employee when a determination is made that there is probable cause that such employee's continued presence on the job represents a potential danger to persons or property or would severely interfere with operations.”</p> <p>“The current collective bargaining agreement between the State of New York and the Public Employees Federation, AFL-CIO (PEF) is for the period of 2019-2023. The current collective bargaining agreement between the State of New York and The Civil Service Employees Association, Inc. (CSEA) is for the period 2016-2021. In addition, the collective bargaining agreement between the State of New York and the New York State Correctional Officers and Police Benevolent Association, Inc. (NYSCOPBA) was ratified on January 24, 2019, and is retroactively effective for the period April 1, 2016 – March 31, 2023. The collective bargaining agreement between the State of New York and the New York State Law Enforcement Employees Union, Council 82 (Council 82) is for the period of 2009- 2016. This is the controlling agreement by operation of law until a new contract is executed.”</p> <p>Additionally, the auditor spoke with one staff who is a union representative. He further assured the auditor there the union would be aware if a staff member needs to be re-assigned pending an allegation of sexual abuse and may provide input regarding a staff reassignment but would not interfere with the process.</p> <p>Summary of evidence to support a finding of compliance:</p> <p>Review of policy, interview with the A/Commissioner, review of contracts and interview with a union representative provide the auditor with sufficient evidence to support a finding of compliance.</p>

115.67	Agency protection against retaliation
	Auditor Overall Determination: Exceeds Standard
	<p data-bbox="240 208 451 237">Auditor Discussion</p> <p data-bbox="240 271 1286 300">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="240 329 1490 965" style="list-style-type: none"> <li data-bbox="240 329 1453 389">· Sexual Victimization Prevention Policy Manual: Official Response Following an Incarcerated Individual or Releasee Report <li data-bbox="240 418 488 448">· Employee Manual <li data-bbox="240 477 1182 506">· Memo, Associate Commissioner – 4/18/2019 RE: Agency Protection against Retaliation <li data-bbox="240 535 783 564">· Retaliation Monitoring Form 115.67-I, 115.67 -S <li data-bbox="240 593 584 622">· Retaliation Tracking Sheets <li data-bbox="240 651 440 680">· Observations <li data-bbox="240 710 580 739">· Interviews A/Commissioner <li data-bbox="240 768 560 797">· Interview Superintendent <li data-bbox="240 826 1490 855">· Interview with designated staff members charged with monitoring for retaliation (ADS - PREA and PREA Point Person) <li data-bbox="240 884 708 913">· Review of Retaliation Monitoring reports <li data-bbox="240 943 357 972">· PAQ <p data-bbox="240 994 1034 1023">The PAQ indicates that there were no reported incidents of retaliation occurred.</p> <p data-bbox="240 1052 600 1081">Below is a summary of the SVPPM:</p> <p data-bbox="240 1111 1466 1140">Sexual Victimization Prevention Policy Manual: Official Response Following an Incarcerated Individual or Releasee Report</p> <p data-bbox="240 1169 1474 1294">Policy: It is the policy of the Department to protect all incarcerated individuals, releasees and staff who report sexual abuse or sexual harassment, unauthorized relationships, or who cooperate with sexual abuse or sexual harassment investigations from retaliation by other incarcerated individuals or staff or any other individual who cooperates with an investigation of sexual abuse, sexual harassment or unauthorized relationships and who expresses fear of retaliation for doing so.</p> <p data-bbox="240 1323 355 1352">Procedure:</p> <p data-bbox="240 1382 1474 1543">Each facility shall employ multiple protection measures. This may include monitoring staff to protect against unwarranted reassignments, negative evaluations, or retaliation, and may include a referral to EAP or an appropriate organization for emotional support services. Measure to protect incarcerated individuals may include housing changes or transfers for incarcerated victims or abusers, removal of alleged staff or incarcerated abusers from contact with victims and facilitation of emotional support services.</p> <p data-bbox="240 1572 1490 1733">For a minimum of four (4) months following a report of sexual abuse or sexual harassment, the facility shall monitor the conduct and treatment of an incarcerated individual who reports sexual abuse, including third party, and any employee who reported an incident of sexual abuse or sexual harassment of an incarcerated individual, or monitoring of any individual who cooperates with an investigations of sexual abuse, sexual harassment, or unauthorized relationships who expresses a fear of retaliation (noting that protective measures will be taken).</p> <p data-bbox="240 1762 1485 1865">Monitoring will seek to identify changes that may suggest possible retaliation by an incarcerated individual or staff and includes the following: disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff, in addition to in-person status checks.</p> <p data-bbox="240 1895 1445 1989">This monitoring activity is coordinated by the ADS PREA with the assistance of the PREA Point Person. The monitoring terminates if the result of the investigation is deemed unfounded or the incarcerated individual being monitored has been released from custody.</p> <p data-bbox="240 2018 1485 2112">If any evidence of retaliation is discovered, it will be promptly reported to OSI for further investigation. Upon consultation with OSI, the facility shall act promptly to remedy any such retaliation. Monitoring shall be documented on Form 115.67-S for staff or Form 115.67-I for incarcerated individuals.</p> <p data-bbox="240 2141 1437 2170">A Protection Against Retaliation Tracking Sheet is used to monitor these activities and is electronically maintained. This</p>

monitoring continues if the person being monitored transfers to another facility. All information is confidential.

(a) (b) (c) (d) (e)

Employee Manual 2.19 requires that all employees have a duty to report retaliation against incarcerated individuals or staff who reported such an incident. Memo from Jason D. Effman, Associate Commissioner – 4/18/2019 requires each facility to use multiple protection measure such as housing changes, transfers, removal of alleged staff or incarcerated individual abusers from contact with the victim and emotional support services for incarcerated individuals or staff who fear retaliation for reporting sexual abuse, sexual harassment and/or cooperating with the investigation. It requires the monitoring for a minimum of four months, exceeding the requirements of the standard. Form 115.67 Retaliation Monitoring Form ensures that all aspects of this standard are proactively monitored and documented. There is a monitoring form for incarcerated individuals and another form for staff. It also requires the facility to conduct periodic in-person status checks at least every 30 days. The PREA ADS and PREA Point Person are responsible for coordinating these actions. In the event of an allegation, the OSI will be contacted promptly. With the consultation of the OSI, the facility shall promptly remedy the retaliation. Finally, it supports the following: “The obligation to monitor the conduct and treatment of any inmate who reported an incident of sexual abuse or sexual harassment, or who was reported to have suffered sexual abuse or sexual harassment, shall terminate if the agency determines that the allegation is unfounded or if the monitored inmate is released.”

The interview with the A/Commissioner revealed the following: “Decisions on protective measures are made on a case-by-case basis. Both the facility administration and the Office of Special Investigations consider whether the present housing placement is appropriate and, if not, consider whether a move to another housing unit or a transfer to another facility is appropriate. In any case involving transportation to a hospital for a forensic examination by a SAFE/SANE provider, the incarcerated individual is returned either to the facility infirmary or the infirmary at a designated catchment facility. This ensures both a proper medical follow-up and that the incarcerated individual is placed in a safe environment while options are considered. With respect to access to emotional support services, information on the Department’s “777” PREA Statewide Rape Crisis Hotline, Victim Advocacy & Emotional Support Partnership is widely distributed in the facilities and is provided by medical staff when appropriate following a medical assessment for a significant exposure. The Department, in partnership with the State Office of Victim Services, State Office for the Prevention of Domestic Violence, the New York State Coalition Against Sexual Assault and a number of providers, launched a statewide rape crisis hotline in January 2019, expanding the nearly five-year old Enhanced Victim Services pilot program. In addition to hotline services, all facilities have the capacity to provide ongoing victim advocacy and emotional support services through one of ten community-based victim assistance programs.”

“All incarcerated individuals, parolees, and staff who report sexual abuse or sexual harassment, or who cooperate with sexual abuse or sexual harassment investigations are protected from retaliation by other incarcerated individuals or staff. This includes housing changes or transfers for incarcerated individual victims or abusers, removal of alleged staff or incarcerated individual abusers from contact with victims, and emotional support services for incarcerated individuals or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. Retaliation monitoring includes review of any incarcerated individual disciplinary reports, housing or program changes, or any negative performance reviews or reassignments of staff. In the case of incarcerated individuals, retaliation monitoring is for a minimum of four months, subject to extension when there is a report of retaliation, and includes periodic in-person status checks approximately every 30 days. In-person status checks are also encouraged for any staff who reported an incident. The Department’s protocols for retaliation monitoring are initiated for any individual who cooperates with an investigation and expresses a fear of retaliation. Monitoring for signs of retaliation is coordinated by the Assistant Deputy Superintendent/PREA Compliance Manager with the assistance of the designated PREA Point Person. Any complaint or evidence of retaliation is referred to the Office of Special Investigations, Sex Crimes Division for investigation and to be promptly remedied.”

During the pre-audit phase, the facility provided the spreadsheet tracking mechanism utilized to document these actions in addition to five examples of completed Retaliation Monitoring Forms. They were reviewed and found to support the requirements of the audit and policy. One provided evidence of monitoring that was extended past the 120 days three reflected transfer to another facility, and one was completed. The interview with the ADS PREA and PREA Point Person confirmed that all aspects of the provisions are addressed and are reflected in the Retaliation Monitoring form. It was articulated that discretion is used when conducting periodic status checks.

Interviews with the A/Commissioner, Superintendent, ADS PREA and PREA Point Person all support that retaliation monitoring is taken seriously and well documented. Even if an incarcerated individual transfers, the retaliation monitoring is continued at the next NYSDOCCS facility. Review of retaliation monitoring forms found them to be complete and well documented. Monitoring did reflect 120 days and extension when deemed necessary. For these reasons a determination of “exceeds standard” is given.

115.68	Post-allegation protective custody
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 208 453 237">Auditor Discussion</p> <p data-bbox="240 271 1286 300">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="240 329 823 645" style="list-style-type: none"> <li data-bbox="240 329 440 358">· Observations <li data-bbox="240 387 571 416">· Interviews Superintendent <li data-bbox="240 445 788 474">· Interview Staff who supervise restrictive housing <li data-bbox="240 504 357 533">· PAQ <li data-bbox="240 562 823 591">· Directive #4948 Protective Custody Status 12/24/20 <li data-bbox="240 620 432 649">· Form 2168A <p data-bbox="240 678 1490 801">The PAQ indicates there were no inmates who allege to have suffered sexual abuse who were held in involuntary segregation in the past 12 months for one to 24 hours awaiting completion of assessment and no inmates who allege to have suffered sexual abuse who were assigned to involuntary segregated housing in the past 12 months for longer than 30 days while awaiting alternative placement. The auditor found no reason to dispute this during the audit process.</p> <p data-bbox="240 831 1490 994">Finding of compliance based on the following: See comments on 115.43. The PAQ indicates that no incarcerated individuals have been placed in segregated housing due to suffering sexual abuse. This was confirmed by an interview with one staff who works/supervise the area. The auditor found no reason to dispute this during the audit process. The interview with the Superintendent reinforced that all other options would be examined before placing an incarcerated individual in a restrictive housing setting who has alleged sexual abuse. Based on comments noted on 115.43 this standard is found to be compliant.</p>

115.71	Criminal and administrative agency investigations
	Auditor Overall Determination: Exceeds Standard
	<p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 1286 297">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="240 331 1222 1043" style="list-style-type: none"> · Observations · Interviews Investigative staff · Interview with the Superintendent · Investigative reports · Retention schedule · Directive #0700 Office of Special Investigations (OSI) 9/10/2020 · Directive #4027B Sexual Abuse Reporting & Investigation - Inmate-on-Inmate · Directive #4028B Sexual Abuse Reporting & Investigation -Staff-on-Inmate/Staff-on-Parolee · Response Plan and Watch Commander’s Sexual Abuse Response Checklist, August 2021 · Letter to the New York State Police Superintendent · PAQ · New York Criminal Procedure Law 160.45 · Office of Special Investigation Policy Manual (confidential) 1/4/2021 <p data-bbox="240 1077 1445 1133">PAQ indicates one allegations of conduct that appeared criminal were referred for prosecution since the last PREA audit. The auditor found no reason to dispute this during the audit process.</p> <p data-bbox="240 1167 1493 1592">(a) Directive #0700 Office of Special Investigations (OSI) 11/28/2018 states that the Sex Crimes Division (SCD) conducts investigations involving sexual misconduct between incarcerated individuals and departmental staff as well as incarcerated individual-on-incarcerated individual sexual abuse. Directive #4027B Sexual Abuse Reporting & Investigation - Inmate-on-Inmate and Directive #4028B Sexual Abuse Reporting & Investigation -Staff-on-Inmate/Staff-on-Parolee states, A prompt, thorough, and objective investigation shall be conducted in all instances of reported sexual abuse, sexual harassment, or retaliation concerning such an incident. As directed herein and in accordance with Directive #0700, “Office of Special Investigations (OSI),” this investigation shall be initiated promptly and shall be the responsibility of the Office of Special Investigations. Allegations of sexual harassment or sexual threats shall be reviewed by the Office of Special Investigations for a determination as to the appropriate investigative steps to be taken, which may include directing specific steps to be taken in a facility investigation. Furthermore, in instances where any complaint is vague, requires clarification, or appears to lack credibility based upon all of the information available at the time of the report, the Office of Special Investigations may direct that a preliminary inquiry be conducted (e.g., interview, video review, etc.) so that the appropriate response can be determined.</p> <p data-bbox="240 1626 839 1653">(b) All investigators in the SCD receive training. See 115.34</p> <p data-bbox="240 1686 1477 1877">(c) The Response Plan and Watch Commander’s Sexual Abuse Response Checklist, August 2021 specify that OSI SCD investigators are immediately contacted when a PREA allegation is received, in accordance with the facility’s response plan/schedule. In accordance with the plan, the first responders ensure evidence is preserved; the OSI SCD investigators complete any evidence gathering required. Interview with the OSI SCD investigators supported that they are and have been immediately contacted regarding all allegations. Additionally, the review of the completed investigations supported this requirement. This plan was recently updated to further streamline this process.</p> <p data-bbox="240 1910 1485 2101">(d) (e)The Office of Special Investigations Policy Manual, 2021 is considered confidential but was provided to the auditor. The auditor reviewed the document and found it supports compliance with this standard. Additionally, polygraph tests are prohibited in accordance with the New York Criminal Procedure Law 160.45 and therefore not used in any aspect of the investigation for sexual abuse or sexual harassment. Review of investigations supported that the credibility of victim, suspect or witness is based on alignment with established facts. This requirement was confirmed by the interview with the investigators.</p> <p data-bbox="240 2134 1414 2161">(f) The Office of Special Investigations Policy Manual is considered exempt from disclosure. The auditor reviewed the</p>

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

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

(i) Directive #4027B Sexual Abuse Reporting & Investigation - Inmate-on-Inmate and Directive #4028B Sexual Abuse Reporting & Investigation -Staff-on-Inmate/Staff-on-Parolee states supports the following: Physical (paper) case records of the Office of Special Investigations will be retained by that office for a minimum of seven years. The electronic case file, including copies of the investigative report and other critical documents, shall be permanently retained. This was confirmed by an interview with the chief investigator at a previous facility audit.

(j) The departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation, as confirmed by the interview with the two investigators. This is further reinforced directly in the letter to the New York State Police Superintendent regarding collaboration with the investigation of potential criminal actions of staff. No investigations reviewed had an incident where the accused left employment during the audit review period. The interview with the investigators also confirmed that the investigation would continue.

(k) Auditor is not required to audit this provision.

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

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

Summary of evidence to support a finding of compliance:

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

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

115.73	Reporting to inmates
	<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 1286 300">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="242 329 1461 790" style="list-style-type: none"> <li data-bbox="242 329 440 358">· Observations <li data-bbox="242 387 560 416">· Interview Superintendent <li data-bbox="242 445 636 474">· Interviews with investigative staff <li data-bbox="242 504 632 533">· Interview with the mailroom staff <li data-bbox="242 562 1461 620">· Memorandum from the Deputy Commissioner/Chief of Office of Special Investigations and Associate Commissioner for PREA Compliance - 5/17/18 RE: Notification of Investigative Determination to Inmates or Parolees/Residents <li data-bbox="242 649 887 678">· Office of Special Investigation Policy Manual (confidential) <li data-bbox="242 707 611 736">· Documentation of notifications <li data-bbox="242 766 826 795">· Documentation of mailroom handling of notifications <p data-bbox="242 824 1485 981">(a) Memorandum from the Deputy Commissioner/Chief of Office of Special Investigations and Associate Commissioner for PREA Compliance - 5/17/18 RE: Notification of Investigative Determination to Inmates or Parolees/Residents. Notifications of the investigations are provided to the Superintendent where the complainant/inmate is currently housed, via a "Notification of Investigation Determination" who in turn notifies the complainant/inmate via Privileged Mail which the complainant/inmate will sign for receipt.</p> <p data-bbox="242 1010 1485 1137">(b) All investigations will conclude with the OSI investigator, who will therefore make the notification. As confirmed in the interviews, notifications are given to the Superintendent who then provides to the ADS - PREA. He indicated he forwards the notification to the incarcerated individual at his current facility via the legal mail process. The interview with the mailroom staff confirmed this process.</p> <p data-bbox="242 1167 1485 1294">(c) (d) (e) (f) The Office of Special Investigations Policy Manual is considered exempt from disclosure. The auditor reviewed the document and found it supports compliance with all requirements of this standard. Accordingly, the investigator ensures that the notification is made either through the Facility Superintendent or in person. The notifications process was confirmed with the interview with the investigators. The Superintendent confirmed that this is required for investigations.</p> <p data-bbox="242 1323 810 1352">Summary of evidence to support a finding of compliance:</p> <p data-bbox="242 1382 1461 1440">Review of the OSI (confidential) Manual, Directives, memos, interview with the Superintendent, investigators and mailroom staff provided sufficient evidence to support a finding of compliance.</p>

115.76	Disciplinary sanctions for staff
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Observations · Directive #2110 – Employee Discipline – Suspension from Duty During the Continuation of Disciplinary Proceedings – 4/17/2020 · Employee Manual · Directive #2111- Report of Employee Misconduct – 9/8/2020 · Memo: Daniel F. Martuscello III, Deputy Commissioner for Administrative Services – 2/5/16 RE: Prison Rape Elimination Act / Presumptive Disciplinary Sanction for Staff Sexual misconduct · Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee 11/29/17 · PAQ · OSI Manual (confidential) <p>The PAQ indicates that no staff have been terminated, none referred to licensing bodies for violating agency sexual abuse and/or sexual harassment policy, zero staff violated agency sexual abuse/sexual harassment policies.</p> <p>(a) Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee 11/29/17 specifically states, Discipline and Prosecution: When investigation substantiates an allegation of sexual abuse and/or inappropriate relationships, it is the Department's policy to refer such incident to the appropriate law enforcement agency or prosecutor, through the Department's Office of Special Investigations, for consideration of criminal charges. Any conduct constituting sexual abuse, sexual harassment, staff voyeurism, inappropriate relationships or any act of retaliation against an incarcerated individual, parolee, or employee for reporting an incident of sexual abuse, sexual harassment, staff voyeurism, inappropriate relationships, or for participating in an investigation involving any of those acts may be the basis for disciplinary action whether or not prosecution or a conviction results.</p> <p>Directive #2110 – Employee Discipline – Suspension from Duty During the Continuation of Disciplinary Proceedings – 4/17/2020, states, When the OSI receives a report of staff sexual misconduct, they shall evaluate the facts and circumstances of the report together with any other available information and consult with the appropriate Bureau of Labor Relations representative regarding appropriate action, including removal of the employee from contact with any incarcerated individuals pending the outcome of an investigation.</p> <p>Employee Manual – Rev. 2019 specially reinforces that any perpetrator of sexual abuse, 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>Directive #2111- Report of Employee Misconduct – 9/8/2020 additionally confirms that staff will be disciplined, noting sanctions up to termination for sexual misconduct.</p> <p>(b) Memo: Daniel F. Martuscello III, Deputy Commissioner for Administrative Services – 2/5/16 RE: Prison Rape Elimination Act / Presumptive Disciplinary Sanction for Staff Sexual misconduct supports that termination is the presumptive disciplinary sanction for staff who have engaged in sexual abuse.</p> <p>(c) 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 and Directive #2111- Report of Employee Misconduct – 1/5/16 supports that disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment are commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.</p> <p>(d) Office of Special Investigations Policy Manual is considered exempt from public disclosure. The auditor reviewed the</p>

document and found that it supports compliance with this standard.

Summary of evidence to support a finding of compliance:

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

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

The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Interviews Superintendent
- Directive #4750, Volunteer Services Program 7/21/2020
- Standards of Conduct For Volunteers Within The New York State Department Of Corrections And Community Supervision
- Memo Commissioner – 9/4/18 Policy on the Prevention of Sexual Abuse and Sexual Harassment of Incarcerated Individuals and Parolees (revised)
- Acknowledgements of Standards of Conduct for Volunteers and All Applicable Policies
- PAQ
- OSI Manual (confidential)
- Interviews with contractual staff
- Interview with volunteer

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 in the previous twelve months. The auditor found no evidence to dispute this statement during the audit process.

(a) (b) 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.

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.”

The auditor observed that volunteers sign an acknowledgment that they have received this information, which confirms they will be held accountable and indicates they understand this. Examples were provided with the pre-audit documentation demonstrating compliance. In addition, as noted, the auditor randomly reviewed three volunteer folders and observed the signed acknowledgement. This acknowledgement is re-issued when the volunteer received refresher orientation.

The interview with the Superintendent confirmed that he is able and willing to and has temporarily suspended volunteers and contractual staff from entering the facility when there was 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.

The interviews with contractual staff and the volunteer confirmed to the auditor that they are appropriately trained and aware that they are subject to disciplinary action including dismissal, referral for criminal prosecution or terminations from providing services for any behavior deemed to be sexually abusive or sexually harassing towards an incarcerated individual.

Summary of evidence to support a finding of compliance:

After analysis of this documentation, policy, and interviews, the auditor finds the standard to be compliance.

Auditor Overall Determination: Meets Standard

Auditor Discussion

The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Observations
- Interviews Superintendent
- Hearing Officer Reference Book April 2017
- Directive #4028A, Sexual Abuse Prevention & Intervention – Staff-on-Inmate/Staff-on-Parolee, 11/29/17
- Directive 4401 Guidance and Counseling, 12/5/2019
- Document showing mental health contact when required
- Directive #4932 – Chapter V, Standards Behavior & Allowances – 10/2/2018
- Directive #4027A, Sexual Abuse Prevention & Intervention – Inmate-on-Inmate – 11/29/17
- PAQ
- Non-Sex Offense Referral Sex Offender Counseling and Treatment Program
- Interview with the Disciplinary Officer
- Directive #4027 Sexual Victimization Prevention & Response, 2/15/2022

The PAQ indicates there have been no administrative findings or criminal findings of inmate-on-inmate sexual abuse. The auditor found no reason to dispute this during the audit process.

(a) Hearing Officer Reference Book (April 2017), The Hearing Officers determine guilt on misconducts received by inmates in accordance with the requirements reflected in Directive #4932 – Chapter V, Standards Behavior & Allowances – 10/2/2018. Category 101 addresses Sex Offenses. 101.10 Sex Offense An inmate shall not engage in or encourage, solicit or attempt to force another to engage in any sexual act. The Hearing Officer Reference Book provides recommended sanction ranges for different categories of sex offenses including forcing or attempting to force another to engage in any sexual act, encouraging or soliciting sexual act; and engaging in asexual act (when there is no Force or coercion). Similar guidance is provided for charges including 101.11 Forcible touching, 101.20 Lewd Conduct, 101.21 Physical Contact, and 101.22 Stalking. Review of the investigations and request for all sexual misconducts for the year yielded no misconducts for sexual abuse, inmate-on-inmate, occurred during the audit review period.

(b) The auditor reviewed the Hearing Officer Reference Book. It provides the guidance for Hearing Officers when imposed disciplinary sanctions on inmate's misconducts. Aggravating and mitigating factors are considered. In accordance with the Handbook, these include age of the inmate, inmate's medical condition, inmate's intellectual capacity, past disciplinary history and record of adjustment, and seriousness of the misconduct. Confinement/sanctions recommendations are based on the severity of the incident and formatted in a table to reflect appropriate graduated sanctions. For the most serious sex offense charge, recommended penalties consider whether the perpetrator used force or coercion, or previously engaged in similar misconduct. This was additionally confirmed during the interview with the Disciplinary Officer.

(c) 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.

Directive #4932 – Chapter V, Standards Behavior & Allowances – Rev. 8/30/18. states, mental state or intellectual capacity. When an inmate's mental state or intellectual capacity is at issue, a Hearing Officer shall consider evidence regarding the inmate's mental condition or intellectual capacity at the time of the incident and at the time of the Hearing in accordance with this Section. The auditor spoke with the Disciplinary Officer during the tour. He confirmed that mental health review is automatically required for an incarcerated individual who has a mental illness and showed the auditor on the hearing documents how this occurs.

The auditor interviewed the Disciplinary Officer during the onsite visit. He confirmed that mental health needs are addressed for all major disciplinary hearings. He indicated to the auditor that on the hearing reports that mental health is automatically

added as a witness, and they have to be consulted before rendering a decision/sanctions. The auditor observed this on the disciplinary report at a prior audit.

(d) Sex Offender Counseling and Treatment Program Guideline – December 2019 verifies that an inmate is eligible for treatment if found guilty of sexual abuse while incarcerated. The inmate will be referred to this program. Directive 4401 Guidance and Counseling, 12/5/2019 addresses treatment services, including sex offender treatment programs, available for incarcerated individuals in NYSDOCCS. It indicates that this will include guilty findings at a tier hearing per Inmate Standards of Behavior for any sexually abusive and/or assaultive act. Failure to participate can and will prevent an inmate from release.

Directive #4027 Sexual Victimization Prevention & Response, 2/15/2022 states, Upon learning that an incarcerated individual has a history of committing an act of sexual abuse against another incarcerated individual, including, but not limited to, a finding of guilt of a Tier disposition per the Incarcerated Individual Rule Series 101 for a sex offense, penal law offense of a sexual nature, or attempt thereof while incarcerated, the Offender Rehabilitation Coordinator (ORC) shall complete a referral to Central Office Guidance for evaluation for the Sex Offender Counseling and Treatment Program (SOCTP) and Form #3150, "DOCCS - Mental Health Referral," for consideration by OMH for other appropriate mental health treatment to address sexual offending behavior.

(e) Directive #4028A, Sexual Abuse Prevention & Intervention – Staff-on-Inmate/Staff-on-Parolee, 11/29/17 supports that the agency disciplines inmates for sexual conduct with staff only upon finding that the staff member did not consent to such contact. This was confirmed by the disciplinary officer at the facility. Review of investigations and the requested misconducts led the auditor to conclude that there has been no incident of sexual contact with a staff member.

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

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

Summary of evidence to support a finding of compliance:

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

115.81	Medical and mental health screenings; history of sexual abuse
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 208 451 237">Auditor Discussion</p> <p data-bbox="240 271 1286 300">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="240 329 1233 987" style="list-style-type: none"> <li data-bbox="240 329 440 358">· Observations <li data-bbox="240 387 884 416">· Interview staff responsible for conducting risk assessment <li data-bbox="240 445 716 474">· Interview medical and mental health staff <li data-bbox="240 504 740 533">· Documents showing mental health referrals <li data-bbox="240 562 852 591">· HSPM 1.44 – Health Screening of Inmates - 7/26/2018 <li data-bbox="240 620 660 649">· Facility PREA Risk Screening FOM <li data-bbox="240 678 1233 707">· Directive #4301 – Mental Health Satellite Services and Commitments to CNYPC – 6/10/2020 <li data-bbox="240 736 647 766">· Mental Health Referral Form 3150 <li data-bbox="240 795 708 824">· Completed Mental Health Referral Form <li data-bbox="240 853 823 882">· Form 3278, PREA Screening (completed by an RN) <li data-bbox="240 911 419 940">· OMH MOU <li data-bbox="240 969 355 999">· PAQ <p data-bbox="240 1016 1489 1113">The PAQ indicates that 100% of incarcerated individuals who disclosed prior victimization during screening who were offered a follow up meeting with medical/mental health practitioner, 100% of incarcerated individuals who disclosed previously perpetrated sexual abuse during screening who were offered a follow up meeting with medical/mental health practitioner.</p> <p data-bbox="240 1142 1497 1603">(a) HSPM 1.44 – Health Screening of Inmates - 7/26/2018 addresses information received related to sexual victimization or abusiveness. It states, upon arrival at a DOCCS facility, every newly received or transferred inmate, including inmates being moved from an owning correctional facility to the same correctional facility Special Housing Unit (SHU), SHU200, or separate keep lock unit, will receive a health screening by a Registered Nurse (RN). This screening will include an inquiry into the inmate’s current and past health, mental health, and PREA history and immediate referral of any inmate to a health provider if indicated. In accordance with the National Prison Rape Elimination Act (PREA) Standards, 28 C.F.R. 115.81, any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law. Medical and mental health practitioners shall obtain informed consent (HIPAA release) from incarcerated individuals before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the incarcerated individual is under the age of 18. As above, informed consent/HIPAA release is not required for a referral to the Office of Mental Health. PREA Screening Form directs the screener to forward a copy of the form directly to Mental Health to serve as the Mental Health Referral Form. The Mental Health Referral has a check box Staff can also submit a referral form.</p> <p data-bbox="240 1612 1469 1671">Completion of the referral is noted on the bottom of the form by mental health staff. The auditor received documentation of this process.</p> <p data-bbox="240 1702 1481 1827">Coxsackie Correctional Facility PREA Risk Screening FOM indicates, if during the screening process, it is determined that the incarcerated individual previously disclosed sexual victimization or perpetrated sexual abuse whether in an institutional setting or in the community, the Sergeant shall offer to refer the incarcerated individual to OMH. The Watch Commander will be notified of the referral.</p> <p data-bbox="240 1859 1485 1984">Directive #4301 – Mental Health Satellite Services and Commitments to CNYPC – 6/10/2020, Mental Health Referral Form 3150 supports those referrals received will be addressed within fourteen days. The Facility Operations Manual for Coxsackie Correctional Facility, PREA Risk Screening both describe the specific steps needed to ensure a referral is made at this facility.</p> <p data-bbox="240 2016 596 2045">(c) The facility is a prison, not a jail.</p> <p data-bbox="240 2076 1493 2134">(d) (e) HSPM 1.44 – Health Screening of Inmates - 7/26/2018 states that any information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners and other staff</p>

as necessary to inform treatment plans and security management decisions, including housing, bed, work, education and program assignments, or as otherwise required by Federal, State, or local law. It also requires medical and mental health practitioners to obtain informed consent from incarcerated individuals before reporting information about prior sexual victimization that did not occur in an institutional setting unless the incarcerated individual is under the age of 18. The PREA Screening Form also notes an area for reports of sexual victimization that occurred outside the institutional setting. It includes a place for consent by the incarcerated individual. This was confirmed with the interview with the Director of Nursing.

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. This was confirmed with the interview with the Director of Nursing and Mental Health Director.

Summary of evidence to support a finding of compliance:

The PAQ notes the 100% of incarcerated individuals who disclosed prior victimization during screening were offered a follow-up meeting with medical or mental health, and 100% of incarcerated individuals who have previously perpetrated sexual abuse during the screening were offered a follow-up meeting with a mental health practitioner. The auditor finds this credible based on the process for intake. Review of the randomly reviewed risk assessments supported that the procedure as established by this Agency is being followed. Policy, written authority, interviews with medical staff and 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.

115.82	Access to emergency medical and mental health services
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Directive #4027 Sexual Victimization Prevention & Response, 2/15/2022 · Observations made during the tour · Interviews with the Nursing Supervisor and Mental Health Director · Documentation of medical evaluation related to PREA allegation · HSPM 1.60 - Sexual Assault – 10/25/17 · Facility Coordinated Response FOM · New York Public Health Law § 2807-c <p>Directive #4027 Sexual Victimization Prevention & Response, 2/15/2022 states, Medical and Mental Health Care 1. Access to emergency medical and mental health services (PREA Standard 115.82/282). a. All reports of sexual abuse must be medically assessed immediately at the facility or by an outside hospital emergency department, regardless of whether or not the allegation has been independently verified prior to the victim’s presentation for treatment (see Health Services Policy Manual, Section 1.60). b. If no qualified medical and mental health practitioners are on duty at the time a report of recent abuse is made, the Watch Commander will ensure that security staff first responders take preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners pursuant to the facility specific Coordinated Response to Reports of Sexual Victimization FOM and shall document the action taken on Form #4027WC (see SVPPM, Section 115.65). c. Incarcerated victims of sexual abuse shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis per Health Services Policy Manual, Sections 1.12B and 1.60. NO. 4027, Sexual Victimization Prevention & Response d. Treatment services shall be provided to the victim without financial liability and regardless of whether or not the victim cooperates in any investigation arising from the incident as set forth in Health Services Policy Manual, Section 1.60.</p> <p>(a) (b) (c) The Facility Coordinated Response Plan FOM, HSPM 1.60 Sexual Assault and the New York Public Health Law support that inmates will receive timely, unimpeded access to emergency medical treatment and crisis intervention services. First responders will ensure medical and mental health staff are notified. These documents support that incarcerated individual victims of sexual abuse are offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis and treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation. The MOU with OMH supports that mental health staff will evaluate and treat victims. The interview with the Nurse Administrator and Mental Health Unit Chief 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 five days a week and crisis intervention are available 24/7. This crisis intervention may occur through a video evaluation or transport to the nearest facility for services. Interviews with medical staff, the Superintendent and ADS PREA support that victims will receive immediate unimpeded access to emergency medical care in accordance with professionally accepted standards of care. Post Exposure prophylactic needs will be immediately evaluated prior to sending the victim to the hospital, in accordance with the HSPM 1.12B Inmate Bloodborne Pathogens Significant Exposure Protocol. A List of SANE/SAFE hospitals is maintained with Health Services and the Watch Commander. This was viewed in the Coordinated Response Plan during the on-site audit. Medical documentation was provided with the pre-audit documentation demonstrating a medical evaluation occurring after a PREA allegation. Policy supports that services will be at no cost to the incarcerated individual.</p> <p>Summary of evidence to support a finding of compliance:</p> <p>Policy and interviews with medical and mental health staff support the requirements of the standard. Review of the Coordinated Response Plan and documentation demonstrating a medical evaluation post PREA allegation provided further evidence of compliance. The auditor finds there is sufficient evidence to support a finding of compliance.</p>

115.83	Ongoing medical and mental health care for sexual abuse victims and abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Directive #4027 Sexual Victimization Prevention & Response, 2/15/2022
- Interviews medical and mental health staff
- HSPM 1.60 - Sexual Assault – 10/25/17
- HSPM 1.12B Inmate Bloodborne Pathogens Significant Exposure Protocol – 10/25/17
- Facility Coordinated Response FOM
- Directive #4401 Guidance and Counseling addresses treatment services available for incarcerated individuals at NYSDOCCS.
- HSPM 1.60 - Sexual Assault – 10/25/17
- New York Public Health Law § 2807-c
- OMH MOU

Directive #4027 Sexual Victimization Prevention & Response, 2/15/2022 states, Ongoing medical and mental health care for sexual abuse victims and abusers The facility shall offer medical and mental health evaluations and, as appropriate, treatment to all incarcerated individuals who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. b. The evaluation and treatment, as appropriate, will include follow-up services, treatment plans, and, when necessary, continuing care upon transfer or release. c. Incarcerated victims of sexual abuse will be provided with ongoing medical and mental health services consistent with the community standard of care, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. (1) Medical Care shall be in accordance with applicable sections of the Health Services Policy Manual. (2) Mental Health Services shall be in accordance with the current Memorandum of Understanding between DOCCS and the Office of Mental Health (OMH), and in accordance with policy promulgated by OMH. d. Upon learning that an incarcerated individual has a history of committing an act of sexual abuse against another incarcerated individual, including, but not limited to, a finding of guilt of a Tier disposition per the Incarcerated Individual Rule Series 101 for a sex offense, penal law offense of a sexual nature, or attempt thereof while incarcerated, the Offender Rehabilitation Coordinator (ORC) shall complete a referral to Central Office Guidance for evaluation for the Sex Offender Counseling and Treatment Program (SOCTP) and Form #3150, "DOCCS - Mental Health Referral," for consideration by OMH for other appropriate mental health treatment to address sexual offending behavior.

(a) (b) (c) HSPM 1.60 - Sexual Assault – 10/25/17 and Office of Mental Health Memorandum of Understanding 9/14/16 confirms compliance with the requirement that all victims will be provided with ongoing medical and mental health services consistent with community standards. It states, treatment will include follow-up services, treatment plans, and if needed, continuing care upon release. The interview with medical and mental health staff confirmed they believe the care provided is consistent with community standards.

(d) (e) These requirements are not applicable to this facility as it houses all males, no transgender males.

(f) HSPM 1.60 - Sexual Assault – 10/25/17, HSPM 1.12B Inmate Bloodborne Pathogens Significant Exposure Protocol – 10/25/17 confirms that a victim will be offered appropriate tests for sexually transmitted infections, in accordance with medically established timeframes.

(g) HSPM 1.60 - Sexual Assault – 10/25/17 supports that medical treatment will be without cost to the victim, regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

(h) 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.

Summary of evidence to support a finding of compliance:

Policies noted above, interviews with the medical staff, mental health staff, support a finding of compliance.

Auditor Overall Determination: Meets Standard

Auditor Discussion

The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Directive #4027 Sexual Victimization Prevention & Response, 2/15/2022
- Sexual Victimization Prevention Policy Manual: Data Collection and Review
- Memo: Deputy Commissioner and Associate Commissioner - 5/9/14 RE: Prison Rape Elimination Act Procedural Enhancements Sexual Abuse Response and Containment Checklist; Sexual Abuse Incident Reviews and Security Staffing Audits
- Sexual Abuse Incident Review Checklist – 9/17/2020
- Completed Sexual Abuse Incident Reviews – three total
- Observations
- Interviews Superintendent
- Interviews ADS PREA
- Interview Incident Review Team Member
- PAQ

The PAQ indicates that in the past 12 months, there were six criminal and/or administrative investigations of alleged sexual abuse completed at the facility, excluding only "unfounded" incidents.

Directive #4027 Sexual Victimization Prevention & Response, 2/15/2022 Sexual Abuse Incident Reviews states, 1. Each facility is required to conduct a sexual abuse incident review within 30 days of the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. In furtherance of that mandate, OSI will develop the necessary investigative documentation in order to facilitate the completion of those incident reviews. 2. At the conclusion of any PREA reportable substantiated or unsubstantiated investigation, OSI will submit the necessary Sexual Abuse Incident Review Information (SAIRI) to SAPEO. SAPEO will forward an incident review packet to the Superintendent, ADS PCM, and the designated PPP with instructions to conduct the incident review and report back to SAPEO with any findings and recommendations. 3. OSI will also provide SAPEO with the relevant incident review information for any substantiated non-PREA reportable unauthorized relationship investigations. Such incidents present significant security threats. Accordingly, these acts of misconduct are included in the incident review process with the goal of identifying policy and operational improvements that will help detect and prevent unauthorized relationships.

Below is a summary of the SVPPM:

Sexual Victimization Prevention Policy Manual: Data Collection and Review, Sexual Abuse Incident Reviews 2/15/2022

Policy: A Sexual Abuse Incident Review (SAIR) must be completed for reported allegations that fall within the definition of sexual abuse for all incidents that are substantiated or unsubstantiated.

Procedure:

Initial review:

- Within 30 days of receiving a report, the ADS shall obtain documentation relevant to the initial handling of the report.
- The ADS shall verify appropriate steps were taken
- Identification and initiation of corrective action will be taken

Review – will be completed within 30 days of the conclusions of the investigation unless it is deemed unfounded.

Review team shall include upper-level management officials with input from the Sex Crimes Unit, area sergeant, Crisis Intervention Unit, Health Services, Office of Mental Health and others deemed appropriate.

Using the Sexual Abuse Incident Review Checklist, the review team shall:

Examine whether policies were followed and whether they need to change policy or practice to better prevent, detect, and respond. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility; Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; Assess the adequacy of staffing levels in that area during different shifts; Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and (complete the Sexual Abuse Incident Checklist).

Implementation of recommendations or reasons for not doing so. An Incident Review Tracking Sheet shall be used for each calendar year documenting corrective action and completion.

A SAIR will be completed for all substantiated unauthorized relationships.

(a) (b) (c) (d) (e) Memo: from Joseph F. Bellnier, Deputy Commissioner and Jason D. Effman, Associate Commissioner - 5/9/14 RE: Prison Rape Elimination Act Procedural Enhancements Sexual Abuse Response and Containment Checklist; Sexual Abuse Incident Reviews and Security Staffing Audits and the Sexual Abuse Incident Review Checklist – 9/17/2020 addresses the requirements of the standard as follows: Sexual Abuse incident reviews are required, a form has been developed which captures the review and any recommendations of the review team.

The Sexual Abuse Incident Review Checklist – 9/17/2020 is a 6-page form which addresses and requires assessment with all requirements of the standard. Three incident reviews were provided with the pre-audit documentation. The auditor notes the following: reviews are conducted by the Assistant Deputy Superintendent (PREA Compliance Manager), PREA Point Person/Captain, CIU member, medical and mental health staff and a sergeant; the review was completed within 30 days of the conclusion of the investigation unless determined to be unfounded; and the review included a section for additional findings, observation and recommendations. The review addressed all of the requirements of the standard and provisions. Recommendations for one review included additional cameras; the auditor observed the cameras during the onsite audit.

Interviews with the Superintendent, ADS PREA and PREA Point Person confirm that incident reviews are completed for each investigation, as indicated by the standard provisions, except those deemed unfounded.

The updated written authority, requiring a review of the incident 30 days after the report, enhances the effectiveness of the review prior to the conclusion of the audit, allowing the facility to implement changes earlier.

Summary of evidence to support a finding of compliance:

Written authority, the established format, interviews with the staff that complete the incident reviews in addition to review of completed reviews all provided ample evidence for this standard to be deemed compliant.

115.87	Data collection
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Sexual Victimization Prevention Policy Manual: Data Collection and Review · Directive #4027B, Sexual Abuse Reporting & Investigation Inmate-on-Inmate, · Directive #4028B, Sexual Abuse Reporting & Investigation Staff-on-Inmate/Staff-on-Parolee · Office of Program Planning Research and Evaluation – PREA Data Collection, Review, Retention and Publication Manual · Data Dictionary · Facility Specific Form 2103SAIL and 2103SASI · Observations · Interview ADS PREA · Sexual Victimization Prevention Policy Manual: Introduction - Definitions used for collecting data · Completed SSV 2019 · Interview with the PREA Coordinator · Annual Report on Sexual Victimization April 2022 <p>(a) (b) (c) Below is a summary of the SVPPM:</p> <p>Sexual Victimization Prevention Policy Manual: Introduction provides the standardized definitions for collection of data; they are based on the definitions included in 115.6.</p> <p>Sexual Victimization Prevention Policy Manual: Data Collection and Review</p> <p>Policy: Procedures for data collection, review, storage and reporting of sexual abuse data.</p> <p>Procedure:</p> <p>Collection of uniform data for every allegation.</p> <ul style="list-style-type: none"> · The PREA Analyst conducts preliminary reviews of Sex Crimes Division allegations weekly and organizes into five categories of sexual victimization. · The PREA Research Analyst utilized the definition of “sexual abuse” or “sexual harassment” as defined by the standards. · Data is reviewed and amended throughout the year <p>Data includes all necessary information to answer all questions from the Survey of Sexual Victimization (SSV).</p> <p>Yearly, upon request by the DOJ, DOCCS shall provide data requested by the deadline specified.</p> <p>OSI Sex Crimes Division retains control and retention of all investigation files; the PREA Analyst maintains separate incident-based data from all available incident-based documents and ensures it is securely retained.</p> <p>Directive #4027B, Sexual Abuse Reporting & Investigation Inmate-on-Inmate, Directive #4028B, Sexual Abuse Reporting & Investigation Staff-on-Inmate/Staff-on-Parolee, Office of Program Planning Research and Evaluation – PREA Data Collection, Review, Retention and Publication Manual support that the facility will maintain monthly sexual abuse/threat incident summaries which are forwarded to the Deputy Commissioner for Correctional Facilities and the Associate Commissioner for Prison Rape Elimination Act (PREA). This provides information that can address the Survey of Sexual Victimization if requested from the Bureau of Justice Statistics. The information is used for the Agency report. An example of this monthly report specific to Coxsackie Correctional Facility was provided with the pre-audit documentation.</p> <p>(d) Office of Program Planning Research and Evaluation supports that the data base is set up to capture agency data from</p>

all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. It describes the process for data collection, review, storage and reporting of sexual abuse data.

(e) Documentation was provided demonstrating that information from the private agencies is incorporated into the agency data base and therefore included. A separate area of the Annual Report provides statistics on community based residential program sites.

(f) The agency provided documentation indicating receipt of the Survey of Sexual Victimization from the DOJ for data dated November 2019.

The PREA Coordinator confirmed the following: "The agency does review data collected and aggregated pursuant to 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies and training. There is a Program Research Specialist 3 in our Program Planning Research and Evaluation Department who is dedicated to PREA matters. All of her raw data files and her final reports are stored in restricted drives set up by the State Office of Information Technology Services (ITS). Her paper records are all stored in locked file cabinets. My copies of the final data reports and other ad hoc reports are stored in my locked office. I review both regular and ad hoc reports produced by Research for me. Our Office of Special Investigations and I work closely with the PREA Program Research Specialist 3 to monitor trends. We continue to adjust our prevention strategies based on our analysis of the data. For 2021, I initiated a new report that is provided on a monthly basis to our Superintendents. This report includes a year-to-date breakdown of complaints of sexual abuse, sexual harassment and unauthorized relationships for each facility. This allows facility leadership to more closely monitor trends and be responsive. We prepare and publish an annual report of the allegations of sexual abuse and sexual harassment as reported to the Department, including information concerning reports at each facility. The Report addresses facility-specific and Department-wide corrective action. As an addendum to the report, DOCCS publishes aggregated sexual abuse data from facilities under its direct control and private facilities with which the agency contracts. We have not redacted any material. Our annual report does not provide case specific information and only aggregated data is presented to avoid identifying any individual or confidential information."

Summary of evidence to support a finding of compliance:

As stated above, the policies, retention schedule, review of the data gathering operation, interview with the PREA Coordinator and Assistant Deputy Superintendent PREA Compliance Manager all demonstrate that the requirements of this standard are addressed and therefore the standard is deemed to be compliant. There is a report available on the webpage for the agency that provides an in-depth analysis for the years 2014-2018. It includes aggregated data for 2019 and was completed and published April 2022.

115.88	Data review for corrective action
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 1286 297">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="240 331 1437 790" style="list-style-type: none"> · Sexual Victimization Prevention Policy Manual: Data Collection and Review · Observations · Interviews A/Commissioner · Interview PREA Coordinator/Associate Commissioner · Interview ADS PREA · Link to website · Annual Report on Sexual Victimization April 2022 · Office of Program Planning Research and Evaluation – PREA Data Collection, Review, Retention and Publication Manual <p data-bbox="240 824 600 851">Below is a summary of the SVPPM:</p> <p data-bbox="240 884 995 911">Sexual Victimization Prevention Policy Manual: Data Collection and Review</p> <p data-bbox="240 945 1437 999">Policy: The Department will review data collected and aggregated as indicated in SVPPM 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection and response policies, practices and training.</p> <p data-bbox="240 1032 355 1059">Procedure:</p> <p data-bbox="240 1093 1469 1146">Data Review – Data is collected and reviewed by the review team: Associate Commissioner for PREA, the Deputy Chief of Investigations of the Sex Crimes Division, the Director of PREA Compliance and the PREA Analyst who meet annually</p> <p data-bbox="240 1180 1477 1373">Review for Corrective Action – Data collected is collected for the report which includes a comparison of allegations of sexual abuse and sexual harassment over a five-year period. This includes identification of problem areas, and corrective actions taken for each facility and the agency as a whole, the report avoids disclosure of personal identifying information or material which would present a clear and specific threat to the safety and security of any facility or the Department. The report is prepared by the Associate Commission for PREA for approval by the commissioner. Once approved, it is published and made available to the public through the Department’s website</p> <p data-bbox="240 1406 1493 1731">(a) (b) (c) (d) Office of Program Planning Research and Evaluation – PREA Data Collection, Review, Retention and Publication Manual requires the PREA Analyst to prepare an aggregate data collected in order to assess and improve the effectiveness of its sexual abuse and sexual harassment prevention program. An annual report is prepared which compares the statistics from each year, compares the data and action plans and assesses the program towards prevention. There are no personal identifiers in the report, as required by the manual. Information that may present a clear and specific threat to the safety and security of a facility can be redacted; however, an explanation of the contents would be provided. This report is available on the NYSDOCCS website and complies with the requirements of this standard. The auditor reviewed the annual reports which analyzed the data for 2014 to 2018. Aggregated data for 2019 is additionally available. It is twenty-three (23) pages. Problem areas are identified, an analysis of corrective action is provided. It is approved by the A/Commissioner and the PREA Coordinator (noted on the document as well as indicated in their interviews).</p> <p data-bbox="240 1765 1445 1854">Additionally, the interview with the ADS PREA supports that monthly reports are maintained and sent to central office for current analysis and notation of any trends occurring. This data accumulated as additional monthly information is added. Examples were provided with the pre-audit documentation.</p> <p data-bbox="240 1888 1477 2145">The interview with the A/Commissioner confirmed the following: “Incident-based data is primarily used to identify facilities or locations within facilities that have recurring reports of abuse. Our Research office has a researcher dedicated to work full-time on PREA matters. She works directly with the Associate Commissioner/PREA Coordinator in an effort to identify patterns and trends including common characteristics of victim prone incarcerated individuals, common characteristics of incarcerated individuals abusers, and any other trends that may be addressed through training or policy changes. The data also plays a key role in keeping the Department’s training on sexual abuse prevention and response current. He confirmed he approved the annual reports.” Additionally, the Associate Commissioner, PREA Coordinator stated, “ There is a Program Research Specialist 3 in our Program Planning Research and Evaluation department who is dedicated to PREA matters. All</p>

of her raw data files and her final reports are stored in restricted drives set up by the State Office of Information Technology Services (ITS). Her paper records are all stored in locked file cabinets. My copies of the final data reports and other ad hoc reports are stored in my locked office. . . I review both regular and ad hoc reports produced by Research for me. Our Office of Special Investigations and I work closely with the PREA Program Research Specialist 3 to monitor trends. We continue to adjust our prevention strategies based on our analysis of the data. For 2021, I initiated a new report that is provided on a monthly basis to our Superintendents. This report includes a year-to-date breakdown of complaints of sexual abuse, sexual harassment and unauthorized relationships for each facility. This allows facility leadership to more closely monitor trends and be responsive. We prepare and publish an annual report of the allegations of sexual abuse and sexual harassment as reported to the Department, including information concerning reports at each facility. The Report addresses facility-specific and Department-wide corrective action. As an addendum to the report, DOCCS publishes aggregated sexual abuse data from facilities under its direct control and private facilities with which the agency contracts. The latest report was published on April 4, 2022. It includes an analysis of five years of data through 2019, as publishes the 2020 aggregate data. We have not redacted any material. Our annual report does not provide case specific information and only aggregated data is presented to avoid identifying any individual or confidential information.”

Annual Report on Sexual Victimization April 2022 supports the information provided in the interview with the PREA Coordinator.

- Vision and mission
- Allegations of Sexual Abuse and Sexual Harassment
- Resulting Determinations
- Substantiated Allegations
- Review for Corrective Action

No information required redaction.

Summary of evidence to support a finding of compliance:

For these reasons, the auditor finds the standard compliant. The interview with the PREA Coordinator confirmed that a Program Research Specialist in the Program Planning Research and Evaluation department is dedicated to PREA matters. This person is able to monitor trends and communicate directly with the PREA Coordinator to adjust prevention strategies. As indicated above, this was supported by the written responses for the interview with the A/Commissioner. The Annual Report on Sexual Victimization April 2022 is a comprehensive analysis of the data and is available on the agency website.

115.89	Data storage, publication, and destruction
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Sexual Victimization Prevention Policy Manual: Data Collection and Review · Office of Program Planning Research and Evaluation – PREA Data Collection, Review, Retention and Publication Manual · Observations · Interviews PREA Coordinator · Documentation that it is on the website · Historical data since 2012 · Interview with the A/Commissioner <p>(a)(b) (c) (d) Below is a summary of the SVPPM:</p> <p>Sexual Victimization Prevention Policy Manual: Data Collection and Review</p> <p>Policy: Department will ensure all data collected is stored, published and retained in accordance with PREA Standard 115.89.</p> <p>Procedure:</p> <p>The annual report is available at About PREA Department of Corrections and Community Supervision (ny.gov) (https://doocs.ny.gov/about-prea#annual-reports)</p> <p>The Department will maintain the sexual abuse data collected for at least 10 years after the date of the initial collection.</p> <p>Office of Program Planning Research and Evaluation – PREA Data Collection, Review, Retention and Publication Manual states that the information is securely retained by the Office of Special Investigations, retained for ten years after the date of the initial collection, personal identifiers are removed before publishing on the website. Interview with the Investigators and PREA Coordinator supported that investigations are securely retained. The auditor viewed where sexual abuse/sexual harassment data is retained at the facility. No personal identifiers required redaction on the published data. The Associate Commissioner confirmed the following: "There is a Program Research Specialist 3 in our Program Planning Research and Evaluation department who is dedicated to PREA matters. All of her raw data files and her final reports are stored in restricted drives set up by the State Office of Information Technology Services (ITS). Her paper records are all stored in locked file cabinets. My copies of the final data reports and other ad hoc reports are stored in my locked office."</p> <p>Based on the above, the auditor finds this standard to be in compliance.</p>

115.401	Frequency and scope of audits
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 1485 331">Posters announcing the audit were visible throughout the facility on blue paper. They indicated the following: THIS AGENCY IS BEING AUDITED FOR PRISON RAPE ELIMINATION ACT COMPLIANCE</p> <ul data-bbox="240 338 1477 499" style="list-style-type: none"> <li data-bbox="240 338 999 365">• The American Correctional Association is a private, non-profit organization <li data-bbox="240 371 1477 432">• Coxsackie Correctional Facility is voluntarily undergoing an audit to demonstrate its compliance with nationally established standards <li data-bbox="240 439 1201 465">• The PREA standards compliance audit of this agency will be conducted on 13 - 15 June, 2022. <li data-bbox="240 472 1409 533">• Any person with information relevant to this compliance audit may confidentially* correspond with the auditor via the following address: <p data-bbox="240 539 595 667">Amy J. Fairbanks, PREA Auditor 3105 S. Martin Luther King Jr. Blvd #236 Lansing, MI 48910</p> <p data-bbox="240 674 1489 763">*CONFIDENTIALITY – All correspondence and disclosures during interviews with the designated auditor are confidential and will not be disclosed unless required by law. There are exceptions when confidentiality must be legally broken. Exceptions include, but are not limited to</p> <p data-bbox="240 770 376 797">the following:</p> <ul data-bbox="240 804 1123 931" style="list-style-type: none"> <li data-bbox="240 804 1123 831">• if the person is an immediate danger to her/himself or others (e.g. suicide or homicide); <li data-bbox="240 837 900 864">• allegations of suspected of child abuse, neglect or maltreatment; <li data-bbox="240 871 1123 931">• in legal proceedings where information has been subpoenaed by a court of appropriate jurisdiction <p data-bbox="240 960 1002 987">Private interviews were conducted with all staff and incarcerated individuals.</p> <p data-bbox="240 1016 1473 1077">The auditor was allowed free access to all areas of the facility, access to interview inmates and staff selected randomly and intentionally, and to see or retain any documentation requested.</p>

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Review of the agency website reveals 129 PREA audit reports posted.

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.)	na
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.)	na

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.)	yes
115.18 (a)	Upgrades to facilities and technologies	
	If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)	yes
115.18 (b)	Upgrades to facilities and technologies	
	If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)	yes
115.21 (a)	Evidence protocol and forensic medical examinations	
	If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
115.21 (b)	Evidence protocol and forensic medical examinations	
	Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
	Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes

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

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

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

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

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

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

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

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

115.43 (b)	Protective Custody	
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible?	yes
	If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	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.)	na
115.51 (c)	Inmate reporting	
	Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Does staff promptly document any verbal reports of sexual abuse and sexual harassment?	yes
115.51 (d)	Inmate reporting	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?	yes
115.52 (a)	Exhaustion of administrative remedies	
	Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse.	yes
115.52 (b)	Exhaustion of administrative remedies	
	Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)	na
	Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.)	na
115.52 (c)	Exhaustion of administrative remedies	
	Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	na
	Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	na

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

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

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

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

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

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

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

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

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

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

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

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

115.401 (b)	Frequency and scope of audits	
	Is this the first year of the current audit cycle? (Note: a "no" response does not impact overall compliance with this standard.)	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.)	no
	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