

PREA Facility Audit Report: Final

Name of Facility: Albion Correctional Facility

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 06/14/2023

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input 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 type="checkbox"/>
Auditor Full Name as Signed: Amy J Fairbanks	Date of Signature: 06/14/ 2023

AUDITOR INFORMATION	
Auditor name:	Fairbanks, Amy
Email:	fairbaa@comcast.net
Start Date of On-Site Audit:	05/08/2023
End Date of On-Site Audit:	05/10/2023

FACILITY INFORMATION	
Facility name:	Albion Correctional Facility
Facility physical address:	3595 State School Rd, Albion, New York - 14411
Facility mailing address:	

Primary Contact	
Name:	Elizabeth Maldonado
Email Address:	elizabeth.maldonado@doccs.ny.gov
Telephone Number:	585-589-5511 Ext. 21

Warden/Jail Administrator/Sheriff/Director	
Name:	Susan Squires
Email Address:	susan.squires@doccs.ny.gov
Telephone Number:	585-589-5511 Ext. 20

Facility PREA Compliance Manager	
Name:	Elizabeth Maldonado
Email Address:	elizabeth.maldonado@doccs.ny.gov
Telephone Number:	

Facility Health Service Administrator On-site	
Name:	Mary Ellen Klein
Email Address:	Klein, Maryellen E (DOCCS)
Telephone Number:	585-589-5511 Ext. 61

Facility Characteristics	
Designed facility capacity:	1077
Current population of facility:	428
Average daily population for the past 12 months:	390
Has the facility been over capacity at any point in the past 12 months?	No

Which population(s) does the facility hold?	Females
Age range of population:	18-70
Facility security levels/inmate custody levels:	Medium & Minimum
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	592
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	264
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	103

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
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Facility AUDIT FINDINGS

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:

16	<ul style="list-style-type: none"> • 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 • 115.31 - Employee training • 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 • 115.51 - Inmate reporting
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	<ul style="list-style-type: none"> • 115.53 - Inmate access to outside confidential support services • 115.67 - Agency protection against retaliation • 115.71 - Criminal and administrative agency investigations • 115.73 - Reporting to inmates • 115.86 - Sexual abuse incident reviews
Number of standards met:	
29	
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:	2023-05-08
2. End date of the onsite portion of the audit:	2023-05-10

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:	JDI, RESTORE, Unity House

AUDITED FACILITY INFORMATION

14. Designated facility capacity:	1077
15. Average daily population for the past 12 months:	390
16. Number of inmate/resident/detainee housing units:	32
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:	438
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:	8
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:	42
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:	103

<p>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:</p>	<p>10</p>
<p>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:</p>	<p>10</p>
<p>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:</p>	<p>19</p>
<p>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:</p>	<p>0</p>
<p>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):</p>	<p>No text provided.</p>
<p>Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit</p>	
<p>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:</p>	<p>592</p>
<p>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:</p>	<p>34</p>

<p>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:</p>	<p>10</p>
<p>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:</p>	<p>No text provided.</p>
<p>INTERVIEWS</p>	
<p>Inmate/Resident/Detainee Interviews</p>	
<p>Random Inmate/Resident/Detainee Interviews</p>	
<p>53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:</p>	<p>13</p>
<p>54. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)</p>	<p> <input checked="" type="checkbox"/> Age <input checked="" type="checkbox"/> Race <input checked="" type="checkbox"/> Ethnicity (e.g., Hispanic, Non-Hispanic) <input checked="" type="checkbox"/> Length of time in the facility <input checked="" type="checkbox"/> Housing assignment <input checked="" type="checkbox"/> Gender <input type="checkbox"/> Other <input type="checkbox"/> None </p>
<p>55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?</p>	<p>Selection based off a list of incarcerated individuals at this facility the day of the audit.</p>
<p>56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?</p>	<p> <input checked="" type="radio"/> Yes <input type="radio"/> No </p>

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:	21
<p>As stated in the PREA Auditor Handbook, the breakdown of targeted interviews is intended to guide auditors in interviewing the appropriate cross-section of inmates/residents/detainees who are the most vulnerable to sexual abuse and sexual harassment. When completing questions regarding targeted inmate/resident/detainee interviews below, remember that an interview with one inmate/resident/detainee may satisfy multiple targeted interview requirements. These questions are asking about the number of interviews conducted using the targeted inmate/resident/detainee protocols. For example, if an auditor interviews an inmate who has a physical disability, is being held in segregated housing due to risk of sexual victimization, and disclosed prior sexual victimization, that interview would be included in the totals for each of those questions. Therefore, in most cases, the sum of all the following responses to the targeted inmate/resident/detainee interview categories will exceed the total number of targeted inmates/residents/detainees who were interviewed. If a particular targeted population is not applicable in the audited facility, enter "0".</p>	
60. Enter the total number of interviews conducted with inmates/residents/detainees with a physical disability using the "Disabled and Limited English Proficient Inmates" protocol:	2
61. Enter the total number of interviews conducted with inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) using the "Disabled and Limited English Proficient Inmates" protocol:	3
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:	0

<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 is another facility that houses incarcerated individuals with sensorial needs, so it is credible that there are no blind incarcerated individuals here as they would be transferred to that facility.</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 is another facility that houses incarcerated individuals with sensorial needs, so it is credible that there are no deaf or HofH incarcerated individuals here as they would be transferred to that facility.</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>2</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>4</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>3</p>
<p>67. Enter the total number of interviews conducted with inmates/residents/detainees who reported sexual abuse in this facility using the "Inmates who Reported a Sexual Abuse" protocol:</p>	<p>3</p>
<p>68. Enter the total number of interviews conducted with inmates/residents/detainees who disclosed prior sexual victimization during risk screening using the "Inmates who Disclosed Sexual Victimization during Risk Screening" protocol:</p>	<p>3</p>
<p>69. Enter the total number of interviews conducted with inmates/residents/detainees who are or were ever placed in segregated housing/isolation for risk of sexual victimization using the "Inmates Placed in Segregated Housing (for Risk of Sexual Victimization/Who Allege to have Suffered Sexual Abuse)" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>

<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>This was confirmed with informal and formal interviews, specifically with staff who work in the RRU and SHU regularly.</p>
<p>70. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):</p>	<p>No text provided.</p>
<p>Staff, Volunteer, and Contractor Interviews</p>	
<p>Random Staff Interviews</p>	
<p>71. Enter the total number of RANDOM STAFF who were interviewed:</p>	<p>12</p>
<p>72. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)</p>	<p><input checked="" type="checkbox"/> Length of tenure in the facility</p> <p><input checked="" type="checkbox"/> Shift assignment</p> <p><input checked="" type="checkbox"/> Work assignment</p> <p><input checked="" type="checkbox"/> Rank (or equivalent)</p> <p><input checked="" type="checkbox"/> Other (e.g., gender, race, ethnicity, languages spoken)</p> <p><input type="checkbox"/> None</p>
<p>If "Other," describe:</p>	<p>Gender, race, ethnicity, language spoken</p>
<p>73. Were you able to conduct the minimum number of RANDOM STAFF interviews?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>74. Provide any additional comments regarding selecting or interviewing random staff (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</p>	<p>No text provided.</p>

Specialized Staff, Volunteers, and Contractor Interviews

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.

75. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):	33
76. Were you able to interview the Agency Head?	<input checked="" type="radio"/> Yes <input type="radio"/> No
77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?	<input checked="" type="radio"/> Yes <input type="radio"/> No
78. Were you able to interview the PREA Coordinator?	<input checked="" type="radio"/> Yes <input type="radio"/> No
79. Were you able to interview the PREA Compliance Manager?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if the agency is a single facility agency or is otherwise not required to have a PREA Compliance Manager per the Standards)

80. Select which SPECIALIZED STAFF roles were interviewed as part of this audit from the list below: (select all that apply)

- Agency contract administrator
- Intermediate or higher-level facility staff responsible for conducting and documenting unannounced rounds to identify and deter staff sexual abuse and sexual harassment
- Line staff who supervise youthful inmates (if applicable)
- Education and program staff who work with youthful inmates (if applicable)
- Medical staff
- Mental health staff
- Non-medical staff involved in cross-gender strip or visual searches
- Administrative (human resources) staff
- Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) staff
- Investigative staff responsible for conducting administrative investigations
- Investigative staff responsible for conducting criminal investigations
- Staff who perform screening for risk of victimization and abusiveness
- Staff who supervise inmates in segregated housing/residents in isolation
- Staff on the sexual abuse incident review team
- Designated staff member charged with monitoring retaliation
- First responders, both security and non-security staff
- Intake staff

	<input type="checkbox"/> Other
If "Other," provide additional specialized staff roles interviewed:	disciplinary officer, union member, chaplain, culinary instructor, vocational programming supervisor, grievance coordinator, State shop and commissary supervisor, industry supervisor, program committee member, movement and control officer, staffing lieutenant, mailroom supervisor, volunteer coordinator
81. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Enter the total number of VOLUNTEERS who were interviewed:	1
b. Select which specialized VOLUNTEER role(s) were interviewed as part of this audit from the list below: (select all that apply)	<input checked="" type="checkbox"/> Education/programming <input type="checkbox"/> Medical/dental <input type="checkbox"/> Mental health/counseling <input type="checkbox"/> Religious <input type="checkbox"/> Other
82. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Enter the total number of CONTRACTORS who were interviewed:	2

<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>
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<p>83. Provide any additional comments regarding selecting or interviewing specialized staff.</p>	<p>No text provided.</p>
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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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<p>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)?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p>
<p>a. Explain which critical functions you were unable to test per the site review component of the audit instrument and why:</p>	<p>Language line services had been used for intake just prior to interviewing the intake sergeant, documentation was provided demonstrating the number of calls made to the emotional support service, incarcerated individual interviews supported use of the number and services and it would require asking an incarcerated individual for their personal number to test the line.</p>
<p>87. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>88. Informal conversations with staff during the site review (encouraged, not required)?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>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).</p>	<p>No text provided.</p>
<p>Documentation Sampling</p>	
<p>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.</p>	
<p>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?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>

91. Provide any additional comments regarding selecting additional documentation (e.g., any documentation you oversampled, barriers to selecting additional documentation, etc.).

There were no barriers to reviewing any documentation requested. See report for details on sampling.

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	6	3	6	6
Staff-on-inmate sexual abuse	8	1	8	8
Total	14	4	14	14

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	4	0	4	0
Total	4	0	4	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	1	1	0	0	0
Staff-on-inmate sexual abuse	1	1	0	0	0
Total	2	2	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	1	0	1	0
Staff-on-inmate sexual abuse	4	2	2	0
Total	5	2	2	0

Sexual Harassment Investigation Outcomes

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

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

	Ongoing	Referred for Prosecution	Indicted/ Court Case Filed	Convicted/ Adjudicated	Acquitted
Inmate-on-inmate sexual harassment	0	0	0	0	0
Staff-on-inmate sexual harassment	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	3	0	1	0
Total	3	0	1	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:	8
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<p>99. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</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 sexual abuse investigation files)</p>
<p>Inmate-on-inmate sexual abuse investigation files</p>	
<p>100. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</p>	<p>6</p>
<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 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>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>8</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 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>Sexual Harassment Investigation Files Selected for Review</p>	
<p>106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>4</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</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
<p>110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>

Staff-on-inmate sexual harassment investigation files	
111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:	4
112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?	<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)
113. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)
114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.	No text provided.
SUPPORT STAFF INFORMATION	
DOJ-certified PREA Auditors Support Staff	
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.	<input type="radio"/> Yes <input checked="" type="radio"/> No

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</p> <p><input checked="" type="radio"/> No</p>
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AUDITING ARRANGEMENTS AND COMPENSATION

<p>121. Who paid you to conduct this audit?</p>	<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>
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<p>Identify the name of the third-party auditing entity</p>	<p>American Correctional Association</p>
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Standards	
Auditor Overall Determination Definitions	
<ul style="list-style-type: none"> • Exceeds Standard (Substantially exceeds requirement of standard) • Meets Standard (substantial compliance; complies in all material ways with the stand for the relevant review period) • Does Not Meet Standard (requires corrective actions) 	
Auditor Discussion Instructions	
<p>Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.</p>	

115.11	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	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"> · Directive #4027 Sexual Victimization Prevention & Response, 7/21/2022 · Policy on the Prevention of Sexual Victimization August 2022 A/Commissioner · Sexual Victimization Prevention Policy Manual · Employee Manual, 2019 · Memo from the Commissioner dated April 23, 2013 appointing the Agency-wide PREA Coordinator who currently holds the position today. · Email/memo announcement dated April 25, 2013 announcing that Jason Effman holds the rank of Associate Commissioner. · Email announcement dated 12/13/2021 announcing Director of PREA

Compliance

- DOCCS Organizational Chart which indicates that the PREA Coordinator reports directly to the Commissioner 11/10/2022
- SAPEO Central Office organization Chart
- ADS PREA Job Description
- Email appointment of ADS PREA 2019
- Interview with the PREA Coordinator
- Interview with the ADS PREA
- Interview with the PREA Point Person
- Interview with the Superintendent
- Albion Organization chart (FOM 002)

(a) Directive #4027 Sexual Victimization Prevention & Response, nine pages, updated 7/21/2022 defines the following:

Zero Tolerance Statement

PREA Coordinator

PREA Compliance Managers

Policies to Ensure Referral of Allegations for Investigations (115.22)

Reporting - emphasizes immediate report to a supervisor

Incarcerated Individual and Releasee Reporting (PREA Standard 115.51/251): 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.

Third Party Reporting

Medical and Mental HealthCare

Reports of Sexual Victimization

Sexual Abuse Incident Reviews

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. It was preceded by a memo

from the A/Commissioner August 2022 announcing its implementation.

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, 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.

1. The SVPPM is issued by the Associate Commissioner and electronically maintained and distributed by the Sexual Abuse Prevention and Education Office (SAPEO). Relevant sections of the SVPPM shall be distributed by the ADS PCM or designated PPP to staff who have an operational need within their respective disciplines.
2. Requests for interpretation of a SVPPM section or for a variance from the direction or requirements set forth in a section of the SVPPM shall be submitted, in writing, to the Associate Commissioner.
3. Each SVPPM section shall be coded as either "A B", "A", or "D" (as noted in the "Distribution" box in the printed heading) for distribution and security purposes using the distribution codification established by Directive #0001, "Introduction to the Policy and Procedure Manual." The SVPPM is reviewed on an annual basis. Revisions to the content are made as warranted by SAPEO.

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) 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.

· Email announcement Director of PREA Compliance

Directive #4027 Sexual Victimization Prevention & Response states,

ORGANIZATIONAL STRUCTURE PREA Coordinator

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 victimization, as well as work on policy matters concerning our transgender, gender nonconforming and gender nonbinary population and workforce. "With the invaluable assistance of the Director of PREA Compliance and the creation within my office of an Assistant Deputy Superintendent for LGBTIQ+ Inclusivity, I am able to manage our PREA-related responsibilities, and to advance our work to mitigate sexual victimization within the Department. At this time, we have sixteen (16) Assistant Deputy Superintendent (ADS) PREA Compliance Manager items. We are in the process of adding eight (8) additional ADS PREA items. 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 other concerns. 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, has primary responsibility for the PREA Audit Program, provides direct oversight of agency-wide PREA implementation activities, and assists me in 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, we have two Correctional Facility Operations Specialist (CFOS) items in the SAPEO 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. In addition, we have an Assistant Deputy Superintendent for LGBTIQ+ Inclusivity in the SAPEO Office. The ADS for LGBTIQ+ Inclusivity assists in the development of policy and training materials to further inclusion of our gender expansive population and staff. They facilitate review of requests for gender-aligned placement from incarcerated individuals who have a gender identity that differs from their assigned sex at birth, have a diagnosis of gender dysphoria, who identify as transgender, gender nonconforming, or nonbinary, or who are intersex (TGNCNBI), and assist in monitoring compliance with policies specific to this population. 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 with a revision to the risk assessments procedures, which now uses weighted responses to gain a more reliable assessment of potential risk for victimization and potential risk for sexual aggressiveness. Throughout the report, it is noted by reflection of dates, continual review and updates to policy to include the PREA Manual.

(c) Directive #4027 Sexual Victimization Prevention & Response

ORGANIZATIONAL STRUCTURE

PREA Compliance Managers: 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
- 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 as the PREA Compliance Manager (ADS PREA). The interview with the ADS PREA confirmed that she is dedicated to ensuring compliance with the PREA standards by her involvement in all aspects, from ensuring newly hired staff or those who transfer have received appropriate training, final review of all risk assessments, PREA tracking and ensuring appropriate staff have the confidential information for making assignments for housing, work and programs, retaliation monitoring, working with investigators, communicating with the PREA Coordinator and his staff, and sexual abuse incident reviews, etc. She has held this position since 2019. She has prior investigator experience. 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 and is supported in the updated Policy Directive #4027 Sexual Victimization Prevention & Response. In accordance with his interview, he works closely with the ADS PREA in overseeing the process from intake to transfer, reports, incident reviews, allegations/response plan and other needs related to ensuring compliance with the standards. The facility Organization Chart shows that the ADS reports to the Superintendent. 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. Both indicated they have sufficient time and authority to coordinate the facility's effort to comply with the PREA standards. Both indicated they serve on the PREA incident review team. The Superintendent demonstrated to the auditor during the on-site audit her commitment to zero tolerance of sexual abuse and sexual harassment and her support for the efforts of the ADS PREA and PREA Point Person.

Summary of evidence to support a finding of compliance: After review of the policies, memos, organizational charts, employee manual, 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 improving operations that will be noted throughout this report, and the appointment of an ADS PREA and a PREA Point person for each facility, as well as the appointment of and addition of a Director of PREA Compliance.

Auditor Overall Determination: Meets Standard

Auditor Discussion

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

- Community Based Programs Contracting with DOCCS
- Request for Application for Community Based Residential Programs (CBRP) August 2016 and RFA 2021-02 Draft December 2021
- NY CLS § Correc 121
- CBRP PREA Schedule 8/30/2022
- Written interview with the contract monitor

(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 a PREA schedule for fourteen agencies reflecting all have had a PREA audit and have had a recertification audit or are schedule for a recertification audit.

(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.

A written interview with the agency Reentry Manager, (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". Contracts require programs to be subject to agency contract monitoring to ensure that the contractor is working to achieve compliance with the standards. Each will then be required to be audited under the PREA Community Confinement Facilities Standards. The Agency Contract Administrator Works in conjunction with AC Effman to establish an audit schedule for the CBRP contract programs to ensure that each program is audited on a 3-year rotating basis. We have established a pattern of 2 audits every May and October. Each CBRP is responsible for scheduling their audit with a PREA auditor and providing the Department with notice of the dates of the audit, as well as sharing both the interim and final audit reports with the Department. During the audit the DOCCS

	<p>Contract Manager serves as a liaison between the auditor and DOCCS. Interviews are set up by the DOCCS Contract Manager with DOCCS staff as requested by the auditor.</p> <p>Summary of evidence to support a finding of compliance: 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>
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115.13	Supervision and monitoring
	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 – Supervision and Monitoring 2/15/2022 · DIR #4001 Facility Administrative Coverage & Supervisory Rounds 10/02/2022 · Employee Manual · Annual Supervision & Monitoring Plan Review · Interview with the Superintendent · Interview with the PREA Coordinator · Post Closure Reports – examples provided and randomly requested and reviewed · Interview with the Staffing Lieutenant · Security Chart and Staff Review November 2021 · Form 4001A Weekly Administrative Activity Report · Form 4001B Daily Security supervisor Report · Interviews with the ADS PREA · Interview with the Staffing :Lieutenant · Interviews with supervisors who conduct unannounced rounds · Interviews with random staff

· PAQ

The PAQ indicates that the average daily population since the last PREA audit is 390. The staffing plan is predicated on an incarcerated individual population of 434.

Deviations from the staffing plan are attributed to the following: facility emergency, building/area closed, no trips scheduled or cancelled, assigned to a trip, and holiday scheduled.

Below is the analysis of the SVPPM:

Sexual Victimization Prevention Policy Manual – Supervision and Monitoring 2/15/2022 supports the following requirements:

· 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.

· 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.

· It requires documentation and justification for deviations utilizing the Post Closure Key.

· It reinforces the requirement for unannounced rounds.

(a) (b)The interview with the Superintendent and review of the staffing plan confirmed the following:

(1) The facility has been maintaining accreditation status through the American Correctional Association (ACA). Additionally, security audits are conducted in accordance with National Institute of Corrections standards.

(2) There are no judicial findings of inadequacy.

(3) There are no findings of inadequacy from Federal investigative agencies.

(4) There are no findings of inadequacy from internal or external oversight bodies.

(5) All components of the facility's physical plant are reviewed.

(6) The composition of the incarcerated individual population includes medium security.

(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 twelve months.

(11) No other relevant factors have been identified.

(b) After review of the documentation provided in the PAQ and onsite, the auditor confirmed that Post Closure Reports are completed when a post is closed, explaining the reason. The auditor randomly requested to review post closure reports for the 7th day of the month for the previous six months. The staffing lieutenant reviewed this with the auditor to demonstrate 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 deviations noted in the PAQ. 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. She noted that incidents of sexual abuse or sexual misconduct are considered among other factors. Video and audio monitoring does exist at this facility. She 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." The Annual Staffing Plan review demonstrates that the Associate Commissioner for PREA (PREA Coordinator) is copied on the distribution.

Albion CF Security Chart and Staffing Review Report was reviewed. It is a seven-page document assessing all areas specific to provision (a). This document demonstrates that a review of staffing was submitted to the Deputy Commissioner for Correctional Facilities and the Associate Commissioner for PREA (PREA Coordinator).

(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 Facility Administrative Coverage & Supervisory Rounds requires Executive Team members and Division Heads to conduct weekly rounds and Security supervisors and complete the Daily Security Supervisor

	<p>Report which specifically addressed rounds being unannounced.</p> <p>Interviews with a shift supervisors indicated 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. Additionally, the auditor selected a random date and place and requested corresponding logbook entry and review of video footage which verified the round, unannounced, did occur.</p> <p>Documentation demonstrating the completion of Form 4001A Weekly Administrative Activity Report with corresponding logbook entries (12/30/2022, 4/15/2022, 10/7/2022, 1/13/2022, 2/27/2023, 12/4/2022, 7/2022, 7/29/2022, 3/25/2022, 3/3/2023, 6/6/2022, 1/3/2023, 10/11/2022, 6/6/2022, and 10/11/2022) were provided with the preaudit documentation.</p> <p>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, interview with security supervisor, review of video footage of unannounced round, random security staff interviews, documentation of supervisory weekly unannounced rounds, 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.</p>
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115.14	Youthful inmates
	<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"> · Albion Correctional Facility DIR #0043 2/13/2023 · NYS CLS Correc §80 · Interview with the Superintendent · Interview youngest incarcerated individual <p>Albion Correctional Facility DIR #0081 states, “This facility is used for the general confinement of females 18 years of age or older.”</p> <p>The State of New York passed a “Raise the Age Law,” effective April 10, 2017 New</p>

	<p>York Consolidated Laws Service > Correction Law (Arts. 1 — 35) > Article 4 Establishment of Correctional Facilities, Commitment to Department and Custody of Incarcerated individuals (§§ 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>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>
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115.15	Limits to cross-gender viewing and searches
	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 #2230 Guidelines for Assignment of Male and Female Correction Officers 2/21/2019 · Directive #4910 Control and Search for Contraband 8/2/2022 · HSPM 1.37 Body Cavity Search 9/3/2021 · Directive #4001 Facility Administrative Coverage & Supervisory Rounds 10/05/2022 · FOM 195 Albion Correctional Facility Body Worn Camera · FOM 142 Albion Housing Unit Guidelines · Female only assignments

- HSPM 1.19 Health Appraisal 9/03/2021
- Facility KHRT Course 01062 Contraband & Frisk
- Contraband and Frisk Curriculum 17008 1/2021
- Interviews with random staff
- Interviews with random incarcerated individuals
- Form #1140 Report of Strip Search or Strip Frisk (June 2021)
- Form # 1140 CGPF Report of Cross Gender Pat Frisk - Female (June 2021)
- Observations - video monitoring, showers/toilets, strip search areas
- PAQ
- FAQ

The PAQ indicates that there has been no cross-gender strip or cross-gender visual body cavity searches of incarcerated individuals, no cross-gender strip or cross-gender visual body cavity searches of incarcerated individuals that did not involve exigent circumstances or were performed by non-medical staff.

The PAQ indicates that 100% of all security staff have received training on cross-gender pat-down searches and searches of transgender and intersex inmates in a professional and respectful manner, consistent with the security needs.

(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.

Directive #4910 Control and Search for Contraband 8/02/2022 supports that strip searches shall be conducted by an officer or employee of the same sex as the incarcerated individual being searched.

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. It reaffirms that cross gender pat frisks of female incarcerated individuals are not permitted, absent exigent circumstances. Exigent circumstances searches require the completion of documentation. Additionally, facilities shall not restrict female incarcerated individual's access to regularly available programming or other out-of-cell opportunities.

HSPM 1.37 Body Cavity Search 9/03/2021 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.

(b) This facility houses female incarcerated individuals. Policy #4910 specially address the following: Female Incarcerated individuals (1) Facilities shall not permit cross-gender pat risks of female incarcerated individuals, absent exigent circumstances. Facilities shall not restrict female incarcerated individuals' access to regularly available programming or other out of cell opportunities in order to comply with this provision. Exigent circumstances mean any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility. When exigent circumstances require the cross-gender pat frisk of a female incarcerated individuals, . . . A male officer may perform emergency pat frisks of female incarcerated individuals when exigent circumstances exist and a female officer is not present at the location where the frisk is to be conducts, or, if present, is not available to perform the pat frisk. . . . the pat frisk shall be conducted in a location where there is regular access and traffic by staff, incarcerated individuals, or both rather than in a more remote or less traveled area. . . . pat frisks should also be conducted in the area where a camera is present. It then indicates 1140CGPF is to be completed. At this facility, there are female only posts designated (twenty-three on day shift, sixteen on afternoon shift and nine on night shift). Informal dialogue with several incarcerated females did not yield any concerns that would indicate they have been searched by male staff.

(c) 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.

(d) Directive #4001 Facility Administrative Coverage & Supervisory Rounds 10/05/2022 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 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. Additionally, the auditor reviewed FOM 195 Albion Correctional Facility Body Worn Cameras and found that it supports when the cameras is to be activated. The Superintendent and other staff are able to view all footage of the cameras from their work areas. Females housed in a cubicle setting are afforded opportunities to hang a curtain the entrance way to ensure privacy at established times. This is noted in the FOM 142 Albion Housing Unit Guidelines.

Cubicles wall are tall (taller than those observed by this auditor in the male facilities

of similar design). Some incarcerated individual interviews expressed concern regarding the opening, but did not indicate that they were provided these times to place a curtain. The auditor finds that the facility provides sufficient privacy for the female occupants to change clothes. They can also use a toilet stall (full door) or the shower area to change clothes.

Most incarcerated individual interviews and all 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. The auditor viewed all shower and toilet areas in housing units and at program operations and found there was sufficient protection to provide privacy yet not prohibit the security staff from monitoring safety in those areas. Most incarcerated individuals interviewed did not express any concerns regarding the showers in regard to opposite gender staff (one expressed a suspicion of concern and related the incident to the auditor).

Most of the incarcerated individual interviews confirm that opposite gender staff are announcing when entering the unit (sixteen total confirmed, four interviews said no or 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. Additionally, unit logbooks were checked; the auditor observed notation of opposite gender announcement being made.

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 supports that a facility shall not search or physically examine a transgender or intersex incarcerated individual for the sole purpose of determining the incarcerated individual's genital status. If an incarcerated individual's genital status is unknown, the facility will determine genital status during conversations with the incarcerated individual, by reviewing medical records. It further states that a medical practitioner may conduct a full physical examination of an incarcerated individual 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 incarcerated individual at the direction of the facility's security or administration for the sole purpose of determining the incarcerated individual'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 incarcerated individual 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 incarcerated individuals and when searching transgender incarcerated individuals.

(e) In accordance with the FAQ, four options are in current practice for searches of transgender or intersex incarcerated individuals/residents/detainees: 1) searches conducted only by medical staff; 2) pat searches of adult incarcerated individuals conducted by female staff only, especially given there is no prohibition on the pat searches female staff can perform (except in juvenile facilities); 3) asking incarcerated individuals/residents/detainees to identify the gender of staff with whom they would feel most comfortable conducting the search, and 4) searches conducted in accordance with the incarcerated individual's gender identity. Review of the Contraband and Frisk Curriculum 17008 1/2021 sixty-two (62) pages teaches that any incarcerated individual who is to be pat frisked who has gender dysphoria, is intersex, or who is transgender and has a permit to possess and wear gender affirming/transgender clothing may request that a correction officer of the incarcerated individual's preferred gender conduct the pat frisk. It is the policy of the Department to honor that request whenever possible, as determined by the area supervisor. It describes the pat frisk procedure. Additionally, techniques for pat risks for males and females are provided.

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

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

Training Curriculum, Contraband and Frisk January 2021, addresses cross-gender pat frisks and searches of transgender/intersex incarcerated individuals, emphasizing

	<p>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.</p> <p>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. The auditor concludes that opposite gender searches have not occurred. 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.</p>
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115.16	Inmates with disabilities and inmates who are limited English proficient
	<p>Auditor Overall Determination: Exceeds 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 #2612 Incarcerated Individuals with Sensorial Disabilities 02/15/2023 · Directive #4490 Cultural and Language Access Services 7/29/2022 · Observations during the tour · Interviews A/Commissioner

- Interviews incarcerated individuals LEP and disabled
- Interviews with randomly selected staff
- Interview with bi-lingual Offender Rehabilitation Coordinator (ORC)
- PAQ
- Language Access Line Contract
- Ending Sexual Abuse Behind the Walls: An Orientation video
- Pamphlet translations – The Prevention of Sexual Victimization in Prison: What You Need to Know
- Form 4021A revised 4/2022
- Form 4021A facility specific documents

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

(a) Directive #2612 Incarcerated individuals with Sensorial Disabilities 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 incarcerated individuals 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 incarcerated individual.”

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.

(b) The interview with the A/Commissioner confirms the following: “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 August 2022, these languages include Arabic, Bengali, Chinese (simplified), French, Haitian-Creole, Italian, Korean, Polish, Russian, Spanish, Urdu, and Yiddish. Similarly, 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."

Directive #4490 Cultural and Language Access Services ensures incarcerated individuals 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, Arabic, Spanish, Bengali, Simplified Chinese, Haitian Creole, Korean, Polish, Yiddish 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, twelve additional examples were reviewed when reviewing guidance folders.

"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 captions for these languages.

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.

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. The Language Line was used during the onsite audit by the intake sergeant for communicating with a newly arriving incarcerated individual who spoke Karen (Thailand border).

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

were addressed, and that they are assigned to the bilingual ORC. The interview with the bi-lingual ORC confirmed to the auditor the process for intake and meeting the needs of those incarcerated individuals who do not speak English (speak Spanish) are assigned to her for the risk assessment and case planning. Review of the Guidance folders supported that the bilingual ORC is assigned when an incarcerated individual speaks Spanish.

(c) Directive #2612 Incarcerated individuals with Sensorial Disabilities supports that generally an incarcerated individual will not be used to interpret for another incarcerated individual for confidential/sensitive matters unless there are exigent circumstances.

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

As stated, the PAQ indicates that no incarcerated individual 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 video captions in 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 compliance with this standard. A finding of exceeds standard is due to the numerous language options readily available for educating the incarcerated individuals about PREA.

115.17	Hiring and promotion decisions
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- 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
- Employment Telephone Verification
- Recruitment Process checklist
- Personnel Procedure Manual #407 - Civilian Promotions, Personal Procedure Manual #407A - Security Promotions, 4/29/14
- Directive #2232 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 - 01/03/2023
- Employee Manual Revised 2019
- Directive #2012, Release of Employee Personnel and Payroll Information - 10/7/2019
- Observations
- Interviews Human resource staff
- Promotional Personal History Form
- Employment Application: Personal History and Interview Record & Employment Application Part 2
- Documents - Personnel files of those hired or promoted in the past 12 months (two civilians files)
- Documentation randomly requested staff confirmation of fingerprint process (twelve files total)
- Documentation for files of mental health employees (work for another state agency within the prison, two total)
- Facility example and requested documentation Form 1253 Derogatory Denial or Approval on Background Check
- Email confirmation Coordinator- Employee Investigative Unit (EIU)
- Contractor personnel files (two total)
- Criminal history request form

- Personal History Form

- PAQ

The PAQ indicates that no new staff have been hired who may have contact with incarcerated individuals in the previous twelve months, one contractual staff. The auditor received documentation demonstrating that several staff have transferred into this facility which makes the fact of no new hires credible. The auditor interviewed the one new contractual staff (agency nurse).

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

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

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

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

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

- Personal Procedure #407 4/30/2014 states, Prior to appointment, every candidate selected for a potential promotional appointment will be reviewed for prior incidents of sexual abuse, a conviction for a disqualifying sexual offense, or a civil

administrative find for such sexual acts. The review will also identify any incidents of sexual harassment.

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

The auditor observed documentation regarding staff fingerprints when reviewing one newly hired personnel file, and one 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). There is notation to check prior institutional employers on the checklist. Additionally, the auditor requested and received verification of randomly requested current employees' verification of fingerprinting for twelve staff.

(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 Captain. 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 incarcerated individuals who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution

- Promotional inquiries within the system (Captain, 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.

- Promotional Personal History Form for other promotional candidates

The auditor observed on the randomly reviewed on prior newly hired personnel file applications that new staff are directly asked the questions noted in provision (a). The auditor 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, in which each staff signs an acknowledgment of receipt, notifies employees of a continuing duty to report. Reference checks are conducted by the 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:

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

The PAQ indicates the facility has made substantial expansions or modifications of existing facilities since the last PREA audit and has installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since the last PREA audit. Additionally, they are utilizing body worn cameras.

(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 incarcerated individuals 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 incarcerated individuals 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 incarcerated individuals from sexual abuse. Form 1612 Part IV addresses these requirements, specifically requiring that the ability to enhance safety and protect the incarcerated individual from sexual abuse is addressed prior to approval of the plans.

The interview with the A/Commissioner confirmed the following: "In accordance with Department Policy (Directive 3053 "Alterations/Construction Requests"), each facility Superintendent must obtain Central Office approval for any alteration or construction project. As a part of that process, the Superintendent submits a Form 1612 Alterations/Construction Requests form. The Superintendent is required to evaluate the scope of the alteration and consider the effect of the design, acquisition, or modification upon the ability to protect incarcerated individuals from sexual abuse. The Superintendent indicates on the form whether the alteration's impact will enhance, be neutral, or have a negative impact on the ability to protect incarcerated individuals from sexual abuse. Our Division of Facilities Planning and Development reviews these requests and obtains comments from the Associate Commissioner/ PREA Coordinator, and other appropriate Central Office units, before approving any request. The Department has wide-spread audio/video surveillance in a number of its facilities, and also coverage in specialized units such as Special Housing Units, Behavioral Health Units, and our Residential Rehabilitation Units. When a report of sexual abuse or sexual harassment is received , standard protocol calls for the facility to secure surveillance footage for the date, time and location of the reported incident for use in either an Office of Special Investigations (OSI) or facility

investigation. 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. DOCCS began upgrading facility CCTV systems in 2016. Since that time, 17 facilities have received or are in the process of receiving updated systems. There are an additional 10 facilities with projects in design including, Fishkill, Sing Sing, , Bedford Hills, Taconic, Five Points, Mid-State, Marcy, Albion, and Greene 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 currently in use at Bedford Hills, Collins, Fishkill, Franklin, Greene, MidState, Sullivan, and Taconic Correctional Facilities as well as in the Office of Special Investigations (OSI), The Department plans to expand the utilization of this technology to more staff within DOCCS Office of Special Investigations (OSI) and within the DOCCS Technical Services Unit (TSU), as well as to 8 additional facilities: , Eastern, Greene, Marcy, Shawangunk, Sing Sing, Washington, and Wyoming Correctional Facilities. Moreover, the new cloud-based storage body-worn camera system gives investigators and supervisory personnel in Central Office more immediate access to video.”

The interview with the Superintendent confirmed that there have been additional classrooms with secure desks for use for the RRU incarcerated individuals and this area also received additional cameras. Form 1612 (provided to the auditor) was used to ensure that the ability to protect incarcerated individuals from sexual abuse was considered.

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. A process is in place, form 1612, to ensure this is considered. An example of this form was provided with the pre-audit documentation. 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 ensure 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. 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

Auditor Discussion

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

- Directive #4027 7/21/22
- Directive #0700 Office of Special Investigations (OSI) 9/20/2022
- HSPM1.60 Sexual Assault 7/22/2022
- OSI Investigation Manual - confidential
- Sexual Victimization Prevention Policy Manual Coordinated Response 115.65
- Albion CF Coordinated Response Plan to An Incident of Incarcerated individual Sexual Abuse FOM 003 2/25/2022
- Interview ADS PREA
- Observations
- Review of the Watch Commander Coordinated Response manual which provides information for the first three Hospitals that provide SANE exams locally
- New York State Sexual Assault Victim Bill of rights
- PAQ

The PAQ indicates there have been zero forensic medical exams, two Sane/Safe exams, no exams performed by a qualified medical practitioner during the previous twelve months.

(a) Directive #0700 9/20/2022 indicates that the Sex Crimes Division (SCD) specializes in investigation of unauthorized relationships, sexual abuse, sexual harassment and related misconducts between incarcerated individuals; they coordinate with outside law enforcement and prosecutors.

Directive #4027 07/21/2022 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.

Sexual Victimization Prevention Policy Manual Coordinated Response states, EVIDENCE COLLECTION AND PRESERVATION (Incarcerated Individual-ON-Incarcerated individual SEXUAL ABUSE) In most cases where physical evidence may exist, evidence collection and preservation will be conducted by the Office of Special Investigations or the State Police. If, however, the State Police or the Office of Special Investigations is unable to respond promptly, it may be necessary for facility staff to collect evidence required from the victim and the suspected perpetrator as directed

by the Superintendent or designee and only after consultation with the Office of Special Investigations. The procedures for evidence collection and preservation may apply for reported or known victims of sexual abuse and are only to be used by facility staff in connection with an incarcerated individual-on-incarcerated individual sexual abuse investigation and only with proper authorization from the Office of Special Investigations. The Superintendent or designee shall ensure that trained, uniformed personnel are designated to perform as Facility Evidence Collectors in the rare event that facility personnel are required to perform such duties. A current list of the Facility Evidence Collectors will be maintained in the Facility's RED Book. Note: Approved evidence collection procedures will be used as a guideline for staff collecting evidence in an Incarcerated Individual on Incarcerated Individual sexual abuse investigation. All evidence collected will be stored and secured in accordance with Directives #4931, "Aggravated Harassment of an Employee by an Incarcerated Individual" and #4910A, "Contraband/Evidence-Handling, Storage, and Disposition."

1. Sexual Abuse Evidence Bag and Recovery Kit: The Deputy Superintendent for Security shall ensure that a "Sexual Abuse Evidence Bag and Recovery Kit" is assembled and stored in the Watch Commander's Office. The Sexual Abuse Evidence Bag and Recovery Kit contains the necessary items with which to collect and preserve evidence from a sexual abuse crime victim and incarcerated individual perpetrator.

The auditor observed this Evidence kit which ensures that the proper contents as required in the FOM are available. It is located in the Watch Commander office and was quickly retrieved when requested.

(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". The auditor was provided and reviewed the information relating to the SANE exam.

(c)(d)(e) HSPM1.60 Sexual Assault 7/22/2022 states the following: The DOH requires hospitals to establish policies and procedures for the treatment of sexual assault victims and the collection and maintenance of forensic evidence. All treatment, including outside hospital services, will be provided to victims without financial liability and regardless of whether or not the victim cooperates in any investigation arising from the incident. all victims of sexual abuse shall be afforded access to forensic medical examinations at an outside facility, without financial cost, where evidentiarily or medically appropriate. I/I victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. Expeditious transportation will be coordinated with the Watch Commander to take the I/I victim to an outside hospital emergency department staffed with a certified Sexual Assault Forensic Examiner (SAFE) or certified Sexual Assault Nurse Examiner (SANE) or any other

hospital upon confirmation that a SANE/SAFE and a Victim Advocate are 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).

Coordinated Response Plan to An Incident of Incarcerated individual Sexual Abuse FOM lists the three closest SANE services. The auditor observed the contact information for the three closest SANE certified hospitals to the facility in the FOM, located in the Watch Commander office.

The auditor reviewed information relating to the two SANE exams; documentation of contact and presence of advocates from Crime Victims Services was present.

(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 incarcerated individuals' 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, and the back up evidence kit, the auditor finds that the facility exceeds the standard.

115.22	Policies to ensure referrals of allegations for investigations
	Auditor Overall Determination: Meets Standard

Auditor Discussion

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

- Directive #4027 7/21/2022
- Directive #0700 Office of Special Investigations 09/20/2022
- Notice to auditor regarding OSI authority to conduct administrative and criminal investigations
- Facility example Monthly Report of Sexual Victimization Summary
- Albion CF Coordinated Response Plan to An Incident of Incarcerated individual Sexual Abuse FOM 223, 3/20/2023
- Interviews A/Commissioner
- Interviews investigative staff
- Documentation of investigations
- Observations
- FAQ January 2023
- PAQ

The PAQ indicates that there have been sixteen allegations of sexual abuse and sexual harassment that were received; all are investigated as administrative investigations with thirteen of which have potential to be criminal investigations. For the previous twelve months, there have been no substantiated allegations of sexual abuse.

(a) Directive #4027 7/21/2022 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.

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 may either be investigated by OSI or by the facility as appropriate based upon the circumstances of the report. 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.

Coordinated Response Plan to An Incident of Incarcerated individual Sexual Abuse FOM 223 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. Documentation demonstrating this was provided with the pre-audit documentation.

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 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).

Investigations were reviewed with the assistance of two investigators. A list of the investigations for the previous twelve months was provided. Seventeen investigations are listed (one included retaliation). Four investigations were reviewed for this facility. They are summarized as follows:

Staff, contractor, volunteer/incarcerated individual abuse - eight

Staff, contractor, volunteer/incarcerated individual harassment - four

Incarcerated individual/incarcerated individual abuse - six

Incarcerated individual/incarcerated individual harassment - zero

Staff neglect - zero

Retaliation - one

Substantiated - zero

Unsubstantiated - seven

Unfounded - three

Ongoing - eight

In accordance with the FAQ issued January 2023 which may require both an administrative investigation and a criminal investigation, this agency is in compliance with this expectation. As the same investigators conduct both administrative and criminal investigations.

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

	<p>(d) Auditor is not required to audit this provision.</p> <p>(e) Auditor is not required to audit this provision.</p> <p>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. Therefore, the auditor finds there is sufficient evidence to support a finding of compliance.</p>
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115.31	Employee training
	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"> · Training Manual Section: 0.100 - Frequency Training Chart and Training Bulletins - 4/15/2022 · 8.300A Attachment Recruit Training Catalog of Courses · Training Manual Subject 8.300A - Recruit Training Catalog of Courses 4/15/2022 · Training Bulletin 7/20/2022 · Training Manual Subject #7.000 - Initial Employee Training/40-hour Orientation 8/19/2022 · Training Manual Section #7.100 Employee Familiarization In-Service Training Program 2/28/2022 Sexual Abuse Prevention and Response Introduction - Transfer Lesson Plan 17093 · Memo - Commissioner 7/06/2022 RE: Policies and Standards Generally Applicable to all Employees · Memo - Commissioner 8/19/2022 Acting Commissioner to all employees, contractors and volunteers RE: Revised Policy on the Prevention of Sexual Victimization

- Memo – Deputy Commissioner/Associate Commissioner (PREA Coordinator) 4/8/2015 RE: Sexual Abuse Prevention and Response Training
- Sexual Abuse Prevention and Response Refresher Training Lesson Plan 2022
- Annual Training Bulletin July 2022
- KHRT #35029 PREA Training new employees curriculum
- KHRT #35029 Report of training completed
- KHRT #35029 signatures noting understood the training
- KHRT #17093 curriculum females
- KHRT #17093 curriculum males
- KHRT #17078 Report of training completed
- KHRT #17078 signatures noting understood the training
- KHRT 18068 Ensuring Professional Interactions with LGBTIQ+ People signature
- Observations
- Interviews random staff
- Informal interviews with staff (food service supervisor, librarian, commissary staff, recreation staff)
- Interview with a trainer
- FAQ

(a) Training Manual Section: 0.100 - Frequency Training Chart and Training Bulletins - 4/15/2022 confirms that PREA Training is provided every two years, and a module on Professional Boundaries provided annually.

Training Manual Section #7.000 08/19/2022, 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.

8.300A Attachment Recruit Training Catalog of Courses 4/15/2022

Recruit Training Program 7/10/2017 ensures that sexual abuse prevention and response training is addressed in recruit training.

Memo – Deputy Commissioner/Associate Commissioner (PREA Coordinator) 4/8/2015 RE: Sexual Abuse Prevention and Response Training ensures that PREA training is mandatory, must include Avoiding Inappropriate Behavior Between Staff and Incarcerated individuals and is a three hour course.

Memo – Commissioner 7/8/2021 RE: Policies and Standards Generally Applicable to all

Employees

Addressed to staff updates to laws, regulations, Employees Manual and Policy/ Procedure Manual to include Sexual Victimization Prevention and Response policy.

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 incarcerated individuals and parolees, actions of first responders, categories of misconduct for duty to report, mandatory laws for reporting and consequences for abuse with incarcerated individuals, dynamics of sexual conduct in confinement (males and females), reactions of victims, how to avoid inappropriate relationships with incarcerated individuals and parolees, assessment of vulnerability or abusiveness, vulnerable populations, reporting requirements, and coordinated response plan.

The auditor reviewed Sexual Abuse Prevention and Response Refresher Training Lesson Plan - March 2022 for 17078. It demonstrates that training covers the following topics:: Definitions, Zero Tolerance Policy, Incarcerated individual/Parolee right to be free from sexual abuse and sexual harassment, incarcerated individuals 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 incarcerated individuals and female incarcerated individuals, common reactions of victims, communicating effectively with lesbian, gay, bisexual, transgender and intersex, or gender nonconforming incarcerated individuals, 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 DOCCS 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. This refresher training is entitled, "Preventing Sexual Misconduct and Saving Careers". The auditor finds that this training is above and beyond the requirements and therefore exceeds the standard.

An interview with the trainer confirmed that new staff do not have incarcerated individual contact before receiving training on PREA which supports clarification provided in the FAQ. A report demonstrating that staff have been trained for course 35029, Preventing Sexual Abuse, and 17078 PREA Refresher was provided to the auditor providing evidence that staff receive this training.

All random staff interviews confirmed that staff are trained regularly, and training includes the topics required in the provision. Informal interviews with the food service supervisor, librarian, commissary staff, and recreation staff confirmed that non

security staff receive PREA training as scheduled by policy.

(b) Training Manual Section #7.100 Facility Familiarization In-Service Training Program 2/28/2022 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. Curriculum 17093 Males has forty slides specific to PREA and females. Curriculum 17093 Females has forty slides specific to PREA and males.

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. Training is specific to males, or females based on the population of the facility.

(c) Training Bulletin 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 confirms that PREA Training is provided every two years, and a module on Professional Boundaries provided annually. Documents provided confirm 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 and 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 female incarcerated individuals. Training occurs every two years with a refresher training annually. Documentation of training records for courses 35029 PREA and 17078

	<p>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 annually and staff were knowledgeable regarding the various aspects required by the standard. As indicated, due to the enhanced refresher training and orientation training, the auditor finds the agency exceeds the standard.</p>
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115.32	Volunteer and contractor training
	<p>Auditor Overall Determination: Exceeds 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"> · Orientation Program for Per diem and Non Departmental Employees 8/19/2022 · Directive #4750 Volunteer Services Program 12/21/2022 · Directive # 4071 Guidelines for Construction Projects 3/10/2023 form and completed · Directive #4027 7/21/2022 · Observations · Interview contractor · Interview with a volunteer · Review contractor training records · Interview with the Volunteer Coordinator · Volunteers packets (three examples provided with PAQ) Standards of Conduct for Volunteers, Application for Volunteer Status, Background clearance) five reviewed onsite randomly requested · PAQ <p>The PAQ indicates there are thirty-four (34) 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 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>

Directive #4750 Volunteer Services Program states, Restrictions: During orientation, volunteers must be cautioned regarding the seriousness of personal/emotional involvement with incarcerated individuals. Restrictions: During orientation, volunteers must be cautioned regarding the seriousness of personal/emotional involvement with incarcerated individuals. This will include visiting, corresponding (including secure messaging (email) and packages) and accepting phone calls. In order to avoid any misunderstanding, the following guidelines must be strictly observed: a. 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 must read the most updated version of the Policy on the Prevention of Sexual Abuse of Incarcerated Individuals. All volunteers are to be provided with training on Directive #4027, "Sexual Victimization Prevention & Response." 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.

Volunteer Orientation If approved, the regular ongoing volunteer will be scheduled to attend a volunteer orientation conducted by the facility SCFVS and a member of the security staff. This orientation will cover the "Standards of Conduct for Volunteers," Form #4750C, all applicable policies, benefits for volunteers, security issues, health-related issues, and facility-specific information prior to the beginning of the volunteer activity.

(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. The auditor had access to all volunteer files. Five were randomly selected and reviewed. 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 sign 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

	<p>to her the process of training related to PREA, with specific details.</p> <p>The auditor interviewed one volunteer who confirmed the process of application, background check and understanding and obligations of him in accordance with the PREA law.</p> <p>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, and interview with a volunteer, interview with a contractual employee, the auditor finds sufficient evidence to support a finding of exceeds compliance with this standard due to the required annual refresher training for volunteers.</p>
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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"> · Directive #4021 Incarcerated individual Reception/Classification dated 01/23/2019 · Observations of Posters, pamphlets (Prevention of Sexual Victimization - multiple languages) · Interviews Intake staff · Observation of intake · Interviews random incarcerated individuals · Documentation of incarcerated individual participation in education sessions - randomly requested Form 4021A · SVPPM 115.33 Incarcerated Individual Education 7/11/2022 · PREA - Sexual Abuse Prevention Orientation Outline 05/05/2022 · PAQ · Form 4021A rev. 4/2022 Draft Receipt (handbook, PREA Brochure) · Transitional Services Phase I Manual - 2021 (males and females) · Incarcerated Individual Orientation Manual (GP and RRU) · Facility specific -Form 115.33 Incarcerated Individual Training Participation

randomly requested

- Posters – English and Spanish How to Report Sexual Abuse or Harassment or Get Emotional Support, Zero Tolerance (male version/female version) Report Sexual Abuse

The PAQ indicates that 428 incarcerated individuals were admitted that were given information at intake, 390 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%.

(a) Directive #4021 Incarcerated individual Reception/Classification dated 01/23/2019 states, each incarcerated individual 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 incarcerated individuals 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 incarcerated individual shall be initially assessed by a Security Supervisor for their risk of being sexually abused by other incarcerated individuals or sexually abusive toward other incarcerated individuals using the gender-appropriate PREA Risk Screening Form #115.41M, “PREA Risk Screening Form – Male Facility” in accordance with the facility-specific PREA Risk Screening Facility Operation Manual. Each incarcerated individual 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 Incarcerated individual Training Participation.”

The auditor randomly reviewed Guidance folders which contained documentation of receipt of the pamphlet and handbook at intake. Folders were requested for incarcerated individuals who arrived for each month who were still present at the facility. This represented the following: (1/2023, 2/2023, 3/2023, 12/2022, 11/2022, 11/2022, 10/2022, 9/2022, 8/2022, 7/2022, 6/2022, 5/2022, 4/2022). All reflected documentation of receipt of the pamphlet and facility incarcerated individual handbook.

(b) PREA – Sexual Abuse Prevention Incarcerated Individual Orientation Outline indicates presenters are available at orientation with a guideline of all information that should be presented. PREA – Sexual Abuse Prevention Incarcerated Individual 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 Incarcerated individual 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.

Additionally, PREA education is addressed at Transition Phase I education. Evidence to support this is located in the Transitional Services Phase I Manual.

(c) The PAQ reports that all incarcerated individuals have received the education on PREA. This agency has been actively pursuing PREA accreditation since 2014.

(d) 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, when requested. Review of one guidance folder reflected that this occurred.

(e) Form 115.33 Report of Incarcerated individual Training Participation Prevention of Sexual Abuse PREA requires the incarcerated individual to sign that she has seen the video "Ending the Sexual Abuse Behind the Walls: An Orientation." It specifically states, "REPORT OF INCARCERATED INDIVIDUAL 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 and additionally viewed in the randomly selected Guidance folders.

(f) Numerous posters addressing this information were observed throughout the facility. Posters representing actual incarcerated individuals' faces who assisted with the educational video provides further information that no one has to tolerate any sexual abuse or sexual harassment while incarcerated. They were located in any area where an incarcerated individual might congregate (food service, gym, housing area communication boards, medical areas, library, educational area, etc.). They are in color and are guesstimated to be approximately 15 inches by 20 inches, demonstrating ease of viewing as they were located on the wall at eye level. 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. Pamphlets are also visible in the

	<p>medical area. The facility maintains posters on how to report sexual abuse or sexual harassment or get emotional support throughout the facility. The auditor verified they are posted by each phone through observation and some spot checking during incarcerated individual interviews. See comments in 115.51 and 115.53 regarding details of these posters.</p> <p>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 reasons 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, information available in the library, the numerous culturally diverse posters located throughout the facility, the feedback received during the incarcerated individual interview, the availability of pamphlets and the video which can be given in numerous different languages.</p>
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115.34	Specialized training: Investigations
	<p>Auditor Overall Determination: Exceeds 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"> · Power Point Presentation: PREA Specialized Training - August 2022 · NIC training - PREA: Investigating Sexual Abuse in Confinement Settings outline · Investigating Physical and Sexual Abuse in Institutional Settings, documentation of attendance · Training spreadsheet documenting investigator training · OSI Policy Manual - confidential · Observations

- Interviews Investigative staff
- PAQ # of investigators agency

The PAQ indicates there are currently twenty-eight (28) 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 August 2022 for PREA investigators includes an overview of the PREA law, state law, staff and incarcerated individual sexual abuse definitions, duty to report, dispatch guidelines, evidence protocols, processing the crime scene, 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

Interviews with the investigators supported the receipt of additional training in the specialized areas.

	<p>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.</p>
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115.35	Specialized training: Medical and mental health care
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <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"> · Training Manual Subject - 7.000, 40 Hour Orientation/Initial Employee Training - 8/19/2022 (Mandatory) · Training Manual 7.150 Orientation program for Per diem and Non-Departmental Employees 8/19/2022 · 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 · 17083 curriculum · 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 fifty-six (56) medical and mental health staff, 100% have received specialized training.</p> <p>(a) Medical staff are Department of Corrections employees. Some medical staff are agency staff. Mental Health staff work in Department of Corrections facilities for the Office of Mental Health through a Memorandum of Understanding. This MOU includes the requirement for PREA training including the specialized training for medical and mental health staff. The auditor reviewed the specialized training curriculum for medical and mental health staff. As stated, mental health staff are not located at this facility. Medical staff have attended Specialized PREA Training for Medical and Mental Health Providers. Documentation demonstrating this was provided to the auditor.</p>

	<p>Specifically, the training is entitled Incarcerated individual Sexual Assault Post Exposure Protocol/PREA (Course 17083). It addresses the emotional and psychological effects of victims of sexual assault, how to report to the Office of Special Investigations, responding to victims, and sending a victim to an Emergency Room for a proper forensic examination and evidence collection. Training in how to detect and assess signs of sexual abuse and sexual harassment is provided in the PREA training all staff receives.</p> <p>Training Manual 7.150 Orientation program for Per diem and Non-Departmental Employees 8/19/2022</p> <p>Per diem employees must also sign two Report of Training Forms (RTFs) - a general RTF for the full 16 hours of orientation (code 27012) and the specific RTF for the Sexual Abuse Prevention and Response Introduction/Transfer Video (17093). The forms will be submitted together as separate hours will not be credited for the video. A copy of the signed RTFPREA must be forwarded to the appropriate PREA Compliance Manager. Orientation includes the policy, PREA intro and transfer training, maintaining professional boundaries video, and Training Bulletins.</p> <p>(b) This is not applicable to this facility.</p> <p>(c)(d) Documentation was provided which demonstrated that medical and mental health staff have received specialized training. Staff sign 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).</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>
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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 1/3/2023

- Directive #4021 Incarcerated individual Reception/Classification (1/23/2019)
- Directive #4021 Incarcerated individual Reception/Classification 1/23/2019
- Interviews staff who perform risk screens/demonstration of risk assessment process
- Observation of the intake process
- Random review of incarcerated individuals risk assessments
- Interview PREA Coordinator
- Interview ADS PREA
- Interview with intake sergeant
- Forms 115.41F (1/2023); 115.41 GI (6/2020)
- Facility Operations Manual (FOM) PREA Risk Screening #220 1/17/2023
- Interviews with random incarcerated individuals
- FAQ
- PAQ
- Observations

The PAQ indicates that there were 445 incarcerated individuals entering the facility within the past 12 months whose length of stay was for 72 hours or more, who were screened for risk of sexual victimization or risk of sexually abusing other incarcerated individuals within 72 hours of their entry into the facility, 390 incarcerated individuals whose length of stay in the facility was for 30 days or more and who were reassessed for their risk of sexual victimization or of being sexually abusive within 30 days of their arrival.

Below is the analysis of the SVPPM:

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.

The procedure requires the following:

- 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 14 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.

(a) (b) Directive #4021 Incarcerated individual Reception/Classification (1/23/2019) further indicates, each incarcerated individual shall be initially assessed by a Security Supervisor for their risk of being sexually abused by other incarcerated individuals or sexually abusive toward other incarcerated individuals using the gender-appropriate PREA Risk Screening Form #115.41M, "PREA Risk Screening Form - Male Facility in accordance with the facility-specific PREA Risk Screening Facility Operation Manual. . . ."

Facility Operations Manual (FOM) PREA Risk Screening #220 1/11/2023 specifies that all incarcerated individuals received into this facility are screened by a sergeant or above, within 24 hours (exceeding the requirement), reassessed by an ORC within 14 days, and a final review by the PCM within 30 days. It additionally emphasizes that this screening occurs in a private setting. Those are initially screened to be a high risk of victimization or are otherwise exhibiting concerning behaviors are immediately referred to the Watch Commander for appropriate placement to ensure safety.

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, verbally. 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. Additionally, the auditor observed the risk assessment for a newly arriving incarcerated individual during the onsite audit.

(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 (different criteria for males and females)

- incarcerated for less than two years
- Is criminal history exclusively nonviolent
- convictions for sex offense against an adult, adolescent or child
- self identifies as gay, lesbian, bisexual, transgender, intersex or gender nonconforming (allows for a subjective opinion, score is different for males and females)
- previous experience as a victim of sexual abuse (offer for mental health referral)
- incarcerated individual'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 (offer for mental health referral)
- history of committing institutional sexual abuse, convicted of or known history (offer for mental health referral)
- known history of committing sexual abuse in an institutional setting
- 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, Incarcerated individuals may not be disciplined for refusing to answer or provide complete responses to these questions and distribution of this information goes to the following: guidance folder, ADS PREA.

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 states incarcerated individuals will be reassessed by an assigned ORC ordinarily within 14 days of arrival. A final risk assessment determination shall ordinarily be made by the Assistant Deputy Superintendent ADS PREA within 30 days of the incarcerated individual's arrival at the facility. Directive #4021 Incarcerated individual Reception/Classification also requires the following: Each incarcerated individual shall be re-assessed by an ORC for their risk of being sexually abused by other incarcerated individuals or sexually abusive toward other incarcerated individuals using the gender-appropriate PREA Risk Screening Form #115.41F, 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 with the ORC.

Folders were requested for incarcerated individuals who arrived for each month who were still present at the facility. This represented the following: (1/2023, 2/2023, 3/2023, 12/2022, 11/2022, 11/2022, 10/2022, 9/2022, 8/2022, 7/2022, 6/2022, 5/2022, 4/2022). Three files reflected the enhanced screening for those who identified as transgender. 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 they 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, they 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 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. 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. Three guidance folders reviewed demonstrated an updated risk screen based on "when warranted" situations.

(h) FOM PREA Risk Screening states, incarcerated individuals will not be disciplined for refusing to answer or for not disclosing complete information in response to questions asked. Incarcerated individuals interviewed were asked if they believed they would be disciplined for not answering the questions. Most indicated without hesitation that they had not. As stated, the form also states, incarcerated individuals 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 states, PREA Intake Screening Forms are 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. The interviews with the ORCs, PREA point person and ADS PREA confirmed that the forms are stored in a secure location, so access is limited. The auditor observed this area during the onsite audit (Guidance file storage area). Additionally, one copy is stored in the ADS PREA office, also observed and found to contain appropriate security measures to ensure they are not viewed by staff without need to know.

The interview with the PREA Coordinator confirms that the information is security retained. To paraphrase, 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.

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 115.41F). A completed example of this process/form was reviewed during the on-site audit. Any pertinent information is immediately reported to the Watch Commander, ADS PREA and 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 one ORCs who are responsible for completing the risk assessment. The staff were extremely knowledgeable of 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

	<p>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. Lastly, this form has been updated to enhance the objective scoring based on review of data to ensure better reliability of a predictor of sexual victimization or sexual abusiveness.</p>
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115.42	Use of screening information
	<p>Auditor Overall Determination: Exceeds 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"> · Sexual Victimization Prevention Policy Manual: Use of Screening Information 2/15/2022 · Directive #4021 Incarcerated individual Reception/Classification Transgender/ Intersex Incarcerated individual Classification and Placement 1/23/2019 · Directive #4017 Incarcerated Individual Transfer Procedure 6/6/2022 · Directive #4401 Guidance & Counseling Services 8/21/20 · Directive #4009, Minimum Provisions for Health and Morale, 07/21/2022 · Observations · Interviews ADS PREA · Interview staff who conduct Risk screens · Interview with the Watch Commander · Interview with the Housing Assignment Officer · Interview with a Program Committee member · Interview PREA Coordinator · Documentation for housing, bed, work, education, program Form 115.42 Report of Risk Screening Information six examples · Risk Screening Form 115.41F

- Gender Identity Interview Form - 115.41GI 6/20/20
- Memo to all security staff regarding separate showers for transgender/intersex incarcerated individuals (July 2017)
- PREA Risk Tracking
- Documentation of the request to transfer to a gender aligned facility.
- Observation of Case Plan quarterly review assessing perception of safety
- Change in risk assessment related to updated circumstances (“when warranted”)

Below is the analysis 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.

Procedure:

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:

- 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

The facility reports they currently house twelve incarcerated individuals at high risk for sexual victimization and four incarcerated individual at high risk for sexually abusive behavior.

(a) (b) FOM PREA Risk Screening states, If the incarcerated individual is assessed as potentially being at “high risk of sexual victimization” or “high risk of being sexually abusive,” an immediate referral shall be made to the Watch Commander for housing assignment. The Watch Commander shall determine the most appropriate housing assignment with the goal of keeping separate incarcerated individuals at high risk of sexual victimization from those at high risk of being sexually abusive. Interviews with the Intake Sergeant, Watch Commander and ORC confirmed that this is done via a telephone call to the Watch Commander and the housing assignment information is noted using form 115.41F.

Documentation supporting this process was provided to the auditor with the review of the randomly requested documentation. Additionally, the auditor reviewed this process in the guidance folder during the random review of risk assessments. The interview with the Watch Commander confirmed this process. A PREA binder/ procedure, observed by the auditor, outlines where to house individuals who are at risk for victimization or those who are potential abusers at this facility. A PREA Tracking form and process has been developed. The interview with the ADS PREA confirmed that she monitors and updates at least weekly and ensures the proper staff (Program Committee, Watch Commander and Housing unit assignment officer) have the current tracking sheet. The interview with the housing assignment officer confirmed this process; the auditor observed the current PREA Tracking sheet in his area. The interview with a member of the Program Committee confirmed to the auditor availability to view the PREA tracking form 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. Other risk assessments viewed when reviewing Guidance folders included an updated risk assessment due to a change of circumstances, and

(c) Directive #4021 Incarcerated individual Reception/Classification Transgender/ Intersex Incarcerated individual Classification and Placement states that any incarcerated individual who identifies as transgender, intersex or gender non-conforming shall be asked additional questions by their ORC regarding safety. The process for requesting placement to a facility in line with their gender identity is noted. Quarterly, as observed in the review of the Guidance Folders, all incarcerated individuals are assessed for PREA concerns which specifically includes their perception of safety (Case Plan quarterly review).

(d) Directive #4401 Guidance & Counseling Services states, a transgender or intersex incarcerated individual'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 incarcerated individuals 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 incarcerated individuals 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, 7/21/2022, states, transgender and intersex incarcerated individuals shall be given the opportunity to shower separately from other incarcerated individuals. 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. DOCCS has granted a number of gender-aligned placements since early 2019, including transfers of transgender women from male to female facilities, a transfer of a transgender man from a female to a male facility, and direct intake of multiple transgender women into our female reception center from New York City corrections and at least two other county jails. 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 Incarcerated individual Reception/ Classification and Directive #4017 Incarcerated Individual Transfer Procedure 6/6/2022 addresses Transgender/Intersex Incarcerated Individual Transfer Requests (requests for a transfer from a male to female facility, or a female to male facility). This policy directs the ORC to complete the Form 115.41GI, forward to the supervisor, who forwards to the DS for Programs to central office to the Transgender Placement Review Committee for a case-by-case assessment. It confirms that a transgender/intersex incarcerated individuals own views regarding their safety are given serious consideration. Additionally, they will not be placed at a facility based solely on 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 115.41F 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 quarterly was provided to the auditor with the pre audit documentation and observed when reviewing Guidance folders. 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
	Auditor Discussion
	The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Observations: During the tour of Restricted Housing
- Interviews Superintendent
- Interviews staff who supervise Restrictive Housing
- Directive #4948 Protective Custody Status 6/02/2022
- Forms #2168A (4/2022), #2170A9 4/2022) and #4948A (8/2021)
- PAQ

The PAQ states that no incarcerated individuals have been placed in involuntary protective custody due to their high risk of sexual victimization. The auditor found no evidence to dispute this during the audit process.

(a) Directive #4948 Protective Custody Status, Involuntary Protective Status states, An incarcerated individual 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 #4027 and PREA standards, or following a report that the incarcerated individual 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.

(b) Directive #4948 Protective Custody Status, Involuntary Protective Status states that incarcerated individuals 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.

(c) Directive #4948 Protective Custody Status, Involuntary Protective Status states, the facility assigns incarcerated individuals 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 incarcerated individual will be reviewed every seven days; documentation noted on Form #2170A Protective Custody Review.

(d) Form #2168A Sexual Victimization - Involuntary Protective Custody provides an avenue to document the facilities rationale behind the placement.

(e) Directive #4948 also ensures that placement shall not ordinarily exceed 30 days. If that should occur, the incarcerated individual 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.

Summary of evidence to support a finding of compliance: The interview with the Superintendent confirmed that restrictive housing units 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.

115.51 Inmate reporting

Auditor Overall Determination: Exceeds Standard

Auditor Discussion

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

- Directive #4027 Sexual Victimization Prevention & Response, 7/21/2022
- SVPPM Coordinated Response
- Sexual Abuse Prevention and Response (SAPR) Lesson Plan (refresher training) 3/2022
- How to Report Poster
- Letter The New York State Commission of Correction (SCOC) Incarcerated individual and Resident reporting 4/9/2014
- Prevention of Sexual Victimization in Prison: What You Need to Know brochure (3/2022)
- PREA Pocket Card (4/2022)
- Interviews incarcerated individuals
- Interviews random staff
- Review of investigations
- Employee Manual
- Documentation of third party reporting

- Availability to call investigators directly (444)
- Interview with Unity House (who answers 777)

(a) Directive #4027 Sexual Victimization Prevention & Response, 7/21/2022 states, Incarcerated Individual and Releasee Reporting (PREA Standard 115.51/251): 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. 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. 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.

PREA posters, observed throughout the facility located next to phones includes the following information:

To report Sexual Abuse or Sexual Harassment in person:

- Tell any staff
- Ask a family member

In writing:

- Write to any staff
- Write to investigators (address provided)
- Write to an outside agency (SCOC address provided)

By Phone:

· Call 444 reporting line (8:00am to 5:00pm) (calls are not monitored by facility staff)

Posters are laminated and include information on how to get emotional support. They are 8 1/2 inches by 11 inches, on white paper with blue and gold trim. Font is approximately size 11 to 16 depending on the information provided. Incarcerated individual interviews revealed that they are all aware of these posters, but not specifically the information on them, noting to the auditor, they had no reason to read them.

Numerous phones were visible throughout the facility to include those located in the housing units and the recreation area. For incarcerated individuals confined to the SHU, they are issued tablets for two to four hours a day in which they can make phone calls. Th auditor confirmed with the incarcerated individual interviewed in this housing unit.

Review of the investigations demonstrated that allegations of sexual abuse and sexual harassment were received in the following methods: four calls to the OSI reporting line (444), one letter sent to OSI, three calls to the emotional support hotline (777), five verbally to staff, one letter to staff, verbally to mental health, two third party (one family and one from another incarcerated individual) one letter to the state Inspector General, and one written notice via a grievance. The investigations revealed that staff follow up after the verbal report to their supervisor with a written report. Staff interviews confirmed to the auditor that they follow up with a written report as directed by the supervisor.

The written interview with staff from Unity House who was awarded the contract to operate the PREA Hotline 777) indicated that they will accept reports, including anonymously, and explained how they are addressed is based on the desires of the caller. The state, "We can have one of multiple outcomes: If the incarcerated individuals (I/Is) consent, we can send their information to the PREA Centers, OSI, or to the facility directly, in the event of imminent danger, emergency and/or assault within the last 120 hours. The course of each case is determined by the I/I for who will be contacted, with the exception of the imminent emergency."

Analysis of incarcerated individual interviews confirmed to the auditor that they are aware of numerous methods for reporting sexual abuse or sexual harassment, most noting they would use the phone, with the second most common response was to tell staff.

(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 in A Jailhouse Lawyer's Manual: Immigration & Consular Access Supplement located in all NYSDOCCS facility law libraries.

(c) Policy requires that all staff are mandated to accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously and from third parties. 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 incarcerated individuals 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. All staff had the Response Card.

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. Posters providing information were observed by all telephones. Staff are 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. In addition to the numerous options for incarcerated individuals to report privately the agency provides two options for reporting outside the agency to entities who have agreed to allow the reported to remain anonymous and will immediately forward the report as directed by the incarcerated individual.

115.52	Exhaustion of administrative remedies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · DOCCS Directive #4040, Incarcerated individual Grievance Program (IGP) 1/20/2016 · Memo Grievances concerning Sexual Abuse, Sexual Harassment, or Unauthorized Relationship -revised procedure. · Interview Grievance Coordinator · Grievance Response packet · FAQ <p>Summary of evidence to support a finding of compliance: The agency opts to be not applicable to this standard. DOCCS Directive #4040, Incarcerated individual 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. It confirms that any incarcerated individual grievance alleging sexual abuse or sexual harassment is immediately reported by the grievance staff to the Watch Commander for further handling in accordance with policy and it deemed exhausted upon filing for PLRA purposes, if the grievance does not set forth any additional matters that require a response, the grievance is then closed. 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 and documentation of one grievance processed in accordance with the procedure. The agency has opted to be exempt from this standard.</p>

115.53	Inmate access to outside confidential support services
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p>

- Sexual Victimization Prevention Policy Manual: Incarcerated Individual Access to Outside Confidential Support Services 2/15/2022
- Poster How to Report Sexual Abuse and Sexual Harassment or Get Emotional Support
- Observations of the area afforded to make legal calls
- Interviews random incarcerated individuals
- Directive #4423 Incarcerated individual Telephone Calls 1/15/14
- Directive #4421, Privileged Correspondence 6/02/2016
- Directive #4404 Incarcerated individual Legal Visits 9/18/19
- Contract NYSCASA and designated Rape Crisis Programs
- Unity House Hotline contract - NYS Domestic & Sexual Violence Hotline 2021-2024
- Crime Victims Treatment Center Scope of Services
- Facility Orientation Handbook - victim services insert RESTORE address and phone
- Poster PREA brochures, "Help for Victims of Sexual Abuse in Prison"
- Verification of legal status handling correspondence to emotional support service/Interview with the mailroom supervisor)
- Email correspondence with advocacy group that provides services via 777
- Phone interview with RESTORE
- Verification of phone calls made

Below is the analysis 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) Directive #4421, Privileged Correspondence 06/02/2016, Rape Crisis Programs-incarcerated individuals 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, as confirmed by an incarcerated individual. 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. This is the same poster that provides information on reporting; this information of Getting Emotional Support is located on the bottom of the poster. 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. 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, Incarcerated individual Telephone Calls, an incarcerated individual may add an attorney, or Department of Health approved Rape Crisis Program to their telephone list. Directive #4404 Incarcerated individual 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- incarcerated individuals can send and receive privileged correspondence. 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 incarcerated individuals in all of the State's 50 correctional facilities. The Unity House 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 Crime Victims Treatment Services provides 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 Crime Victims Treatment Services is also posted on housing unit bulletin boards and is printed in the facility Incarcerated individual 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 93 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.

· The auditor communicated with the Program Coordinator for the Unity House which receives all calls statewide from the 777 number. The following was confirmed: 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, and information. Contact is made via the phone. Reports are made in the form of referral with the basic information provided (and consented to be released) by the I/Is. Referrals are sent to PREA Centers, or OSI depending on the I/Is request and context of the report made by the I/I. Services provided on the hotline are primarily emotional support to help individuals work through their thoughts, understand the experience, tell their story, and ask questions. The team working on the hotline often provided information about systems navigation, how referrals work, and a wealth of other information that each individual seeks. If someone does not wish to consent, the report is kept within the database and no referral is made. The only exception to this is if there is an imminent threat and the facility needs to be contacted. We inform all I/Is that contacting the hotline is confidential. We will not share their information with anyone unless they provide us the consent to do so, such as for a PREA Center referral. We also let them know that we are required to contact the facility if there is an imminent threat of danger (if someone stated they would harm themselves, someone else, or an officer/staff, etc.). All staff working on the hotline complete a 6 week intensive onboarding for the Unity House Domestic Violence program as a whole which focuses on Trauma informed, holistic services to those accessing the program's services. Additionally, each hotline advocate completes a 40 hour Rape Crisis training, and one full week of training specific to the hotlines. Staff are provided refresher trainings regularly, and certifications are renewed annually (or as needed). The Hotline Supervisors provided training opportunities bi-weekly by hosting a bi-weekly Hotline Hour to discuss any topics identified among the supervisors. Lastly, the hotline team meets biweekly to discuss emerging trends, training opportunities, or ideas for

	<p>additional trainings the staff would benefit from. All hotline staff are regularly tested in internal Quality Assurance practices, and monitored regularly by their direct supervisor. All staff also receive weekly or biweekly coaching to assist in skill development, and training needs. Yes, we have several multi-lingual and bi-lingual staff that work in hotline positions, as well as access to numerous staff to assist if a specific language need arises. In the event there are no on site staff available, the program will utilize Language Line to provide services in the caller’s preferred language.</p> <p>At this facility, those services are provided by RESTORE. The auditor communicated with a counselor and advocate for this operation. She confirmed that her organization can provide emotional support through the mail, in person or over the phone. Services can include the following: crisis intervention, information and relevant referrals. Depending on how the request is received this may also include accompaniment during forensic medical exam and accompaniment during investigatory interviews and court proceedings. Staff who perform these services are certified by the New York State Department of Health. All individuals who are requiring services receive the agency service guidelines and confidentiality limitations through the mail. They are discussed during the first session with the individual to ensure the content is understood. Individuals receiving these services are referred by the statewide crisis service phone number or a direct referral from the facility (ADS PREA).</p> <p>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”.</p>
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115.54	Third-party reporting
	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 · DOCCS website

	<ul style="list-style-type: none"> · Directive #4027 Sexual Victimization Prevention & Response, 7/21/2022 · Test of complaint form on website <p>Directive #4027 Sexual Victimization Prevention & Response, states, Third-party reporting (PREA Standard 115.54/254): 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-OSI4NYS, 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>The auditor tested the online complaint form and received a response within hours of submitting the test complaint. Random staff interviews confirmed to the auditor that they are aware that a third-party allegation is treated the same and must be reported immediately. Incarcerated individual interviews confirmed for the most part (thirty seven out of forty interviews) that they were aware they can make a third-party allegation. The others said, “I know now”.</p> <p>Summary of evidence to support a finding of compliance: 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 within hours. Random staff interviews and incarcerated individual interviews further the auditor with further evidence to make a determination of compliance with the requirements of this standard. Therefore, the auditor finds this standard to be deemed compliant.</p>
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115.61	Staff and agency reporting duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Directive #4027 Sexual Victimization Prevention & Response, 7/21/2022 · Observations

- Interviews random staff
- Interviews Medical & Mental Health staff (mental health interviews conducted at another facility)
- Employee Manual
- Office of Mental Health MOU
- Notice to Auditor – Vulnerable Persons Central Register
- HSPM 1.01 Incarcerated individual Orientation to Health Care Services – 8/21/20 Form 3102 Health Services Orientation 8/9/2021
- Form 3102
- Coordinated Response Plan specific to Albion Correctional Facility
- Watch Commander Quick Reference Chart for Sexual Abuse/Sexual Harassment related complaints
- Watch Commander Sexual Abuse Response Checklist
- PREA Pocket card

Directive #4027 Sexual Victimization Prevention & Response, 7/21/2022

Staff Reporting (PREA Standard 115.61/261). 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, the SVPPM, 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," under no circumstances shall a facility or Community Supervision bureau investigation involving sexual abuse, sexual harassment, or an unauthorized relationship be initiated unless and until OSI has been consulted. The only exception to this rule is when an initial facility or Community Supervision bureau investigation is authorized pursuant to one of the following: (1) An approved Coordinated Response to Reports of Sexual Victimization Facility Operations Manual (FOM) (see SVPPM, Section 115.65). (2) Form #4027RC, "Watch Commander Quick Reference Chart" (see SVPPM, Section 115.65). (3) Form #4027CS, "Community Supervision Supervisor/Reentry Manager Quick Reference Chart" (see SVPPM, Section 115.65).

(a) Policy noted above and 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 incarcerated individuals 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) 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) HSPM 1.01 Incarcerated individual Orientation to Health Care Services, 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

	<p>awareness of the limits of confidentiality and their duty to report these limitations, explaining the process described above.</p> <p>(d) This facility does not house incarcerated individuals under the age of 18 (see 115.14). In this state, vulnerable person statues do not apply to those incarcerated. NY Soc Serv § 492 establishes the “vulnerable persons' central register” It states, this section excludes persons in DOCCS custody.</p> <p>(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).</p> <p>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 medical staff confirmed they are aware of their obligation to report any knowledge or suspicions relating to sexual abuse or sexual harassment. One investigation was initiated as a result of a report submitted by mental health staff.</p> <p>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 have been issued pocket cards that reflect the process. 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.</p>
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115.62	Agency protection duties
	<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 #4948 - Protective Custody Status - 6/02/2022

	<ul style="list-style-type: none"> · Form #2168A Sexual Victimization - Involuntary Protective Custody Recommendation · Observations · Interviews A/Commissioner · Interview Superintendent · Interview random staff · PAQ <p>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>Directive #4948 - Protective Custody Status addresses the use of involuntary protective custody for an incarcerated individual 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>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>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 to intervene 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>
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115.63	Reporting to other confinement facilities
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Sexual Victimization Prevention Policy Manual: Official Response Following an Incarcerated Individual Report 8/24/2022
- Observations
- Interview with A/Commissioner
- Interview Superintendent
- Form 115.63
- Documentation of notifications within 72 hours both sent and received for the previous twelve months (six total)
- PAQ

The PAQ indicates three allegations were received that incarcerated individual was abused while confined at another facility, four allegations of sexual abuse were received from another facility.

(a) (b) (c)(d) Below is the analysis of the SVPPM:

Sexual Victimization Prevention Policy Manual: Official Response Following an Incarcerated Individual Report

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.

Procedure:

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

Preparation of the Notification: Among other specific directions, the procedure requires a follow up phone call to the receiving facility to confirm receipt.

The Deputy Superintendent for Security at each facility shall record the allegation in the Report of Sexual Victimization Logbook.

Each form 115.63 will be electronically maintained in a designated folder.

The OSI SCD shall ensure that the report is or has been investigated.

Interview with A/Commissioner (paraphrased): Allegations received at one facility involving a different facility are forwarded to the Superintendent of the facility where the abuse allegedly occurred, with a copy of the notification to the Office of Special Investigations. Allegations from other agencies are typically received by the Office of Special Investigations or the Associate Commissioner/PREA Coordinator. The allegation is referred to the Office of Special Investigations for an investigation, and to

	<p>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>The interview with the Superintendent supported that these notifications are made by her office within 72 hours of receipt. Copies of this documentation were 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.</p> <p>The auditor reviewed notifications based on receipt of information received on form 115.63 from other facilities.</p> <p>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.</p>
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115.64	Staff first responder duties
	<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"> · Sexual Victimization Prevention Policy Manual: Official Response Following an Incarcerated Individual or Releasee Report 2/15/2022 · FOM Coordinated Response to Reports of Sexual Victimization 2/25/2022 223 · Observations · Random staff interviews · Informal interviews (teacher, vocational supervisor, chaplain, industry instructor, commissary staff, state shop, maintenance staff, officer) · Sexual Abuse Prevention and Response (SAPR) Lesson Plan · Watch Commander’s Sexual Abuse Response · PREA Pocket Card · PAQ <p>(a) (b) Watch Commander’s Sexual Abuse Response Checklist, January 2022, Sexual</p>

	<p>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 incarcerated individual 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. The auditor informally questioned staff during the tour about training and their role if they become aware of an incident of sexual abuse and sexual harassment. All understood that they keep the incarcerated individual with them until security is contacted and would follow the instructions on the Response Cards issued. No staff were identified who 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. For these reasons noted, the auditor finds the facility in compliance with the requirements of this standard.</p>
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115.65 Coordinated response	
	<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"> · Sexual Victimization Prevention Policy Manual: Official Response Following an Incarcerated Individual or Releasee Report 2/15/2022 · Watch Commander Quick Reference Chart · Watch Commander's Sexual Abuse Response Sheet · FOM Coordinated Response to Reports of Sexual Victimization · Random staff interviews · Observations · Interview Superintendent · Interview with Watch Commander · PREA Pocket Card · PREA Training

Below is the analysis of the SVPPM:

Sexual Victimization Prevention Policy Manual: Official Response Following an Incarcerated Individual or Releasee Report

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.

Procedure:

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.

The Coordinated Response Plan shall address coordination of the following actions as appropriate:

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

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)

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. Additional details regarding

	<p>the use of a Sexual Abuse Evidence Bag and Recovery Kit is detailed.</p> <p>The Coordinated Response to Reports of Sexual Victimization FOM 223 provides a detailed format specific to the facility for their response. 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 in their possession.</p> <p>Summary of evidence to support a finding of compliance: Based on the feedback in all interviews, the review of the plan, and review of completed investigations, the auditor finds there is ample evidence to support a finding of compliance.</p>
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115.66	Preservation of ability to protect inmates from contact with abusers
	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"> · Seven union contracts · Taylor Law Triborough amendment · Interview A/Commissioner · Interview union representative <p>Review of the contracts found no evidence that the agency is restricted from removing staff This was reinforced by the written interview responses form the A/ Commissioner: 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 was recently ratified between the State of New York and The Civil Service Employees Association, Inc. (CSEA) and covers 2022-2026. 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) is for the period April 1, 2016 - March</p>

	<p>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, with a new agreement pending ratification. Expired contracts are controlled by operation of law until a new contract is executed. 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>Additionally, the auditor spoke with one staff member who is a union representative. He further assured the auditor there the union would be aware if a staff member needs to be reassigned pending an allegation of sexual abuse and provide input regarding a staff reassignment but would not interfere with the process.</p> <p>Summary of evidence to support a finding of compliance: 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>
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115.67	Agency protection against retaliation
	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: Official Response Following an Incarcerated Individual or Releasee Report 8/24/2022 · Employee Manual · Retaliation Monitoring Form 115.67-I, 115.67 -S · Retaliation Tracking Sheet · Observations · Interviews A/Commissioner · Interview Superintendent · Interview with designated staff members charged with monitoring for

retaliation (ADS - PREA and PREA Point Person)

- Review of Retaliation Monitoring reports –total
- Interview with incarcerated individual who reported sexual abuse
- PAQ

The PAQ indicates that there were no reported incidents of retaliation that occurred.

Below is the analysis of the SVPPM:

Sexual Victimization Prevention Policy Manual: Official Response Following an Incarcerated Individual or Releasee Report

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.

Procedure:

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. This includes monitoring of staff for protection from retaliation.

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 tat protective measures will be taken).

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.

This monitoring activity is coordinated by the ADS PREA. The monitoring terminates if the result of the investigation is deemed unfounded or the incarcerated individual being monitored has been released from custody.

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.

A Protection Against Retaliation Tracking Sheet is used to monitor these activities and is electronically maintained. This 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. 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 incarcerated individual 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 incarcerated individual 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 and State Office for the Prevention of Domestic Violence 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 seven community-based victim assistance programs. DOCCS works closely with Crime Victims Treatment Center (CVTC), which provides training and outreach for the PREA Centers, coordination and clinical supervision on a statewide basis, to ensure that services meet or exceed community standards. 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 audit, the facility provided the spreadsheet tracking mechanism utilized to document these actions in addition to seven completed Retaliation Monitoring Forms. They were reviewed and found to support the requirements of the audit and policy. They reflected one transfer to another facility, five monitoring for the 120-day period, and one in progress. 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.

Summary of evidence to support a finding of compliance: 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 continuation even when transferred to another facility. For these reasons a determination of “exceeds standard” is given.

115.68	Post-allegation protective custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Directive #4948 Protective Custody Status 6/2/2022 · Form 2168A

	<ul style="list-style-type: none"> · Interview Superintendent · Interview staff who supervise restrictive housing (two) · PAQ <p>The PAQ indicates there were no incarcerated individuals who allege to have suffered sexual abuse who were held in involuntary segregation in the past 12 months for one to 24 hours awaiting completion of assessment and no incarcerated individuals 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>Summary of evidence to support a finding of compliance: 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 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>
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115.71	Criminal and administrative agency investigations
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Directive 4027 Sexual Victimization Prevention & Response 7/21/2022 · SVPPM Data Storage, Publication and Destruction 7/11/2022 Retention schedule · New York Criminal Procedure Law 160.45 · Office of Special Investigation Policy Manual (confidential) 1/4/2021 · Directive #0700 Office of Special Investigations (OSI) 9/20/2022 · Letter to the New York State Police Superintendent 5/02/2014 · Observations · Interviews Investigative staff · Interview with the Superintendent

- Investigative reports

- PAQ

PAQ indicates no substantiated allegations of sexual abuse that appeared criminal were referred for consultation prosecution since the last PREA audit. Two ongoing investigations have been referred for [prosecution.

(a) 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. 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.

(b) All investigators in the SCD receive training. See 115.34

(c) Directive 4027 Sexual Victimization Prevention & Response 7/21/2022 specifies 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. It provides specific directions on reporting and where and how to document these reports. 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.

(d) (e) The Office of Special Investigations Policy Manual is considered confidential but was provided to the auditor. The auditor reviewed the document and found it supports compliance with this provision. Additionally, polygraph tests are prohibited in accordance with the New York Criminal Procedure Law 160.45 and therefore not used in any aspect of the investigation for sexual abuse or sexual harassment. Review of investigations supported that the credibility of victim, suspect or witness is based on alignment with established facts. This requirement was confirmed by the interview with the investigators.

(f) The Office of Special Investigations Policy Manual is considered exempt from disclosure. The auditor reviewed the document and found it supports compliance with this provision. 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) The Office of Special Investigations Policy Manual is considered exempt from disclosure. The auditor reviewed the document and found it supports compliance with this provision. Compliance with his 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 ensure all matters that rise to the level of criminal prosecution are referred for criminal handling.

(i) SVPPM Data Storage, Publication and Destruction 7/11/2022 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 interviews with the investigators.

(j) The departure of an alleged abuser or victim from 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. The interview with the investigators also confirmed that the investigation would continue. Three investigations reviewed supported that the investigation continues even when the alleged victim or perpetrator left the facility.

(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 a 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. OSI has developed comprehensive policies to ensure that there are no Garrity issues when interviewing staff in criminal investigations. Additionally, DOCCS maintains long

	<p>standing relationships with several outside law enforcement agencies whose expertise can be brought to bear, in order to supplement OSI capabilities, when necessary, in certain investigations. DOCCS OSI SCD will exchange information throughout the investigation will all relevant entities in order to move an investigation forward. “</p> <p>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 demonstration of diligence when investigating and specialization of investigators in the SCD of OSI.</p>
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115.72	Evidentiary standard for administrative investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Directive #0700 Office of Special Investigations (OSI) 9/20/2022 · Observations · Interviews Investigative staff · Review of investigations using preponderance of evidence (administrative) <p>Directive #0700 Office of Special Investigations (OSI) 9/20/2022 supports the use of a preponderance of evidence as the criteria to substantiate an allegation.</p> <p>Summary of evidence to support a finding of compliance: 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 administrative investigations supports that the agency uses a finding of substantiated or unfounded based on a preponderance of the evidence. The auditor finds there is sufficient evidence to support a finding of compliance.</p>

115.73	Reporting to inmates
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Auditor Overall Determination: Exceeds Standard

Auditor Discussion

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

- Office of Special Investigation Policy Manual (confidential)
- Observations (mail room legal mail handling)
- Interview Superintendent
- Interviews with investigative staff
- Interview with the mailroom staff
- Documentation of notifications
- PAQ

The PAQ indicates that five criminal and/or administrative investigations of alleged incarcerated individual sexual abuse were completed in the previous twelve months. Two incarcerated individuals were notified, verbally or in writing, of the results of the investigation in the previous twelve months. Zero investigations were completed by an outside agency in the past twelve months.

(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. She indicated she 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.

(a) (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. Notifications of the investigations are provided to the Superintendent where the complainant/incarcerated individual is currently housed, via a "Notification of Investigation Determination" who in turn notifies the complainant/incarcerated individual via Privileged Mail which the complainant/incarcerated individual will sign for receipt. Documentation of the process was provided to the auditor (three notifications) and confirmed by the interview with the mailroom staff.

Summary of evidence to support a finding of compliance: 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. The auditor finds that the agency exceeds the standard by providing an enhanced level of confidentiality when providing this notification.

115.76	Disciplinary sanctions for staff
	<p data-bbox="256 188 959 221">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="256 264 544 297">Auditor Discussion</p> <p data-bbox="256 340 1406 418">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="256 452 1337 846" style="list-style-type: none"> <li data-bbox="256 452 1337 486">· Directive 4027 Sexual Victimization Prevention & Response 7/21/2022 <li data-bbox="256 524 536 557">· Observations <li data-bbox="256 595 600 629">· Employee Manual <li data-bbox="256 667 1222 701">· Directive #2111- Report of Employee Misconduct - 1/11/2023 <li data-bbox="256 739 703 772">· OSI Manual (confidential) <li data-bbox="256 810 405 844">· PAQ <p data-bbox="256 884 1457 1003">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 data-bbox="256 1039 1469 1491">(a)(b) Directive 4027 Sexual Victimization Prevention & Response 7/21/2022 supports that 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 data-bbox="256 1527 1406 1646">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.</p> <p data-bbox="256 1682 1481 1928">Directive #2111- Report of Employee Misconduct – 1/11/2023 additionally confirms that staff will be disciplined, noting sanctions up to termination for sexual misconduct. Specially it states, In keeping with past practice, and in accordance with the National Prison Rape Elimination Act (PREA) Standards, termination of employment shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse of an incarcerated individual or releasee.</p> <p data-bbox="256 1964 1461 2083">(c) Directive #2111- Report of Employee Misconduct – 1/11/2023 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</p>

	<p>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 document and found that it supports compliance with this standard, noting that terminations or resignations by staff who would have been terminated shall be reported to law enforcement agencies (if criminal) and to relevant licensing bodies.</p> <p>Summary of evidence to support a finding of compliance: The PAQ supports that no staff have been terminated nor referred to licensing bodies for violating agency sexual abuse and/or sexual harassment policy, zero staff violated agency sexual abuse/sexual harassment policies. The auditor found this credible after conducting the preaudit and onsite audit. Policy, written authority, and 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.</p>
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115.77	Corrective action for contractors and volunteers
	<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 #4750, Volunteer Services Program 7/21/2020 · Standards of Conduct For Volunteers Within The New York State Department Of Corrections And Community Supervision · Acknowledgements of Standards of Conduct for Volunteers and All Applicable Policies · Interviews Superintendent · Interviews with contractual staff · PAQ <p>The PAQ notes that no contractor or volunteer has been involved in an investigation regarding sexual abuse or sexual harassment towards an incarcerated individual. The auditor found no evidence to dispute this statement during the audit process.</p> <p>(a) (b) Directive #4750, Volunteer Services Program requires that volunteers be</p>

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 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. 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 Incarcerated individuals 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 incarcerated individuals in a State Correctional Facility to engage in a sexual act with an incarcerated individual or parolee assigned to that facility, even if the incarcerated individual 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 five 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 she is able and willing to temporarily suspend volunteers and contractual staff from entering the facility if there is a suspicion of misbehavior. See comments to 115.32. Additionally, she confirmed that she has the authority to terminate the agreement and, if the incident appeared criminal, it would be referred for prosecution.

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 the PAQ, documentation, policy, and interviews, the auditor finds the standard to be compliance finding it credible that no volunteer or contractual staff have violated sexual abuse and sexual harassment policies. Processes are in place to address this if

	an incident occurs.
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115.78	Disciplinary sanctions for inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Directive 4027 Sexual Victimization Prevention & Response 7/21/2022 · Observations · Inmate Rulebook · Interviews Superintendent · Hearing Officer Sanctioning Schedule · Directive 4401 Guidance and Counseling, 8/21/2020 · Document showing mental health contact when required · Directive #4932 - Chapter V, Standards Behavior & Allowances - 10/2/2018 · Sex Offender Counseling and Treatment Program Referral · Interview with the Disciplinary Officer · Directive #6910 Criminal Prosecution of Incarcerated Individuals 6/3/2022 · Pamphlet Prevention of Sexual Victimization in Prison What You Need to Know · PAQ <p>The PAQ indicates there have been no administrative findings or criminal findings of incarcerated individual-on-incarcerated individual sexual abuse. The auditor found no reason to dispute this during the audit process.</p> <p>(a)Directive #4932 - Chapter V, Standards Behavior & Allowances - 10/2/2018.Category 101 addresses Sex Offenses. 101.10 Sex Offense An incarcerated individual shall not engage in or encourage, solicit or attempt to force another to engage in any sexual act. The Hearing Officer Sanction Schedule 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). The inmate Rulebook notes that sexual misconduct charges include: 101 Sex Offenses Tier 101.10 Sex Offense - An inmate shall not engage in, encourage,</p>

solicit or attempt to force another to engage in any sexual act. I, II, III 101.11 Forcible Touching - An inmate shall not intentionally and forcibly touch the sexual or other intimate parts of an employee for the purpose of degrading or abusing such employee or for the purpose of gratifying the inmate's sexual desire. Forcible touching includes, but is not limited to, squeezing, grabbing, pinching and kissing. I, II, III 101.20 Lewd Conduct - An inmate shall not engage in lewd conduct by intentionally masturbating in the presence of an employee, or intentionally exposing the private parts of his or her body, unless as part of a strip frisk, strip search, medical examination or other authorized purpose. I, II, III 101.21 Physical Contact - An inmate shall not engage in physical contact with another inmate. Prohibited conduct includes, but I, II 17 is not limited to, kissing, embracing or hand-holding. 101.22 Stalking - An inmate shall not stalk an employee, visitor or other person. Stalking includes, but is not limited to, conduct directed at a specific employee, visitor or other person where the inmate knows, or reasonably should know, that such conduct is likely to cause reasonable fear of material harm to the physical health, safety or property of such person.

Review of the investigations for the previous twelve months yielded no misconducts for sexual abuse, incarcerated individual-on-incarcerated individual, occurred during the audit review period.

(b) The auditor reviewed the Hearing Officer Sanctioning Schedule. It provides guidance for Hearing Officers when imposed disciplinary sanctions on incarcerated individual's misconducts. Aggravating and mitigating factors are considered. These include age of the incarcerated individual, incarcerated individual's medical condition, incarcerated individual'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 who further indicated that sanctions outside the guidelines require additional approval from the Superintendent and central office.

(c) Directive #4932 - Chapter V, Standards Behavior & Allowances -states, mental state or intellectual capacity. When an incarcerated individual's mental state or intellectual capacity is at issue, a Hearing Officer shall consider evidence regarding the incarcerated individual'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 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/sanction. The auditor observed this in the disciplinary report at a prior audit.

(d) Directive 4027 Sexual Victimization Prevention & Response 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. Directive 4401 Guidance and Counseling 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 Incarcerated individual Standards of Behavior for any sexually abusive and/or assaultive act. Failure to participate can and will prevent an incarcerated individual from release.

(e) This provision requires that the agency may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact. This was confirmed by the disciplinary officer at the facility. Review of investigations led the auditor to conclude that there has been no incident of sexual contact with a staff member.

(f) Pamphlet Prevention of Sexual Victimization in Prison What You Need to Know informs incarcerated individuals that a person may be charged or disciplined for making a false report, if after the investigation, it is proven that the person made the statement knowing it was false or baseless, or the person reported an alleged crime or incident knowing it did not occur. A report made in good faith is not falsely reporting an incident or lying even if the investigation does not substantiate the allegation.

(g) Hearing Officer Sanction Guidelines Sex Offenses, and penalty categories distinguishes between forcing or attempting to force another to engage in a sexual act, encouraging or soliciting sexual act, and engaging in sexual act (no forcer or coercion).

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. Both confirmed that an incarcerated individual will not be sanctioned for sexual contact with staff. Treatment is available and referrals are made for incarcerated individuals who are found to have perpetrated sexual abuse. 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

Auditor Discussion

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

- HSPM 1.44 - Health Screening of Incarcerated individuals - 1/4/2023
- Directive #4101 Inmate Suicide Prevention 1/25/2018
- SVPPM Screening for Risk of Sexual Victimization and Abusiveness 2/15/2022
- Albion PREA Risk Screening FOM 220
- Directive #4301 - Mental Health Satellite Services and Commitments to CNYPC - 8/03/2022
- Form 115.41M; 115.41F
- Mental Health Referral Form 3150 demonstrating completion of the referral
- Completed Mental Health Referral Form - two
- Form 3278, PREA Screening , four examples
- HSPM 1.12B Incarcerated Individual Bloodborne Pathogens Exposure Protocol 12/3/2021
- NYS Public Health
- Observations
- Interviews Incarcerated Individuals who disclose sexual victimization at risk screening
- Interview staff responsible for conducting risk assessment
- Interview medical and mental health staff
- Documents showing mental health referrals
- PAQ

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.

(a)(b) HSPM 1.44 - Health Screening of Incarcerated individuals addresses information received related to sexual victimization or abusiveness. It states, upon arrival at a DOCCS facility, every newly received or transferred incarcerated individual, will receive a health screening by a Registered Nurse (RN). 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.

Directive #4101 Inmate Suicide Prevention confirms that health services will complete the Form #3278PREA upon arrival from a transfer, in addition to reception facilities. Form 3278PREA prompts screening staff to complete a mental health referral form #3150 for affirmative responses to prior victimization since their last transfer.

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. Completion of the referral is noted on the bottom of the form by mental health staff. Mental health staff are located at the facility across the street and will conduct this in person or via video interviews.

Albion 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.

Directive #4301 - Mental Health Satellite Services and Commitments to CNYPC, confirms that mental health services for this facility are located at this facility. Mental Health Referral Form 3150 supports those referrals received will be addressed within fourteen days. The Facility Operations Manual for Albion Correctional Facility, PREA Risk Screening both describe the specific steps needed to ensure a referral is made at this facility. Two documents representing compliance with this process was provided with the pre-audit documentation.

Form 115.41F directs the screener to ascertain if the incarcerated individual wants a referral to mental health if they indicate they have previously suffered sexual abuse.

(c) The facility is a prison, not a jail.

(d) (e) HSPM 1.44 - Health Screening of Incarcerated individuals states that any information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education and program assignments, or as

	<p>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.</p> <p>Form 3278 includes a brief review again of whether the incarcerated individual has been sexually abused or victimized. It is completed by health care staff upon arrival. It affords a place to obtain consent for those who report abuse that occurred outside the prison to obtain consent. It is specified that it is for incarcerated individuals 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 and review of two completed assessments of this form.</p> <p>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.</p> <p>Review of the randomly reviewed risk assessments supported that the procedure as established by this Agency is being followed. Policy, written authority, interviews with 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.</p>
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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, 7/21/2022 · Observations made during the tour · Interviews with the Nursing Supervisor and Mental Health Director

- Documentation of medical evaluation related to PREA allegation
- Albion Correctional Facility FOM #223 11/9/2022
- Review of Coordinated Response Plan on site

(a) (b) (c) (d) Directive #4027 Sexual Victimization Prevention & Response,

Medical and Mental Health Care Access to emergency medical and mental health services. 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. 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.

The Facility Coordinated Response Plan FOM , HSPM 1.60 Sexual Assault and the New York Public Health Law support that incarcerated individuals 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.

Medical staff are available twenty-four hours a day, seven days a week (24/7). Mental health staff are located at this facility. Crisis intervention is available 24/7. 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 Incarcerated individual Bloodborne Pathogens Significant Exposure Protocol. A List of SANE/SAFE hospitals is maintained with Health Services and the

	<p>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 and mental health occurring after a PREA allegation.</p> <p>Summary of evidence to support a finding of compliance: 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. Documentation of medical and mental health contact was provided as evidence to support the requirements. The auditor finds there is sufficient evidence to support a finding of compliance.</p>
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115.83	Ongoing medical and mental health care for sexual abuse victims and abusers
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <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, 7/21/2022 · Interviews medical and mental health staff · HSPM 1.60 - Sexual Assault - 7/22/2022 · HSPM 1.12B Incarcerated individual Bloodborne Pathogens Significant Exposure Protocol - 12/3/2021 · Facility Coordinated Response FOM · Directive #4401 Guidance and Counseling 8/21/2020 · New York Public Health Law § 2807-c · OMH MOU <p>Directive #4027 Sexual Victimization Prevention & Response, states, Ongoing medical and mental health care for sexual abuse victims and abusers. a. 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</p>

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.

(a)(b) (c) HSPM 1.60 - Sexual Assault and Office of Mental Health Memorandum of Understanding 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. HSPM 1.12 supports that treatment for STIs are in accordance with CDC guidelines.

(d) (e) HSPM 1.60 - Sexual Assault confirms that ongoing treatment will include pregnancy testing and timely and comprehensive information about and timely access to all lawful pregnancy related medical services.

(f) HSPM 1.60 - Sexual Assault , HSPM 1.12B Incarcerated individual Bloodborne Pathogens Significant Exposure Protocol 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 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 incarcerated individuals at NYSDOCCS. HSPM 1.60 - Sexual Assault confirms that a mental health evaluation of all known incarcerated individual-on-incarcerated individual 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, incarcerated individuals 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, and mental health staff, support a finding of compliance.

115.86	Sexual abuse incident reviews
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion

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

- Directive #4027 Sexual Victimization Prevention & Response, 7/21/2022
- Sexual Victimization Prevention Policy Manual: Data Collection and Review 8/24/2022
- Sexual Abuse Incident Review Checklist - 8/24/2022
- Substantiated Unauthorized Relationship Incident Review checklist
- Completed Sexual Abuse Incident Reviews - two total (prior 12 month review period)
- Observations
- Review of unauthorized relationship investigations
- Interviews Superintendent
- Interviews ADS PREA
- Interview Incident Review Team Member
- PAQ

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

Directive #4027 Sexual Victimization Prevention & Response, states,

Sexual Abuse Incident Reviews 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 the analysis of the SVPPM:

Sexual Victimization Prevention Policy Manual: Data Collection and Review, Sexual Abuse Incident Reviews 8/24/2022

Policy: 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 and indicated staff 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) The Sexual Abuse Incident Review Checklist is a 6-page form which addresses and requires assessment with all requirements of the standard. Seven reviews were provided to the auditor in addition to the Recommendation Tracking Information. The auditor notes the following: reviews are conducted by the AS/PREA, PREA Point Person/Captain, Superintendent, supervisor of the Offender Rehabilitation Coordinators, and Deputy Superintendent of Programs. Reviews are timely; and the review included a section for additional findings, observation and recommendations. The review of six sexual abuse incidents reviews addressed all the requirements of the standard and provisions in addition to the Incident Review tracking of recommendations.

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 thirty days after the report, enhances the effectiveness of the review prior to the conclusion of the investigation, 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, and review of the Recommendation Tracking Sheet all provided ample evidence for this standard to be deemed compliant. The auditor finds the standards warrants a finding of Exceeds Standards” related to the development of the review of the Unauthorized Relationship investigation, demonstrating a process to enhance preventing sexual abuse and sexual harassment. No examples of this review were available for review as they had not had any investigations regarding unauthorized relationships in the previous twelve months.

115.87	Data collection
	Auditor Overall Determination: Meets Standard
	<p data-bbox="256 1532 544 1565">Auditor Discussion</p> <p data-bbox="256 1608 1406 1682">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="256 1720 1442 2085" style="list-style-type: none"> <li data-bbox="256 1720 1442 1794">· Sexual Victimization Prevention Policy Manual: Data Collection and Review 2/15/2022 <li data-bbox="256 1832 986 1865">· Facility Specific Form 2103SAII and 2103SASI <li data-bbox="256 1904 536 1937">· Observations <li data-bbox="256 1975 632 2009">· Interview ADS PREA <li data-bbox="256 2047 1442 2085">· Sexual Victimization Prevention Policy Manual: Introduction - Definitions used

for collecting data

- Completed SSV 2020
- Interview with the PREA Coordinator
- Annual Report on Sexual Victimization April 2022

(a)(b) (c) Below is the analysis of the SVPPM:

Sexual Victimization Prevention Policy Manual: Introduction provides the standardized definitions for collection of data; they are based on the definitions included in 115.6.

Sexual Victimization Prevention Policy Manual: Data Collection and Review

Policy: Procedures for data collection, review, storage and reporting of sexual abuse data.

Procedure:

Collection of uniform data for every allegation.

- 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

Data includes all necessary information to answer all questions from the Survey of Sexual Victimization (SSV).

Yearly, upon request by the DOJ, DOCCS shall provide data requested by the deadline specified.

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.

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 Greene Correctional Facility was provided with the pre-audit documentation.

(d) Office of Program Planning Research and Evaluation supports that the database is set up to capture agency data from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. It describes the

process for data collection, review, storage and reporting of sexual abuse data.

(e) Documentation was provided demonstrating that information from the private agencies is not incorporated into the agency database and therefore not included as they only contract with private entities for confinement of parolees. 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 2020.

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

Auditor Discussion

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

- Sexual Victimization Prevention Policy Manual: Data Collection and Review
- Observations
- Interviews A/Commissioner
- Interview PREA Coordinator/Associate Commissioner
- Interview ADS PREA
- Link to website
- Monthly Report of Sexual Abuse and Sexual Harassment
- Annual Report on Sexual Victimization April 2022

Below is the analysis of the SVPPM:

Sexual Victimization Prevention Policy Manual: Data Collection and Review

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.

Procedure:

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

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 he Department’s website

(a) (b) (c) (d) An annual report is prepared which compares the statistics from each year, compares the data and action plans and assesses the program towards prevention. There are no personal identifiers in the report, as required by the manual. Information that may present a clear and specific threat to the safety and security of a facility can be redacted; however, an explanation of the contents would be provided. This report is available on the NYSDOCCS website and complies with the

requirements of this standard. The auditor reviewed the annual reports which analyzed the data for 2014 to 2018. Aggregated data for 2019 is additionally available. It is nineteen (19) pages. Problem areas are identified, an analysis of corrective action is provided. It is approved by the A/Commissioner and the PREA Coordinator (noted on the document as well as indicated in their interviews).

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.

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. The Department has funded a research item dedicated to work full-time on PREA matters. Research works with Associate Commissioner Effman, Director Woodworth and OSI in an effort to identify patterns and trends including common characteristics of victim prone incarcerated individuals, common characteristics of incarcerated individual abusers, and any other trends that may be addressed through training or policy changes. The data also plays a key role in keeping the Department's training on sexual abuse prevention and response current . . . I review both regular and ad hoc reports produced by Research for me. Our Office of Special Investigations and I work closely with the Program Planning Research and Evaluation office 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." Additionally, he confirmed he approves the annual report.

The interview with the PREA Coordinator: "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. In addition, our aggregated data for the most recently completed calendar year based upon Bureau of Justice Statistics reporting cycles is included as Appendix B. We are currently finalizing the newest report.

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. It is a 21-page report with the following information:

- Vision and mission

	<ul style="list-style-type: none"> · Allegations of Sexual Abuse and Sexual Harassment · Resulting Determinations · Substantiated Allegations · Review for Corrective Action <p>No information required redaction.</p> <p>Summary of evidence to support a finding of compliance: The auditor finds the standard compliant. The interview with the PREA Coordinator confirmed .The Annual Report on Sexual Victimization April 2022 is a comprehensive analysis of the data and is available on the agency website.</p>
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115.89	Data storage, publication, and destruction
	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: Data Collection and Review · Observations · Interviews PREA Coordinator · Documentation that it is on the website · Historical data since 2012 <p>(a) (b) (c) (d)</p> <p>Below is the analysis 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://doccs.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>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 in the guidance staff office (Guidance folders) and the ADS PREA office. Investigations are stored with OSI investigators at a secure location not at the facility. . No personal identifiers require redaction on the published data.</p> <p>The Associate Commissioner/PREA Coordinator confirmed the following: Our Program Planning Research and Evaluation department works cooperatively with my office and OSI on all data collection and analysis pertinent to PREA matters. Raw data files and reports are stored in restricted drives set up by the State Office of Information Technology Services (ITS). All related paper records are 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>Summary of evidence to support a finding of compliance: Based on the above, the auditor finds this standard to be in compliance.</p>
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115.401	Frequency and scope of audits
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>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 style="list-style-type: none"> • The American Correctional Association is a private, non-profit organization • Albion Correctional Facility is voluntarily undergoing an audit to demonstrate its compliance with nationally established standards • The PREA standards compliance audit of this agency will be conducted on 8-10, May 2023 • Any person with information relevant to this compliance audit may confidentially* correspond with the auditor via the following address: <p>*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 the following:</p> <ul style="list-style-type: none"> • if the person is an immediate danger to her/himself or others (e.g. suicide or homicide); • allegations of suspected of child abuse, neglect or maltreatment; • in legal proceedings where information has been subpoenaed by a court of appropriate jurisdiction <p>Private interviews were conducted with all staff and incarcerated individuals.</p>

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Review of the agency website reveals 145 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	na

	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.)	
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	yes

	consideration: Any applicable State or local laws, regulations, or standards?	
	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.)	yes
	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	yes

	facility does not have female inmates.)	
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)?	yes
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	yes

	with inmates with disabilities including inmates who: Have intellectual disabilities?	
	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	yes

	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?	
	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).)	na
115.31 (a)	Employee training	
	Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?	yes
	Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?	yes

	Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims?	yes
	Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse?	yes
	Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?	yes
115.31 (b)	Employee training	
	Is such training tailored to the gender of the inmates at the employee's facility?	yes
	Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa?	yes
115.31 (c)	Employee training	
	Have all current employees who may have contact with inmates received such training?	yes
	Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures?	yes
	In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies?	yes
115.31 (d)	Employee training	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes
115.32 (a)	Volunteer and contractor training	

	Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes
115.32 (b)	Volunteer and contractor training	
	Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)?	yes
115.32 (c)	Volunteer and contractor training	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes
115.33 (a)	Inmate education	
	During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes
115.33 (b)	Inmate education	
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents?	yes
115.33 (c)	Inmate education	
	Have all inmates received the comprehensive education referenced in 115.33(b)?	yes

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

	Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	
	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	yes

	suspicious 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.)	
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	yes

	screening instrument?	
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)	yes

	Whether the inmate is detained solely for civil immigration purposes?	
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	yes

	information is not exploited to the inmate's detriment by staff or other inmates?	
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	yes

	present management or security problems?	
115.42 (d)	Use of screening information	
	Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate?	yes
115.42 (e)	Use of screening information	
	Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments?	yes
115.42 (f)	Use of screening information	
	Are transgender and intersex inmates given the opportunity to shower separately from other inmates?	yes
115.42 (g)	Use of screening information	
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing	yes

	solely for the placement of LGBT or I inmates pursuant to a consent degree, legal settlement, or legal judgement.)	
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	yes

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

	this standard.)	
	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,	na

	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.)	
	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	yes

	abuse or sexual harassment or retaliation?	
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	yes

	response to an incident of sexual abuse?	
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	yes

	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?	
	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	yes

	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).)	
	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	yes

	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?	
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	yes

	evidence sufficient to substantiate the allegation?	
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	yes

	sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	
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.)	yes
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.)	yes
115.83 (f)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes
115.83 (g)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
115.83 (h)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)	yes

115.86 (a)	Sexual abuse incident reviews	
	Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded?	yes
115.86 (b)	Sexual abuse incident reviews	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes
115.86 (c)	Sexual abuse incident reviews	
	Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?	yes
115.86 (d)	Sexual abuse incident reviews	
	Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?	yes
	Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility?	yes
	Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?	yes
	Does the review team: Assess the adequacy of staffing levels in that area during different shifts?	yes
	Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?	yes
	Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?	yes
115.86 (e)	Sexual abuse incident reviews	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes

115.87 (a)	Data collection	
	Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions?	yes
115.87 (b)	Data collection	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes
115.87 (c)	Data collection	
	Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice?	yes
115.87 (d)	Data collection	
	Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?	yes
115.87 (e)	Data collection	
	Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.)	na
115.87 (f)	Data collection	
	Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)	yes
115.88 (a)	Data review for corrective action	
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?	yes
	Does the agency review data collected and aggregated pursuant	yes

	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?	
115.88 (b)	Data review for corrective action	
	Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse?	yes
115.88 (c)	Data review for corrective action	
	Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means?	yes
115.88 (d)	Data review for corrective action	
	Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility?	yes
115.89 (a)	Data storage, publication, and destruction	
	Does the agency ensure that data collected pursuant to § 115.87 are securely retained?	yes
115.89 (b)	Data storage, publication, and destruction	
	Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means?	yes
115.89 (c)	Data storage, publication, and destruction	
	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes
115.89 (d)	Data storage, publication, and destruction	
	Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise?	yes
115.401 (a)	Frequency and scope of audits	

	During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.)	yes
115.401 (b)	Frequency and scope of audits	
	Is this the first year of the current audit cycle? (Note: a "no" response does not impact overall compliance with this standard.)	yes
	If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.)	na
	If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)	na
115.401 (h)	Frequency and scope of audits	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes
115.401 (i)	Frequency and scope of audits	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes
115.401 (m)	Frequency and scope of audits	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes
115.401 (n)	Frequency and scope of audits	
	Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes
115.403	Audit contents and findings	

(f)		
	The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or, in the case of single facility agencies, there has never been a Final Audit Report issued.)	yes