

# PREA Facility Audit Report: Final

**Name of Facility:** Wende Correctional Facility

**Facility Type:** Prison / Jail

**Date Interim Report Submitted:** NA

**Date Final Report Submitted:** 11/04/2022

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input checked="" type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input checked="" type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input checked="" type="checkbox"/>
<b>Auditor Full Name as Signed:</b> Sharon Ray Shaver	<b>Date of Signature:</b> 11/04/2022

AUDITOR INFORMATION	
<b>Auditor name:</b>	Shaver, Sharon
<b>Email:</b>	sharonrshaver@gmail.com
<b>Start Date of On-Site Audit:</b>	09/14/2022
<b>End Date of On-Site Audit:</b>	09/16/2022

FACILITY INFORMATION	
<b>Facility name:</b>	Wende Correctional Facility
<b>Facility physical address:</b>	3040 Wende Road, Alden, New York - 14004
<b>Facility mailing address:</b>	

Primary Contact	
<b>Name:</b>	Kimberly Adams
<b>Email Address:</b>	Kimberly.Adams@doccs.ny.gov
<b>Telephone Number:</b>	716-937-4000 x2160

Warden/Jail Administrator/Sheriff/Director	
<b>Name:</b>	Christopher Yehl
<b>Email Address:</b>	Christopher.Yehl@doccs.ny.gov
<b>Telephone Number:</b>	(716) 937-4000

Facility PREA Compliance Manager	
<b>Name:</b>	Russell Fox
<b>Email Address:</b>	russell.fox@doccs.ny.gov
<b>Telephone Number:</b>	
<b>Name:</b>	Kimberly Adams
<b>Email Address:</b>	kimberly.adams@doccs.ny.gov
<b>Telephone Number:</b>	

Facility Characteristics	
<b>Designed facility capacity:</b>	911
<b>Current population of facility:</b>	717
<b>Average daily population for the past 12 months:</b>	698
<b>Has the facility been over capacity at any point in the past 12 months?</b>	No
<b>Which population(s) does the facility hold?</b>	Males
<b>Age range of population:</b>	19-84
<b>Facility security levels/inmate custody levels:</b>	Maximum
<b>Does the facility hold youthful inmates?</b>	No
<b>Number of staff currently employed at the facility who may have contact with inmates:</b>	888
<b>Number of individual contractors who have contact with inmates, currently authorized to enter the facility:</b>	89
<b>Number of volunteers who have contact with inmates, currently authorized to enter the facility:</b>	65

AGENCY INFORMATION	
<b>Name of agency:</b>	New York Department of Corrections and Community Supervision
<b>Governing authority or parent agency (if applicable):</b>	
<b>Physical Address:</b>	1220 Washington Avenue, Albany, New York - 12226
<b>Mailing Address:</b>	
<b>Telephone number:</b>	5184578126

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

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

## SUMMARY OF AUDIT FINDINGS

The OAS automatically populates the number and list of Standards exceeded, the number of Standards met, and the number and list of Standards not met.

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

### Number of standards exceeded:

15

- 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
- 115.18 - Upgrades to facilities and technologies
- 115.21 - Evidence protocol and forensic medical examinations
- 115.31 - Employee training
- 115.33 - Inmate education
- 115.34 - Specialized training: Investigations
- 115.41 - Screening for risk of victimization and abusiveness
- 115.42 - Use of screening information
- 115.53 - Inmate access to outside confidential support services
- 115.64 - Staff first responder duties
- 115.65 - Coordinated response
- 115.67 - Agency protection against retaliation
- 115.86 - Sexual abuse incident reviews

### Number of standards met:

30

### Number of standards not met:

0

# POST-AUDIT REPORTING INFORMATION

## GENERAL AUDIT INFORMATION

### On-site Audit Dates

1. Start date of the onsite portion of the audit:	2022-09-14
2. End date of the onsite portion of the audit:	2022-09-16

### 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:	<p>The auditor conducted outreach to advocacy organizations and a general search of public information that could determine facility and agency compliance. Just Detention International (JDI) was contacted by e-mail to inquire if the organization had any information of concern for the Wende Correctional Facility. In response, JDI stated that their database indicated they had received no information regarding the facility. Additionally, the auditor contacted the two organizations listed as community advocate providers for incarcerated victims for Wende CF: (Contractor: New York State Coalition Against Sexual Assault (NYSCASA) ; (Sub-Contractor: Suicide Prevention and Crisis Services, Inc). Both organizations confirmed the services they provide and had no reports about the facility's conditions to provide the auditor about the facility. Although, they were able to confirm that they are actively providing services to individuals housed at the facility.</p>

## AUDITED FACILITY INFORMATION

14. Designated facility capacity:	911
15. Average daily population for the past 12 months:	698
16. Number of inmate/resident/detainee housing units:	52
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:	750
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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:	18
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:	18
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:	16
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:	26
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:	7
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:	9
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:	9
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:	20
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:	4
47. Enter the total number of inmates/residents/detainees who were ever placed in segregated housing/isolation for risk of sexual victimization in the facility as of the first day of the onsite portion of the audit:	0
48. Provide any additional comments regarding the population characteristics of inmates/residents/detainees in the facility as of the first day of the onsite portion of the audit (e.g., groups not tracked, issues with identifying certain populations):	The facility's offender management system does not track individuals once they have left the facility. Individuals who report prior sexual victimization during screening is not tracked within the database; this information was manually calculated based on mental health referrals that were completed within the audit period; therefore, it does not necessarily include all who reported, only those who accepted the mental health referral. Additionally, the list for cognitively impaired individuals was obtained manually.
<b>Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit</b>	
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:	888
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:	65

51. Enter the total number of <b>CONTRACTORS</b> assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:	89
52. Provide any additional comments regarding the population characteristics of staff, volunteers, and contractors who were in the facility as of the first day of the onsite portion of the audit:	No text provided.
<b>INTERVIEWS</b>	
<b>Inmate/Resident/Detainee Interviews</b>	
<b>Random Inmate/Resident/Detainee Interviews</b>	
53. Enter the total number of <b>RANDOM INMATES/RESIDENTS/DETAINEES</b> who were interviewed:	15
54. Select which characteristics you considered when you selected <b>RANDOM INMATE/RESIDENT/DETAINEE</b> interviewees: (select all that apply)	<input checked="" type="checkbox"/> Age <input checked="" type="checkbox"/> Race <input checked="" type="checkbox"/> Ethnicity (e.g., Hispanic, Non-Hispanic) <input checked="" type="checkbox"/> Length of time in the facility <input checked="" type="checkbox"/> Housing assignment <input checked="" type="checkbox"/> Gender <input type="checkbox"/> Other <input type="checkbox"/> None
55. How did you ensure your sample of <b>RANDOM INMATE/RESIDENT/DETAINEE</b> interviewees was geographically diverse?	The auditor selected all targeted interviewees first and then identified their housing units. Once the number of individuals already selected were categorized by their housing units, then the auditor selected the remaining random individuals from each of the housing units according to factors such as age, race, ethnicity, length of time in the facility, programming, and work assignments to ensure a balanced representative number of interviewees from each of the living units.
56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?	<input checked="" type="radio"/> Yes <input type="radio"/> No
57. Provide any additional comments regarding selecting or interviewing random inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):	Correspondence between the auditor and the ADS/PCM began on August 13, 2022. Audit notices were issued to the PREA Coordinator with instructions for posting on August 11, 2022, and the auditor received confirmation they were posted on August 13, 2022. Once uploads were finalized by the facility, the auditor began reviewing the PAQ and documents using the Compliance Audit Instrument and the documents checklist to create a log of additional information to be requested from the facility. A schedule for the onsite portion of the audit was established, and travel arrangements were secured directly by the auditor. As needed, requests by email were submitted to the facility for additional documents or clarification of the documents provided. All requests

for additional information were responded to promptly and comprehensively. Additional correspondence occurred between the auditor, AC/PREA Coordinator, and ADS/PCM up to the onsite portion of the audit and then after until the issuance of the final report. A web search of the facility revealed no derogatory information relevant to this audit. No relevant litigation, no DOJ involvement, no federal consent decrees, or local oversight was discovered during the search. Interviews with the AC/PREA/Commissioner's Designee confirmed no consent decrees or oversight. The auditor reviewed relevant documents provided by the facility during the site visit and found on the Department's website and those provided during the Post-Audit phase. Documents reviewed for compliance determination are referenced in the narrative sections under each individual standard discussion. Throughout the audit, an extensive document review was conducted. Various policies, forms, contracts, and additional working documents were reviewed, evaluated, and triangulated against information obtained from interviews and personal observations during the site visit, which were instrumental in determining compliance with the PREA Standards. Included below is the list of governing NY State Department of Correction and Community Supervision (DOCCS) Directives (DIR) that were provided as evidence of policies and procedures and used by the auditor for compliance determination. These Directives are referenced throughout the audit report and annotated throughout the report using only the policy number. This list is not intended to be exhaustive but outlines the core policy documents used in the evaluation process. Information obtained from these policies combined with the information provided with the PAQ and the observations, facility documentation, and general information collected from the site visit was carefully evaluated and assessed against each element of the standards.

DIR #2012, Release of Employee Personnel and Payroll  
 DIR #2110 Employee Discipline – Suspension from Duty During the Continuation of Disciplinary Proceedings  
 DIR #2111, Report of Employee Misconduct 2230, Guidelines for Assignment of Male and Female Correction Officers  
 DIR #2112, Report of Criminal Charges DIR #2114 Functions of Labor Relations DIR# 2216, Fingerprinting/Criminal History Inquiry – New Employees and Contractors DIR #2230, Guidelines for Assignment of Male and Female Correction Officers, DIR #2612, Inmates with Sensorial Disabilities DIR #3053  
 Alterations/Construction Requests DIR #4001, Facility Administrative Coverage & Supervisory Rounds DIR #4009, Minimum Provisions for Health and Morale DIR #4021, Inmate Reception/Classification DIR #4027, Sexual Victimization Prevention & Response DIR #4040, Inmate Grievance Program DIR #4071, Guidelines for Construction Projects, DIR #4301, Mental Health Satellite Services and Commitments to CNYPCDIR #4401, Guidance & Counseling Services DIR #4404, Inmate Legal Visits DIR #4421, Privileged Correspondence DIR #4423, Inmate Telephone Calls DIR #4490, Cultural and Language Access Services, DIR #4750, Volunteer Services Program DIR #4803, Inmate Program Placement DIR #4910, Control of and Search for Contraband DIR #4932, Chapter V, Standards Behavior & Allowances DIR #4948, Protective Custody Status HSPM #1.37, Body Cavity Search  
 HSPM #1.19, Health Appraisal HSPM #1.01, Inmate Orientation to Health Care Services HSPM #1.44, Health Screening of Inmates HSPM #1.12B, Inmate Bloodborne Pathogens Significant Exposure Protocol NY State Department of Correction and Community Supervision (DOCCS) Employee Manual Office of Special



Investigations (OSI) Manual Personnel Procedures Manual #406A, Recruitment Process Personnel Procedures Manual #407, Civilian Promotions Personnel Procedures Manual #407A, Security Promotions FOM, PREA Risk Screening, Wende Correctional Facility Operations Manual, Coordinated Response Plan to Reports of Sexual Victimization

### Targeted Inmate/Resident/Detainee Interviews

**58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:**

16

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".

**60. Enter the total number of interviews conducted with inmates/residents/detainees with a physical disability using the "Disabled and Limited English Proficient Inmates" protocol:**

3

**61. Enter the total number of interviews conducted with inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) using the "Disabled and Limited English Proficient Inmates" protocol:**

2

**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:**

2

**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:**

2

**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:**

2

**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:**

1

**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:**

3

**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:**

2

<p><b>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:</b></p>	<p>1</p>
<p><b>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:</b></p>	<p>0</p>
<p><b>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</b></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>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).</b></p>	<p>The facility indicated there were no individuals who met this targeted category criteria. A review of the relevant policies and interviews with staff and incarcerated individuals indicated that individuals are never placed in segregated housing due to the risk of sexual victimization. Interviews with incarcerated individuals who reported sexual abuse confirmed that they were not placed in segregation involuntarily after reporting the allegation. The auditor also interviewed supervisory staff and officers assigned to work in segregation to confirm that individuals are not placed in segregated housing for risk of sexual victimization.</p>

<p><b>70. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):</b></p>	<p>The auditor's interviews with incarcerated individuals were based on guidance from the PREA Auditor Handbook and the PREA Compliance Audit Instrument, Interview Guide for Inmates. The interviews with incarcerated individuals were conducted in various locations throughout the facility to minimize the intermingling of the different populations and for time efficiency. All interviews were conducted privately to ensure the individuals felt comfortable expressing concerns without prison staff being present. Interviews with the LEP individuals were conducted using a trained and qualified staff interpreter, with each interviewee's consent. The interviews were conducted on all days of the site visit. The official assigned population on the first day of the site visit was 751. The overall minimum number of individual interviews required for this population size is 30, with a minimum of 15 targeted. Wende CF houses no youthful offenders, and there were no individuals housed at the facility at the time of the audit who were or had been housed in segregation for risk of sexual victimization. The auditor selected additional individuals from other targeted categories to compensate for the two categories where no one met the criteria. The auditor oversampled individuals who identified as gay or bisexual and those who were LEP and had a hearing impairment. The auditor was provided with a housing roster and several lists that identified individuals for the targeted categories. Individuals were selected by the auditor from each targeted list using a combination of random number selection and housing assignments. The auditor interviewed 16 individuals from the targeted criteria lists using 23 targeted surveys and questions from the designated random audit questionnaire. Several individuals qualified for more than one targeted questionnaire. Two incarcerated individuals originally selected for an interview were not interviewed due to one being out at the hospital on a medical issue (non-PREA related) and the other being in a mental health crisis. All individuals selected willingly participated in the interviews. Every individual was aware of the PREA, the agency's and facility's zero-tolerance policy, and how to make a report of sexual abuse and sexual harassment. Overall, individuals expressed that they felt safe in their housing assignment at Wende CF. All interviewees conveyed that the executive leadership team and staff have zero tolerance for sexual activity and that sexual abuse and harassment are taken very seriously by staff. Individuals conveyed that staff are responsive and knew that the ADS/PCM or PPP is the person who could be contacted if they had any problems related to PREA, although they could talk with any supervisor or line staff if necessary. The auditor experienced no barriers to completing interviews or ensuring representation of the targeted population.</p>
<p><b>Staff, Volunteer, and Contractor Interviews</b></p>	
<p><b>Random Staff Interviews</b></p>	
<p><b>71. Enter the total number of RANDOM STAFF who were interviewed:</b></p>	<p>18</p>

<p><b>72. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)</b></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 type="checkbox"/> Other (e.g., gender, race, ethnicity, languages spoken)</p> <p><input type="checkbox"/> None</p>
<p><b>73. Were you able to conduct the minimum number of RANDOM STAFF interviews?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p><b>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):</b></p>	<p>Before the onsite portion of the audit, the facility provided the auditor with a full staff roster and lists of staff who perform specialized duties. Also, during the ADS/PCM interview, additional staff were identified who would be interviewed for specialized topics. Once these individuals were identified, then the auditor selected staff randomly from the staff rosters provided and added random employees to the list for interviews selected during the tour of the facility. A total of 18 random interviews were conducted during this facility's audit, in addition to informal conversations held during the tour. Interviews covered security and non-security staff, supervisors and line staff, and those staff from all tours and shift assignments and with a variety of tenure with the Department and at this facility. All who were selected participated willingly. Employees were found to be very dedicated to the facility and the department's mission. The population housed at the facility requires specialized skills and training, and staff presented a high level of competency and concern for the well-being of the incarcerated individuals under their care. Staff were found to be very well trained in all aspects of the PREA, confirmed that they receive training, either through policy review or during in-service, annually, and were all in possession of their PREA First Responder quick reference card on their ID clip. The interviews were conducted in various locations due to the logistics of the facility. The auditor met no barriers in completing interviews or ensuring representation.</p>
<p><b>Specialized Staff, Volunteers, and Contractor Interviews</b></p>	
<p>Staff in some facilities may be responsible for more than one of the specialized staff duties. Therefore, more than one interview protocol may apply to an interview with a single staff member and that information would satisfy multiple specialized staff interview requirements.</p>	
<p><b>75. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):</b></p>	<p>38</p>
<p><b>76. Were you able to interview the Agency Head?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p><b>77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>

<p><b>78. Were you able to interview the PREA Coordinator?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p><b>79. Were you able to interview the PREA Compliance Manager?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if the agency is a single facility agency or is otherwise not required to have a PREA Compliance Manager per the Standards)</p>
<p><b>80. Select which SPECIALIZED STAFF roles were interviewed as part of this audit from the list below: (select all that apply)</b></p>	<p><input checked="" type="checkbox"/> Agency contract administrator</p> <p><input checked="" type="checkbox"/> Intermediate or higher-level facility staff responsible for conducting and documenting unannounced rounds to identify and deter staff sexual abuse and sexual harassment</p> <p><input type="checkbox"/> Line staff who supervise youthful inmates (if applicable)</p> <p><input type="checkbox"/> Education and program staff who work with youthful inmates (if applicable)</p> <p><input checked="" type="checkbox"/> Medical staff</p> <p><input checked="" type="checkbox"/> Mental health staff</p> <p><input checked="" type="checkbox"/> Non-medical staff involved in cross-gender strip or visual searches</p> <p><input checked="" type="checkbox"/> Administrative (human resources) staff</p> <p><input type="checkbox"/> Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) staff</p> <p><input checked="" type="checkbox"/> Investigative staff responsible for conducting administrative investigations</p> <p><input checked="" type="checkbox"/> Investigative staff responsible for conducting criminal investigations</p> <p><input checked="" type="checkbox"/> Staff who perform screening for risk of victimization and abusiveness</p> <p><input checked="" type="checkbox"/> Staff who supervise inmates in segregated housing/residents in isolation</p> <p><input checked="" type="checkbox"/> Staff on the sexual abuse incident review team</p> <p><input checked="" type="checkbox"/> Designated staff member charged with monitoring retaliation</p> <p><input checked="" type="checkbox"/> First responders, both security and non-security staff</p> <p><input checked="" type="checkbox"/> Intake staff</p> <p><input checked="" type="checkbox"/> Other</p>

<b>If "Other," provide additional specialized staff roles interviewed:</b>	The auditor interviewed the Training Coordinator, Chaplains, Grievance Supervisor, Mailroom Supervisor, and Volunteer Coordinator.
<b>81. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?</b>	<input checked="" type="radio"/> Yes  <input type="radio"/> No
<b>a. Enter the total number of VOLUNTEERS who were interviewed:</b>	1
<b>b. Select which specialized VOLUNTEER role(s) were interviewed as part of this audit from the list below: (select all that apply)</b>	<input type="checkbox"/> Education/programming  <input type="checkbox"/> Medical/dental  <input type="checkbox"/> Mental health/counseling  <input type="checkbox"/> Religious  <input checked="" type="checkbox"/> Other
<b>82. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility?</b>	<input checked="" type="radio"/> Yes  <input type="radio"/> No
<b>a. Enter the total number of CONTRACTORS who were interviewed:</b>	5
<b>b. Select which specialized CONTRACTOR role(s) were interviewed as part of this audit from the list below: (select all that apply)</b>	<input type="checkbox"/> Security/detention  <input type="checkbox"/> Education/programming  <input checked="" type="checkbox"/> Medical/dental  <input checked="" type="checkbox"/> Food service  <input type="checkbox"/> Maintenance/construction  <input checked="" type="checkbox"/> Other

<p><b>83. Provide any additional comments regarding selecting or interviewing specialized staff.</b></p>	<p>Before the onsite portion of the audit, the facility provided the auditor with a full staff roster and lists of staff who perform specialized duties. Also, during the ADS/PCM interview, additional staff were identified who would be interviewed. A total of 38 individuals were interviewed, representing specialized roles. Of the 38 individuals interviewed, 34 were facility staff (31-employees/3-contractors), and 4 were central office representatives/executive level. The central office/executive level representatives included the Agency Head/PREA Coordinator; ADS/PCM/Superintendent/OSI Investigators. Multiple protocols were administered to several employees due to the nature of their roles and responsibilities at the facility resulting in a total of 48 total specialized questionnaires administered.</p> <p>The auditor encountered no barriers to completing the staff interviews or ensuring representation, and all selected participated willingly. Most of the employees interviewed in these roles were tenured staff, and some had been relocated to this facility due to facility closures across the state. Employees were pleasant, and overall the auditor observed a high level of job satisfaction. Interviews covered security and non-security staff, supervisors and line staff, and those staff from all tours and shift assignments and with a variety of tenure with the Department and at this facility. All who were selected participated willingly. Staff was found to be very well trained in all aspects of the PREA and how the standards related to their specific job responsibilities. The interviews were conducted in the administrative conference room or the employee's office/work area in a private setting.</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><b>84. Did you have access to all areas of the facility?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p><b>Was the site review an active, inquiring process that included the following:</b></p>	
<p><b>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)?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p><b>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)?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p><b>87. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>

<p><b>88. Informal conversations with staff during the site review (encouraged, not required)?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p><b>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).</b></p>	<p>Upon arrival on the first day of the audit, the Executive Staff met with the auditor to provide a facility overview and discuss the site visit details. The auditor was provided with a facility schedule and a tentative itinerary for review. Each day a closeout was conducted with key staff, and when the auditor arrived at the facility the next morning, staff was prepared and ready to begin the day making the auditor's time onsite productive and efficient. This process made for a very smooth visit and allowed the auditor to maximize time onsite. During the site inspection, the auditor observed signage; audit notice postings; blind spots; locked doors; opposite-gender viewing opportunities; bathroom layouts and privacy measures; camera views; log book documentation; opposite-gender announcements; interactions between staff and incarcerated individuals; staff presence; movement of incarcerated individuals; interactions between the incarcerated individuals; the processing of staff and visitors entering the facility. The facility conducts eight designated counts each day and closely coordinates and controls the movement of incarcerated individuals (yard, meals, gym, programming, sick call, and work details) throughout the day. The facility adheres closely to strategically designed schedules to ensure the separation of individuals who should not mix, and staff posts are designated at transition points where there may be an overlap of movement in any of the travel areas. The auditor observed controlled and systematic movement throughout the course of the site visit. Members from the executive team accompanied the auditor during the site visit and were found to be knowledgeable and highly engaged in all aspects of the operations. It was evident members of the executive team frequently tour the facility and interact with staff and incarcerated individuals. Wende CF is located in Erie County, New York, in Alden, New York. The facility is classified as a maximum-security facility and an intake facility for males 18 and older. Incarcerated individuals at Wende CR exhibit a wide range of sentence lengths due to the nature of their crimes. The facility has a Special Management Unit (SMU) and facilitates Immigration and Customs Enforcement (ICE). The facility provides various programs and services to increase each incarcerated individual's chance of success once released from custody. These programs are scheduled at various times throughout the week, and staffing levels are heightened to ensure these programs take place in a safe environment. Programs are generally scheduled for daytime shifts between 8:00 AM and 4:00 PM and early evening 6:00 PM – 8:00 PM. The facility offers academic and vocational education; volunteer services, sex offender counseling; transitional services; Aggression Replacement Training (ART); and substance abuse treatment services. Wende CF also provides services designated to meet the needs of visually and hearing-impaired incarcerated individuals and deaf and blind individuals. Wende is classified as a Mental Health, Level I facility. Wende also contains a Regional Medical Unit (RMU) and operates a Special Needs Unit (SNU) for individuals who present developmental disabilities; a Transitional Special Needs Unit (TRSNU); and an Intensive Immediate Care Program (IICP); a Transitional Immediate Care Program (TrICP); Residential Crisis Treatment Program (RCTP); A Family Reunion Program (FRP); and a step-down to the community from SHU program. Academic Education (LEVELS: ABE, Pre-HSE, HSE, College</p>



Correspondence) and Vocational Education (Building Maintenance, Electrical, Plumbing) are offered. Additionally, the facility offers Religious Services; Intermediate Care Program (ICP); Special Needs Unit (SNU); a Diversion Unit; Medication-Assisted Treatment (MAT); Residential Medical Unit (RMU); Step-Down Program (SDP); Sex Offender Counseling and Treatment Program (SOCTP); Recreation Programs; General Library; Law Library; Transitional Services; Work Programs (Recycling, Mess Hall, Maintenance, Porters, Clerks, Outside Lawns and Grounds) and Alcohols Substance Abuse Treatment (ASAT). Incarcerated individuals receive packages from family and friends via visitation and postal mail. Signage is posted to explain that calls may be monitored and recorded.

The facility contains seven (7) cell blocks, a Mental Health Unit Building, and a Regional Medical Unit. Wende Correctional Facility can house 919 incarcerated individuals, including the Regional Medical Unit. There are 72 buildings, 770 single cells, 42 multiple occupancy cells, and 41 segregation cells. The Kitchen/Cafeteria and Gymnasium are located in the compound. A, B, C, and D Blocks house incarcerated individuals assigned to various programs. C Block (13 Company) houses newly incarcerated individuals received from the county. Protective Custody and Involuntary Protective Custody incarcerated individuals are housed in E Block, and F Block houses Special Needs Incarcerated individuals. The Special Housing Unit and Step-Down Program Unit occupy the first floor of G Block, and the second and third floors are Earned Dorm Housing. Wende has been designated to house maximum security incarcerated individuals from various facilities awaiting release to Immigration and Customs Enforcement (ICE) for deportation. Wende is responsible for transporting incarcerated individuals who are transferring both in and out of a designated hub. This facility makes morning pickups of transferring incarcerated individuals at our hub facilities and transports them back to Wende, where they meet Auburn Correctional Facility's transportation bus to continue elsewhere in the state. Auburn drops off incarcerated individuals at Wende to be transported to hub facilities four afternoons a week. As a result of the facility's proximity to Buffalo, they receive and transport numerous incarcerated individuals to court from other facilities. Reception incarcerated individuals are transported to Elmira Correctional Facility four days a week. A continuing influx of special needs incarcerated individuals and those suffering from mental health issues is the facility's largest challenge. Wende provides therapeutic programming and reasonable accommodations to incarcerated individuals identified with special needs and therapeutic cubicles in the Step-Down Program Unit and assists in the transitioning of incarcerated individuals with disciplinary problems to prepare them for release to the community. Multiple training opportunities are provided to all staff throughout the year to keep them informed and aware of the various types of special needs within the incarcerated population.

The facility is led by a Superintendent, First Deputy Superintendent (FDS), Deputy Superintendent for Security (DSS), Deputy Superintendent for Health Services (DSH), Deputy Superintendent for Administrative Services (DSA), an Assistant Deputy Superintendent (ADS) for PREA, and an ADS for Mental Health. Security supervision for Tour I includes 1 Lieutenant and 2 Sergeants. Security supervision for Tour II includes 1 DSS, 1 Captain, 4 Lieutenants, and 12 Sergeants. Security Supervision for Tour III includes 1 Captain, 2 Lieutenants, and 7 Sergeants. The facility runs six security staff shifts that are staggered to maximize communication between incoming and outgoing staff and to

eliminate mass changeover in staff presence during incarcerated individuals' wake time. The shift times are 11:00 PM - 7:00 AM; 5:00 AM - 1:00 PM; 7:00 AM - 3:00 PM; 8:00 AM - 4:00 PM; 1:00 PM - 9:00 PM; 3:00 PM - 11:00 PM. The facility also runs five support staff shifts, two program shifts, and five medical shifts. Wende Correctional Facility utilizes direct and indirect supervision. Security rounds are made in housing areas a minimum of hourly, in Special Housing Unit every 30 minutes, and in RCTP every 15 minutes, during which every incarcerated individual is physically viewed by staff. Incarcerated individuals are forbidden to create any obstruction or otherwise inhibit any line of sight except when changing in their cell, cube, or room or when using cell toilet facilities. The Rounds Tracker system is also utilized in designated units to enhance tracking of regular and unannounced rounds. The Mental Health Department is staffed by the Central New York Psychiatric Center Office of Mental Health (OMH). Fiscal & Stores is responsible for all traditional Business Office obligations and for issuing clothing daily to the incarcerated individuals coming into the system, and also processes any funds they possess upon arrival. Wende is made up of both new and old buildings. The facility proper was built in the 1920s as a county penitentiary. New York State acquired the property in 1983 and added a mega entry structure, food service complex, and gymnasium. In 1990, a Mental Health Unit was constructed, and in 1998, a Regional Medical Unit was constructed. This presents maintenance staff with a wide range of upkeep. Because this facility serves as the Hub Transportation Unit, the facility garage oversees the maintenance and repair of a large auto fleet required to carry out the daily movement of incarcerated individuals within the Hub. The Food Service Department at Wende CF is a vital link in the facility's operations. The menu is supplemented with cook-chill food provided by the Mohawk Correctional Facility Food Production Center in Rome, New York. Approximately 75 incarcerated individual workers are assigned to the mess hall, including full-time and part-time workers. Due to the facility's population, 72% of the meals are delivered to satellite areas. All incarcerated individuals may choose between the main meal and an alternate meal. Kosher menus are provided by Nutritional Services. If prescribed by a medical professional, a special diet is also provided. Personnel Department at Wende Correctional Facility processes new employee appointments, promotions, transfers, retirements, health insurance enrollments and changes, and workers' compensation claims. They are also responsible for maintaining employee attendance records and evaluations, coordinating new employee orientations, and scheduling all training for over 700 employees. Wende houses an extremely diverse population. Programs, together with work and therapeutic activities, are designed to meet those diverse needs and to better prepare the men for release to the community or just help them be productive facility community members. The program day at this facility is divided into three modules (AM, PM, and Evening). Security staff coordinates with civilian staff and assists in providing the numerous services and programs offered to the incarcerated individual population. The SNU and MHU are staffed by Correction Officers who receive annual specialized training from mental health professionals and actively participate in delivering these programs. Guidance and Counseling services comprise three major functions: Case Management, Counseling Services, and Parole Board/Community Prep. The Offender Rehabilitation Coordinator (ORC) advises and prescribes program activities based on an assessment of the incarcerated individual's strengths, needs, interests, and available facility resources. For counseling-related

matters, the ORC is the primary person through whom contacts with other Departmental Units, outside agencies, and other individuals are best channeled. Counseling services include, but are not limited to, Aggression Replacement Training (ART), Sex Offender Counseling and Treatment Program (SOCTP), Processing of Marriages, Veterans Services, Fatherhood Program, and Family Reunion Program (FRP). The ORC is also responsible for preparing release paperwork (including COMPAS and Parole reports) and case planning to enhance community supervision and public safety. The SOCTP is a comprehensive treatment program for sex offenders. Through education and counseling, the participants should be able to evaluate their behavior relevant to their sexual offending, demonstrate an understanding of the cycle of sex offending, and develop a viable release plan with appropriate relapse and prevention strategies. The primary purpose of the program is to reduce the likelihood of re-offense and to support prosocial goals. The SOCTP Program is available to eligible incarcerated individuals in the General Population, Special Needs Unit, and Regional Medical Unit. The program varies from 6 to 18 months, depending on testing. There is one full-time and four part-time Chaplains who are responsible for ensuring that all religious programs and practices are carried out by the established tenets and practices of the faiths as well as the policies and procedures of the Department.

The SNU is a 52-bed special unit for developmentally disabled incarcerated individuals with significant intellectual and adaptive behavior deficits. They generally have IQs below 70. Wende CF is one of only four facilities with this type of incarcerated individual population. The programs in SNU are tailored to the individual needs of the incarcerated individual and delivered within a five-module system with an emphasis on improving daily living skills and self-advocacy. It is the goal of the Department of Corrections and Community Supervision to assist every incarcerated individual throughout all stages of his/her incarceration to prepare for successful reintegration into the community as law-abiding and productive citizens. This is accomplished with the assistance of Transitional Services, which consists of Phase I: Introduction (orientation) to the correctional setting designed to assist incarcerated individuals with their transition into incarceration; Phase II: Thinking for Change – a sequence of courses designed to provide incarcerated individuals with the basic skills necessary to live a productive crime-free life in society; Phase III: A total review of the incarcerated individual's progress during incarceration and the development of a portfolio for each incarcerated individual returning to the community. This Phase will have the greatest impact on incarcerated individuals' reintegration needs. Each newly arriving incarcerated individual receives a facility orientation that introduces them to the unique logistics of Wende CF.

The Volunteer Services Program is designed to promote the involvement of responsible community persons in the continuum of services and programs made available to the incarcerated individual and his/her family. Some of the volunteer groups that come in at this time are: Alcoholics Anonymous (AA), Alternatives to Violence Program (AVP) and Narcotics Anonymous (NA), Residents Encounter Christ (REC.), and Kairos. The goals of all incarcerated individual organization activities are to improve the attitude and personality of each participant and stimulate growth in understanding and responsibility, to promote constructive utilization of leisure time, and to provide additional educational and social experiences for incarcerated individuals. Wende CF currently has three incarcerated individual organizations: Hispanics United for Progress (HUP), African Cultural Awareness Program (ACAP), and

#### Masjid Al-Tawhid.

The Earned Housing Unit is a program designed to provide incentives to those who have demonstrated the ability to comply with Departmental rules and regulations and to provide a positive, cooperative living environment within the guidelines established by the Superintendent. Wende has a 68-bed program for incarcerated individuals who meet the criteria to live in Earned Housing. Wende CF has program activities designed to celebrate cultural, religious, and ethnic affiliations, recognize individual and group achievements, and strengthen community and family ties. Numerous activities take place during the year. The Recreation Department has intra-facility leagues, organized sports, and instruction in the rules of various sports. The Family Reunion Program is designed to provide selected incarcerated individuals and their families the opportunity to meet for an extended period in privacy. The program's goal is to preserve, enhance, and strengthen family ties that have been disrupted due to incarceration. There are three units, two of which are handicapped-accessible. Wende CF has a resource room used to aid and provide reasonable accommodations to incarcerated individuals who are hearing impaired, deaf, visually impaired, and blind. Reasonable accommodations are available. Staffing consists of an Instructor of the Blind, an ORC/Manual Communicator, and a Sign Language Interpreter. The Visitor Hospitality Center provides gate-side hospitality services to visitors on Saturdays and Sundays from 7:00 a.m. to 11:05 a.m. A staff of volunteers is on hand to answer questions and help visitors through the check-in process. Incarcerated individuals assigned to the facility RMU or long-term Infirmary are provided the opportunity to participate in therapeutic programming and academic and vocational education opportunities. SHU Step-down was established to provide re-entry programming to incarcerated individuals who have been in a SHU cell for 60 days or more serving a SHU sanction and who have a minimum of 45 days and a maximum of 60 days to release. The Deputy Superintendent for Health Services oversees medical and mental health services for the incarcerated individuals at Wende CF. A staff of approximately 80 DOCCS employees supports these services. The following services are provided in the Primary Care Unit: Emergency Room is staffed 24/7; Sick Call is provided 4 days per week/Triaged 7 days per week in the RMU; Emergency Sick Call is available 24/7 in the Facility Emergency Room; DNA Testing is coordinated with IRC and Guidance; Phlebotomy (Contract with Medi-labs) 4 times per week; Tele-med Emergency Triage 24/7 with ECMC Emergency Room; Insulin administration two times daily (or as needed) by RN staff; Nurse Meds - three times per day for General Population, PC/IPC, SHU, SNU, MHU or as needed; Chronic care clinics are held regularly to monitor incarcerated individual health care for diabetes, asthma, hypertension, hepatitis/HIV; Intake of state-ready incarcerated individuals Monday - Friday; Daily Nurse rounds in SHU, PC, SNU, and MHU; Weekly rounds are made in SHU by an MD; An 17-bed Infirmary, staffed by an RN, is provided to meet the needs of the general population incarcerated individuals. A physician is onsite 5 days per week and on-call 24 hours daily. The RMU is an 80-bed facility that serves as a statewide resource for incarcerated individuals who need intensive rehabilitation, hospice, or sub-acute care. The RMU has two positive pressure rooms and 28 negative pressure rooms. Incarcerated individuals assigned to the facility RMU or long-term Infirmary are provided the opportunity to participate in therapeutic programming as well as Academic and Vocational education opportunities. This includes ASAT and SOCTP. Wende CF hosts screening clinics for Hub-incarcerated

individuals in 27 different specialty areas. These clinics are staffed by community providers who have entered into contractual agreements with DOCCS. The Hub clinics allow DOCCS to meet the medical needs of the incarcerated individual population in a secure environment. Specialty clinics include Audiology, Optical Services, Cardiology, Optometry CT Scans, Orthopedic, Dermatology, Otolaryngology, Echocardiograms, Physiatry; EMG/NCS, Podiatry, Endocrinology, Physical Therapy, Gastroenterology, Prescriptive Footwear, Gender Identity Dysphoria, Pulmonary, General Surgery, Rheumatology; Immunodeficiency; Sleep Apnea Study; MRI, Ultrasounds, Nephrology, Urology, Neurology, UV Therapy, Occupational Therapy, and Vascular. The Dental Unit provides dental care for all incarcerated individuals housed at Wende. The pharmacy provides services for RMU, Primary Care, and OMH-incarcerated individuals. The Pharmacy is open 8:00 AM - 4:00 PM, Monday through Friday. The Medical Records Department manages the medical records of the entire incarcerated individual population and provides support for medical staff in the RMU. The X-Ray Unit provides routine and emergency radiographic studies. Wende hosts a Hub clinic that provides specialty diagnostic radiological fluoroscopy studies. A Dialysis Unit is managed by a private contractor, NaphCare, and provides dialysis services for up to 24 patients. The unit operates Monday through Saturday between 5:30 AM and 2:00 PM. DOCCS maintains agreements with local hospitals which are fully licensed and accredited to provide emergency treatment and inpatient care for incarcerated individuals whose healthcare needs cannot be provided within the Infirmary or RMU. Erie County Medical Center (ECMC) and Wyoming County Community Hospital (WCCH) are the primary hospitals utilized by Wende CF. Incarcerated individual patients are admitted to secure wards at both ECMC and WCCH after Tele-med triage from the emergency room. Wende CF is responsible for maintaining and operating a 10-bed secure unit at the ECMC, which is shared with various other law enforcement agencies. Incarcerated individuals from around the Wende Hub are housed at the ECMC for treatment. Numerous clinics are conducted throughout the hospital Monday through Friday. The facility also maintains a ground-floor lock-up to secure those incarcerated individuals waiting to be seen at one of the clinics. The Mental Health Satellite Unit is one of fifteen satellite units operated by the New York State Office of Mental Health and Central New York Psychiatric Center within DOCCS facilities. It is a two-story stand-alone building within the maximum-security fences of Wende CF.

The Wende Mental Health Satellite Unit offers the highest level of outpatient treatment services that an incarcerated individual diagnosed with a mental illness can receive while in the custody of DOCCS. The Satellite Unit serves as the administrative hub for Mental Health Units at Lakeview and Orleans Correctional Facilities. The Mental Health Satellite Unit provides outpatient mental health treatment to approximately 270 incarcerated individuals, or 28% of the population housed at Wende CF. Tri-ICP services are also provided on an outpatient basis. Services include a variety of verbal interventions and evaluation and administration of psychotropic medication. Medication administration is provided by nursing staff 6:00 AM - 10:00 PM Sunday through Saturday. Clinical services are provided directly in the SHU to incarcerated individuals housed in that location. The RCTP is located on the first floor of the Mental Health Satellite Unit and is comprised of six observation cells and eight dormitory beds. The RCTP provides a safe and secure housing area separate from the general population to observe and treat incarcerated individual patients suffering from

an acute episode of a mental disorder. The RCTP serves Wende's incarcerated individual population and Hub and other correctional facilities across the state. Incarcerated individuals who need psychiatric observation and evaluation are transferred into the RCTP through DOCCS directives. While in the RCTP, they are evaluated by a multi-disciplinary treatment team comprised of Psychiatrists, Psychologists, Nurses, and Social Workers daily. Evaluations may result in changes in medication or mental health service levels or transfer to CNYPC for inpatient hospitalization or back to the sending facility with treatment recommendations. The ICP is a therapeutic community that provides mental health services and promotes the development of self-regulation, symptom management, and social, recreational, and rehabilitative skills. In addition to traditional clinic services, the ICP provides case management, crisis intervention, adaptive skills training, self-help, and peer support. This program is designed for incarcerated individuals who, by virtue of experiencing mental illness, are unable to function successfully within the least restrictive general prison population environment. All ICP services are linked to individualized treatment plans formulated by the ICP multidisciplinary Treatment Team. This is accomplished through Office of Mental Health and DOCCS programming that allows for interaction within groups and individual counseling.

## Documentation Sampling

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

**90. In addition to the proof documentation selected by the agency or facility and provided to you, did you also conduct an auditor-selected sampling of documentation?**

☒ Yes

☐ No

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

Correspondence between the auditor and the ADS/PCM began on August 13, 2022. Audit notices were issued to the PREA Coordinator with instructions for posting on August 11, 2022, and the auditor received confirmation they were posted on August 13, 2022. Once uploads were finalized by the facility, the auditor began reviewing the PAQ and documents using the Compliance Audit Instrument and the documents checklist to create a log of additional information to be requested from the facility. A schedule for the onsite portion of the audit was established, and travel arrangements were secured directly by the auditor. As needed, requests by email were submitted to the facility for additional documents or clarification of the documents provided. All requests for additional information were responded to promptly and comprehensively. Additional correspondence occurred between the auditor, AC/PREA Coordinator, and ADS/PCM up to the onsite portion of the audit and then after until the issuance of the final report. A web search of the facility revealed no derogatory information relevant to this audit. No relevant litigation, no DOJ involvement, no federal consent decrees, or local oversight was discovered during the search. Interviews with the AC/PREA/Commissioner's Designee confirmed no consent decrees or oversight. The auditor reviewed relevant documents provided by

the facility during the site visit and found on the Department's website and those provided during the Post-Audit phase. Documents reviewed for compliance determination are referenced in the narrative sections under each individual standard discussion. Throughout the audit, an extensive document review was conducted. Various policies, forms, contracts, and additional working documents were reviewed, evaluated, and triangulated against information obtained from interviews and personal observations during the site visit, which were instrumental in determining compliance with the PREA Standards. Included below is the list of governing NY State Department of Correction and Community Supervision (DOCCS) Directives (DIR) that were provided as evidence of policies and procedures and used by the auditor for compliance determination. These Directives are referenced throughout the audit report and annotated throughout the report using only the policy number. This list is not intended to be exhaustive but outlines the core policy documents used in the evaluation process. Information obtained from these policies combined with the information provided with the PAQ and the observations, facility documentation, and general information collected from the site visit was carefully evaluated and assessed against each element of the standards.

- DIR #2012, Release of Employee Personnel and Payroll
- DIR #2110 Employee Discipline – Suspension from Duty During the Continuation of Disciplinary Proceedings
- DIR #2111, Report of Employee Misconduct 2230, Guidelines for Assignment of Male and Female Correction Officers
- DIR #2112, Report of Criminal Charges
- DIR #2114 Functions of Labor Relations
- DIR# 2216, Fingerprinting/Criminal History Inquiry – New Employees and Contractors
- DIR #2230, Guidelines for Assignment of Male and Female Correction Officers
- DIR #2612, Inmates with Sensorial Disabilities
- DIR #3053 Alterations/Construction Requests
- DIR #4001, Facility Administrative Coverage & Supervisory Rounds
- DIR #4009, Minimum Provisions for Health and Morale
- DIR #4021, Inmate Reception/Classification
- DIR #4027, Sexual Victimization Prevention & Response
- DIR #4040, Inmate Grievance Program DIR #4071, Guidelines for Construction Projects
- DIR #4301, Mental Health Satellite Services and Commitments to CNYPC
- DIR #4401, Guidance & Counseling Services
- DIR #4404, Inmate Legal Visits
- DIR #4421, Privileged Correspondence DIR #4423, Inmate Telephone Calls
- DIR #4490, Cultural and Language Access Services,
- DIR #4750, Volunteer Services Program
- DIR #4803, Inmate Program Placement
- DIR #4910, Control of and Search for Contraband
- DIR #4932, Chapter V, Standards Behavior & Allowances
- DIR #4948, Protective Custody Status
- HSPM #1.37, Body Cavity Search
- HSPM #1.19, Health Appraisal
- HSPM #1.01, Inmate Orientation to Health Care Services
- HSPM #1.44, Health Screening of Inmates
- HSPM #1.12B, Inmate Bloodborne Pathogens Significant Exposure Protocol

- DOCCS Employee Manual
- Office of Special Investigations (OSI) Manual
- Personnel Procedures Manual #406A, Recruitment Process
- Personnel Procedures Manual #407, Civilian Promotions
- Personnel Procedures Manual #407A, Security Promotions
- FOM #0061, Wende Correctional Facility Operations Manual
- FOM #2006, Coordinated Response Plan to Reports of Sexual Victimization, Wende CF
- FOM #2023, PREA Risk Screening, Wende CF

## 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	6	0	0
Staff-on-inmate sexual abuse	14	14	0	0
Total	20	20	0	0

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

	# of sexual harassment allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual harassment	1	0	0	0
Staff-on-inmate sexual harassment	0	0	0	0
Total	1	0	0	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	5	0	0	0	0
Staff-on-inmate sexual abuse	9	0	0	0	0
<b>Total</b>	14	0	0	0	0

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

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual abuse	0	0	0	0
Staff-on-inmate sexual abuse	0	0	0	0
<b>Total</b>	0	0	0	0

**Sexual Harassment Investigation Outcomes**

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

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

	Ongoing	Referred for Prosecution	Indicted/Court Case Filed	Convicted/Adjudicated	Acquitted
Inmate-on-inmate sexual harassment	0	0	0	0	0
Staff-on-inmate sexual harassment	0	0	0	0	0
<b>Total</b>	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	1	0	0	0
Staff-on-inmate sexual harassment	0	0	0	0
<b>Total</b>	1	0	0	0

**Sexual Abuse and Sexual Harassment Investigation Files Selected for Review**

**Sexual Abuse Investigation Files Selected for Review**

98. Enter the total number of SEXUAL ABUSE investigation files reviewed/sampled:

22

99. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any sexual abuse investigation files)
<b>Inmate-on-inmate sexual abuse investigation files</b>	
100. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:	6
101. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE 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 inmate-on-inmate sexual abuse investigation files)
102. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)
<b>Staff-on-inmate sexual abuse investigation files</b>	
103. Enter the total number of STAFF-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:	14
104. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)
105. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)
<b>Sexual Harassment Investigation Files Selected for Review</b>	
106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:	1

107. Did your selection of <b>SEXUAL HARASSMENT</b> investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any sexual harassment investigation files)
<b>Inmate-on-inmate sexual harassment investigation files</b>	
108. Enter the total number of <b>INMATE-ON-INMATE SEXUAL HARASSMENT</b> investigation files reviewed/sampled:	1
109. Did your sample of <b>INMATE-ON-INMATE SEXUAL HARASSMENT</b> 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 inmate-on-inmate sexual harassment investigation files)
110. Did your sample of <b>INMATE-ON-INMATE SEXUAL HARASSMENT</b> investigation files include administrative investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)
<b>Staff-on-inmate sexual harassment investigation files</b>	
111. Enter the total number of <b>STAFF-ON-INMATE SEXUAL HARASSMENT</b> investigation files reviewed/sampled:	0
112. Did your sample of <b>STAFF-ON-INMATE SEXUAL HARASSMENT</b> investigation files include criminal investigations?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)
113. Did your sample of <b>STAFF-ON-INMATE SEXUAL HARASSMENT</b> investigation files include administrative investigations?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" 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.	The auditor reviewed 22 case files with the OSI investigators. The information reviewed in these files indicated that the allegations were reported promptly for investigation and that a thorough investigation was being conducted. These cases included both criminal and administrative investigations.
<b>SUPPORT STAFF INFORMATION</b>	
<b>DOJ-certified PREA Auditors Support Staff</b>	

<p>115. Did you receive assistance from any DOJ-CERTIFIED PREA AUDITORS at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p>
<p><b>Non-certified Support Staff</b></p>	
<p>116. Did you receive assistance from any NON-CERTIFIED SUPPORT STAFF at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p>
<p><b>AUDITING ARRANGEMENTS AND COMPENSATION</b></p>	
<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>
<p>Identify the name of the third-party auditing entity</p>	<p>American Correctional Association</p>

Standards
<b>Auditor Overall Determination Definitions</b>
<ul style="list-style-type: none"> <li>• Exceeds Standard (Substantially exceeds requirement of standard)</li> <li>• Meets Standard (substantial compliance; complies in all material ways with the stand for the relevant review period)</li> <li>• Does Not Meet Standard (requires corrective actions)</li> </ul>
<b>Auditor Discussion Instructions</b>
<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	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>
	<b>Auditor Overall Determination:</b> Exceeds Standard
	<p data-bbox="244 208 451 235"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1414 427">Evidence Reviewed: DIR #4027; DIR #2110; Employee Manual; PREA Coordinator and Assistant PREA Coordinator Appointment Emails/Memos; PPP Appointment Announcement; DOCCS Organizational Chart; Facility Organizational Chart; SAPEO Organizational Chart; Associate Commissioner PREA Duties; DOCCS PREA Compliance Manager Handbook; Sexual Victimization Prevention Policy Manual; Assistant Deputy Superintendent/SG-25 Duties; PREA Compliance Manager Appointment Memo; Observations During Site Visit; Information Obtained from Interviews.</p> <p data-bbox="244 463 1493 1088">115.11(a): Sexual Victimization Prevention &amp; Response (DIR #4027), establishes and governs the New York State Department of Corrections and Community Supervision (DOCCS) mandated zero-tolerance toward all forms of sexual abuse and sexual harassment. DIR #4027 establishes the Sexual Victimization Prevention Policy Manual (SVPPM) as a supplement to this Directive, having 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. Collectively, DIR#4027 and the SVPPM outline the agency's approach to preventing, detecting, and responding to sexual abuse, sexual harassment, and sexual threats, and further assert sexual abuse and sexual harassment violate agency rules and threaten security; and that all allegations of sexual abuse, sexual harassment, or retaliation for reporting such an incident of participating in an investigation will be thoroughly investigated; and establishes that perpetrators will be dealt with severely through discipline or prosecution to the fullest extent permitted by law and provide definitions consistent with those found in the Prison Rape Elimination Act of 2003, (PREA), 42 U.S.C. §15609. Under § 130.05 of New York State Penal Law, it is a crime for staff to engage in a sexual act with an incarcerated individual or releasee. Strategies for prevention and response include training, a duty to report, requirements and enforcement of discipline, and prosecution for those who offend. Wende Correctional Facility Operations Manual, Coordinated Response Plan to Reports of Sexual Victimization, provides written direction for mandating a zero-tolerance policy toward all forms of sexual abuse and sexual harassment and outlines the agency's approach to responding to such conduct. The DOCCS Employee Manual, Revised 2019, states, "the intentional reference to someone, especially a transgender, gender non-conforming, or nonbinary person, using a word, pronoun or form of address that does not correctly reflect the gender with which they identify is "mis-gendering" and may be considered sexual harassment."</p> <p data-bbox="244 1124 1493 2143">115.11(b): Associate Commissioner (AC) Jason Effman serves as PREA Coordinator for the DOCCS, appointed by previous Commissioner Brian Fisher in 2013 and evidenced by the appointment memorandum dated April 23, 2013. The PREA Coordinator is an upper-level position in the agency hierarchy and reports directly to the Commissioner, as indicated by the DOCCS Central Office Organization Chart and confirmed during an interview with AC Effman. The AC/PREA is a dedicated position. The Agency website displays that "Associate Commissioner Effman is the Department's PREA Coordinator, a member of the agency's Executive Team, and is responsible for developing and implementing policy and overseeing agency's compliance with the National PREA Standards. He leads a team of professionals within the Sexual Abuse Prevention &amp; Education Office (SAPEO), both in Central Office and in the facilities. SAPEO strives to maintain full compliance with the PREA Standards, implement evolving best practices for the prevention of sexual abuse and sexual harassment, and facilitate support for incarcerated individuals who have been victimized." The auditor's interview with AC Effman confirmed that his time is almost exclusively devoted to PREA compliance and the prevention of sexual abuse and sexual harassment, as well as work on policy matters concerning the transgender, gender non-conforming, and gender nonbinary populations and the workforce. With the recent appointment of the Director of PREA Compliance and the creation within the SAPEO of an Assistant Deputy Superintendent (ADS) for LGBTIQ+ Initiatives, he feels that he is well-positioned to manage his PREA-related responsibilities and to advance the SAPEO work to mitigate sexual victimization within the Department. The Director of PREA Compliance serves as the assistant agency-wide PREA Coordinator. The Director reports to AC Effman, assumes primary responsibility for the PREA Audit Program, and assists the AC/PREA in overseeing all PREA compliance activities and the development and implementation of strategies to reduce incidents of sexual victimization. The Director also runs a mentoring program to support each new ADS/PCM upon appointment and as they become familiarized with their new role. AC Effman further manages the SAPEO with the assistance of two Correctional Facility Operational Specialists (CFOS) who work with and have frequent contact with the designated PREA Point Persons (PPP); and through regular and direct coordination with 16 Assistant Deputy Superintendent/ PREA Compliance Managers (ADS/PCM) who are instrumental in PREA coordination and execution at the facility level. He interacts with the ADS/PCMs routinely and during bi-weekly conference calls to discuss policy updates and new initiatives and to discuss any issues that they or the SAPEO should be aware of. He emails and speaks with them on an ongoing basis as well. In addition, except for 2020 due to COVID-19, the SAPEO and ADS/PCMs meet as a group at least annually for training programs, often in conjunction with the Office of Special Investigations (OSI) Sex Crimes Division (SCD) staff. AC Effman also communicated to the auditor his actual and implied authority and his ability to carry out duties without impediment and with direct support from the Acting Commissioner. The SAPEO has also published an internal PREA Compliance Manager Handbook to be used as written guidance by the facility ADS/PCMs for consistency across the agency; and recently developed and published a revised and more streamlined policy for the Department's PREA governance, DIR #4027, supported by a comprehensive policy manual (SVPPM)</p>

discussed in provision (a) above.

115.11(c): The ADS/PCM is an upper-level position at the facility and reports jointly to the Superintendent and AC Effman. The ADS/PCM for Wende Correctional Facility is Kimberly Adams. ADS Adams was appointed on January 3, 2022. Based on the auditor's review of the Duties Description for the ADS (PREA), which outlines the specific responsibilities of this position, and the interview with the ADS, it is clear the position allows the incumbent the time and authority to oversee the facility's efforts to comply with the PREA standards. As a member of the Facility Executive Team, she serves as the primary facility contact concerning compliance with the Department's sexual abuse prevention policies, development and periodic revision of a written institutional plan for responding to incidents of sexual abuse, and for pre-audits and audits of the PREA standards. She assists the SAPEO and upper-level facility management officials in the conduct of sexual abuse incident reviews within 30 days of the conclusion of every sexual abuse investigation and drafts a report of the review team's findings for the facility Superintendent and the AC/PREA. She conducts regular and irregular rounds and site inspections at the facility. She provides or oversees training and supervision to staff concerning PREA compliance, including but not limited to the agency's sexual abuse and sexual harassment policies, screening and assessments of incarcerated individuals upon intake or transfer, and incarcerated individual orientation on the Department's prevention of sexual abuse policies. She serves as a liaison for ongoing case-related communications, such as communication between incarcerated victims housed at the assigned facility and community-based victim advocates or rape crisis counselors, Central Office investigators, and other appropriate DOCCS and community-based representatives; and assists incarcerated individuals, as appropriate, in obtaining access to follow-up services. The ADS assists in monitoring the conduct and treatment of incarcerated individuals and staff following reports of sexual abuse, including monitoring the treatment of incarcerated individuals and staff who have reported an instance of sexual abuse or who cooperated with an investigation to mitigate the risk of retaliation by other incarcerated individuals or staff; and conducts periodic status checks of incarcerated individuals who have reported an instance of sexual abuse or who were reported to have suffered sexual abuse. Memorandum dated August 17, 2017, subject Facility PREA Point Person, from Deputy Commissioner for Correctional Facilities and AC Effman, directs each facility to identify and designate a PPP to assist the facility's ADS/PCM in efforts to comply with PREA standards. Additionally, this Directive outlines the specific responsibilities of these local positions. Based on an interview with the AC/PREA, the designated PPP at each facility is a senior security supervisor. The PPP's responsibilities include maintaining a direct and open line of communication with the ADS/PCM, monitoring retaliation, ensuring response to allegations, and serving as a member of the incident review team. Wende Correctional Facility designates Acting Captain Fox as the PPP, which became effective July 26, 2022, and was confirmed through email correspondence between the facility Superintendent and AC Effman. The auditor's interviews with the AC/PREA, Superintendent, and ADS/PCM indicated that designated staff have sufficient time and authority to coordinate the facility's efforts to comply with the established sexual safety program.

Based on the auditor's analysis and evaluation of the stated evidence, the Facility and Department have demonstrated compliance with all provisions of this standard. Additionally, the Department has exceeded the requirements of this standard by 1) designating a PCM and a Point Person for every facility, which adds an extra layer of supervision of sexual safety efforts; 2) developing the PREA Compliance Manager Handbook; 3) keeping policies current, relevant, and streamlined through revision of policies and the development of the SVPPM; and 4) allocating dedicated positions for focused enforcement of the zero-tolerance policy, and efforts toward prevention, detection, and response; all above and beyond the requirements of this standard.

<b>115.12</b>	<b>Contracting with other entities for the confinement of inmates</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Evidence Reviewed: NY CLS Correc 121; Community Based Residential Program (CBRP) RFA 2016; RFA 2021; CBRP PREA Audit Schedule; Information Obtained from Interviews.</p> <p>115.12(a)(b): DOCCS maintains contracts for up to 249 Community-Based Residential Program beds for releasees in 26 Catchment Areas, consisting of 14 contracts with 10 entities. All 14 contracts require that the contractor adopts and complies with the PREA standards for Community Confinement Facilities. As evidenced by the Community Based Residential Programs PREA Audit Schedule dated 08/23/2022, all programs are routinely audited for their compliance with the PREA standards.</p> <p>Based on analysis and review of the evidence, Wende CF and DOCCS have demonstrated compliance with all provisions of this standard.</p>



115.13	<b>Supervision and monitoring</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p data-bbox="244 208 451 235"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1417 394">Evidence Reviewed: DIR #0068; DIR #4001; DIR #4027; SVPPM 115.13; Wende Annual Supervision and Monitoring Review, 2020; 2021; 2022; Post Closure Key; Closed Post Reports; Log Book Entries; Weekly Administrative Activity Reports; Daily Security Supervisor Reports; Employee Manual, Section 2.44; Personal Observations During Site Visit; Information Obtained from Interviews.</p> <p data-bbox="244 430 1492 2161">115.13(a)(c): SVPPM #115.13 establishes that each facility will develop and document a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring to protect incarcerated individuals against sexual abuse. On an annual basis, or when a change in circumstances requires reassessment, the Superintendent shall conduct an Annual Supervision and Monitoring Plan Review and submit it to Central Office for review and consideration. Each facility must submit its annual review by the due dates reflected on an established schedule (Schedule for Annual Reviews). One month before the due date, data from the Division of Program Planning Research and Evaluation will be provided to assist in the review. The Annual Supervision and Monitoring Plan Review memorandum shall follow a designated template issued by the SAPEO in SVPPM #115.13. The memorandum will be forwarded to the Director of Security Staffing, with a copy to the AC/PREA and the Deputy Commissioner of Correctional Facilities. When developing the plan, the following factors, at a minimum, will be considered: 1) generally accepted detention and correctional practices; 2) any judicial findings of inadequacy; 3) any findings of inadequacy from Federal investigative agencies; 4) any findings of inadequacy from internal or external oversight bodies; 5) all components of the facility's physical plant (including "blind-spots" or areas where staff or incarcerated individuals may be isolated); 6) the composition of the incarcerated population; 7) the number and placement of supervisory staff; 8) programs occurring throughout the facility; 9) any applicable State or local laws, regulation, or standards; 10) prevalence of substantiated and unsubstantiated incidents of sexual abuse; 11) any other relevant factors. A comprehensive and extensive staffing plan is then developed and established through the DOCCS Security Information Staffing Unit. Facility Administration and Union representatives also provide input to the plan development and review. The auditor confirmed the staffing plan development procedures through a personal review of documents noted and interviews with the Superintendent, AC/PREA, and ADS/PCM. The auditor's review of the staffing plan for Wende Correctional Facility found that it considers the composition of the incarcerated individual population in calculating adequate staffing levels and determining the need for video monitoring. Based on the PAQ, since the last PREA audit, the average daily number of individuals housed at the facility is 701; the capacity is 911, and the plan is predicated on an average daily population of 894. The plan calls for 31 security staffing positions, considered generally accepted guidelines and practices. The plan considers staff utilization, post closures, additional services usage, preplanning practices, leave policies and schedules, local agreements, supervisory charts, and job descriptions in addition to each of the categories required by this standard to provide for adequate levels of staffing. Wende CF utilizes direct and indirect supervision. Wende CF has an extensive video monitoring system covering facility walkways, housing units, and various other areas of the facility. Additionally, Body-Worn Cameras are used on designated posts throughout the facility to monitor interactions between staff and incarcerated individuals. Video footage is available for supervisory review following an incident or complaint or otherwise as deemed appropriate by the facility administration or Department investigators. Video footage is also periodically reviewed by supervisors in randomly selected areas. The facility considered the prevalence of substantiated and unsubstantiated incidents of sexual abuse during the development of the staffing plan. The current staffing plan notes there are no judicial findings of inadequacy, no findings of inadequacy from federal investigative agencies, and no recorded findings of inadequacy from internal or external oversight bodies. The staffing plan indicates the facility follows all applicable laws, agency directives, ACA accreditation standards, and Prison Rape Elimination Act standards, with no legal mandate for any specific staffing ratios. The number and placement of supervisory staff are as follows: Tour I includes (1) Lieutenant (2) Sergeants; Tour II includes (1) DSS, (1) Captain, (4) Lieutenants, and (12) Sergeants. Tour III includes (1) Captain, (2) Lieutenants, and (7) Sergeants. Institutional programs are generally scheduled for daytime shifts between 8:00 AM and 4:00 PM and early evening between 6:00 PM and 8:00 PM. The facility offers a variety of staff and volunteer-led programming options. The Superintendent and his management team conducted the most recent staffing plan review on May 16, 2022, as evidenced by the memorandum reference subject Correctional Facility Annual Supervision and Monitoring Plan Review. The facility also provided the prior year's report to further confirm annual reviews are conducted. The most recent review concluded that the facility is committed to compliance with Department policy and the PREA. As indicated in the referenced memorandum, the review included generally accepted detention and correctional practices, any judicial findings of inadequacy (none), any findings of inadequacy from federal investigative agencies (none), findings of inadequacy from internal or external oversight bodies (none), all components of the physical plant, composition of the incarcerated individual population, number and placement of supervisory staff, institution programs occurring on a particular shift, applicable State or local laws, regulations or standards (Agency Directives, ACA &amp; PREA). Additionally, the plan indicates a review of the substantiated and unsubstantiated incidents during the prior 12 months and determined that no changes to staffing levels or video monitoring were necessary at the time of the review. Staffing levels are conducted both at the local and agency level. The annual review is a collaborative effort between the facility Superintendent, ADS/PCM, and AC/PREA. Based on an interview with the AC/PREA, a formal written assessment is completed annually by the facility Superintendent and submitted</p>

for consideration by the Director of Security Staffing, the Deputy Commissioner for Correctional Facilities, and himself. Additionally, he is notified of all facility staffing plan adjustments through the Security Staffing Information Unit.

115.13(b): SVPPM #115.13 requires that the facility document any justifications for deviations from the staffing plan when it is determined that it has not been complied with, using the Post Closure Key established by the Security Information Staffing Unit. These deviations are documented directly into the database in the Post Closure Report using codes from the Post Closure Key. A sample of the Post Closure Report with a randomly selected date range was reviewed by the auditor. All deviations were clearly documented and justified. The Chart Sergeant for each of the three tours is responsible for scheduling staff to ensure posts are covered. When a deviation from the Plot Plan is necessary, the Watch Commander is notified, and the closure and reason for the deviation are noted on the post tracking grid and then entered into the database. Reports from all three tours are collected daily and submitted to the Captain, who reviews them, then reports are routed to the DS/S and then Superintendent. The most common reasons for deviating from the staffing plan during the audit period were Area/Building Closed; Housing Unit Closed; No Trips Scheduled; Assigned to Trip; and Holiday Schedule. Interviews with the Chart Sergeant, Watch Commanders, PPP, ADS/PCM, and the DS/S further confirmed the requirements for documenting and regular monitoring of staffing at the facility.

115.13(d) SVPPM #115.13 establishes that per DIR #4001 and Employee Manual Section 2.44, intermediate-level (Sergeants and Lieutenants) and higher-level (Superintendent, First Deputy Superintendents, Deputy Superintendents, First Deputy Superintendent, Deputy Superintendents, Assistant Deputy Superintendents, Captains, and Stewards) supervisors are required to routinely make unannounced rounds throughout the facility to deter any form of sexual abuse and other misconduct, and these rounds are documented in the respective logbooks. Employees are prohibited from alerting other employees that supervisory rounds are occurring unless such announcement is related to the legitimate operation function of the facility. Such rounds are made on all days and all shifts. Facility Executive team members use a rotation to ensure an extended executive staff presence, including evenings and weekends. These rounds are logged and documented following Directive #4001. In addition to a review of log books during the site visit, the auditor also requested random historical dates to confirm that supervisory rounds are made frequently, irregularly, in areas where incarcerated individuals have access and during all shifts. The auditor found consistent documentation of these rounds as required by policy for both intermediate and executive team members. Interviews with staff and supervisors confirmed that regular rounds are made following policy requirements.

Based on the review and evaluation of the evidence stated, the Wende CF and DOCCS have met the requirements of this standard.

<b>115.14</b>	<b>Youthful inmates</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Evidence Reviewed: DIR #0068 State of New York Executive Order No.150 dated December 22, 2015; Correction Law § 77; NY CLS Correc § 80; DIR #0061; Daily Population Reports; Population Rosters; Observations During Site Visit; Information Obtained During Interviews.</p> <p>115.14(a-c): State of New York Executive Order No.150 dated December 22, 2015 established separate correctional facilities within the New York State Department of Corrections and Community Supervision exclusively for youth. In 2018, the State of New York passed a "Raise the Age Law" which was implemented in two phases starting in October 2018. Correction Law § 77, enacted effective April 10, 2017, required the state to establish one or more facilities to serve "adolescent offenders" sentenced to the Department of Corrections and Community Supervision. And effective April 3, 2020, NY CLSCorrec § 80 repealed the previous establishment of designated facilities for adolescents in the DOCCS, and enacted, "The department and the office of children and family services shall jointly establish a transition plan and protocol to be used in transferring custody of all adolescent offenders and individuals under the age of eighteen from the custody of the department to the custody of the office of children and family services on or before October first, two thousand twenty. The plan and protocol shall be completed on or before July first, two thousand twenty." The DOCCS no longer houses individuals under the age of 18. DIR #0068 establishes Wende CF as a maximum security corrections facility used as general confinement for males 18 years of age or older. Wende CF is also an intake facility for males 18 years old or older. The daily population reports for the past 12 months indicate no individuals under the age of 18 have been housed at the facility. This fact was further confirmed during interviews with Superintendent, AC/PREA, and the ADS/PCM.</p> <p>Based on the review and evaluation of the evidence stated, Wende CF and DOCCS have demonstrated compliance with this standard through non-applicability.</p>

115.15	<b>Limits to cross-gender viewing and searches</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p data-bbox="244 208 451 235"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1490 394">Evidence Reviewed: DIR #2230; DIR #4001; D #4027; DIR #4910; DIR 2230; HSPM #1.19; HSPM #1.37; Employee Manual; Form #1140, Report of Strip Search or Strip Frisk; 2021 Contraband and Frisk; 17008 Lesson Plan; Daily Security Supervisor Reports; Weekly Administrative Activity Reports; Training Reports; Observations During Site Visit; Information Obtained from Interviews.</p> <p data-bbox="244 427 1490 1122">115.15(a)(c): DIR #4910 governs frisk searches, strip searches, and body cavity searches involving both same gender and opposite gender incarcerated individuals, and cross-gender viewing and establishes that strip searches or strip frisks shall be conducted by an officer or employee of the same sex as the incarcerated individual being searched. A strip frisk requires probable cause and must be approved by the Sergeant of a higher-ranking Officer and documented on Form #1140. DIR#4910 further states, "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." DIR #2230 states all Correctional Officers will perform the duties assigned to them, regardless of gender, provided; however, that the following assignments will not be made to Correction Officers who are not of the same gender as the individual being searched: 1) Strip frisks or strip searches; 2) Obtaining a urine specimen; 3) Congregate shower facilities; 4) Videotaping of strip frisks or strip searches using handheld video cameras or body-worn cameras; 5) Special Watch; 6) Suicide Watch; 7) Security monitoring of visiting room incarcerated individual bathrooms via CCTV or vision panels. Cross-gender coverage of an individual on a Suicide Watch is permissible if exigent circumstances exist. The facility reports no cross-gender strip or cross-gender visual body cavity searches of residents have been conducted during the audit period. Cross-gender strip searches are prohibited by DIR #4910. DIR #2230 also requires that when two or more officers are transporting an individual, or supervising an outside security detail, at least one of the officers must be of the same gender as the incarcerated individual(s). DIR #4910 refers to HSPM #1.37 for body cavity search procedures. HSPM #1.37 directs Health Care Services on body cavity searches. It establishes that body cavity searches are conducted only by primary care providers and may be authorized only after receiving approval from the Deputy Commissioner/Chief Medical Officer or designee when there is imminent danger to an individual's health or facility safety. Documentation of a body cavity search is made in the individual's Ambulatory Health Record Progress Notes, Form 3105. A correction officer of the same sex as the incarcerated individual will be present during the exam.</p> <p data-bbox="244 1155 1490 1249">115.15(b): This provision does not apply to this facility because Wende Correctional Facility is a male facility. However, agency Directive 4910 requires exigent circumstances for a cross-gender pat frisk of female individuals. In situations of exigent circumstances, Form #1140CGPF must be completed.</p> <p data-bbox="244 1283 1490 1877">115.15(d): The DOCCS has implemented policies and procedures that enable residents to shower, perform bodily functions, and change clothing without non-medical 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 through the issuance of DIR #2230, DIR#4001, and in the Employees' Manual. DIR #2230 governs the duties and responsibilities of opposite gender staff to ensure adequate privacy is provided to individuals and security protocols are balanced. The stated directives further require staff of the opposite gender to verbally announce their arrival on a housing unit at a minimum upon each change of shift and when the gender supervision on a housing unit changes from exclusively same gender to mixed or cross-gender supervision to avoid unnecessarily invading the privacy of individuals of the opposite gender, unless emergency conditions dictate otherwise. The announcement by staff must be accomplished in a manner that is easily heard and understood by all individuals on the unit and recorded in the unit logbook. This procedure is also addressed in the Employee Manual. All staff interviewed confirmed announcements are made as directed by agency policy. Incarcerated individuals interviewed indicated cross-gender announcements as a well-established practice, and none had experienced opposite gender viewing during a shower, using the toilet, or changing clothes. The auditor observed the shower and toilet areas throughout the facility and found no areas where opposite-gender viewing would occur. During the site inspection, opposite-gender announcements were made each time the tour group entered an area where individuals may be changing clothes, showering, or using restroom facilities. The auditor reviewed log books, Daily Security Supervisor Reports, and Weekly Administrative Activity Reports and observed regular documentation of opposite-gender announcements being made when entering a housing unit or other areas where an individual may be undressed.</p> <p data-bbox="244 1910 1490 2132">115.15(e): As directed by HSPM #1.19, the staff is prohibited, and the facility always refrains from searching or physically examining transgender or intersex individuals to determine the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the individual or by reviewing medical records. A medical practitioner may conduct a complete physical examination of an individual, including a transgender individual, when relevant to the patient's treatment. Such an exam is to be conducted privately and with the patient's consent, with findings to be recorded in the Ambulatory Health Record. This policy further prohibits a physical exam of an individual at the direction of the facility's security or administration to determine the individual's genital status. DIR#4910 also prohibits searches to determine</p>

the genital status of an individual. The facility indicated no searches of this nature have occurred in the past 12 months. Compliance with this practice was confirmed through interviews with executive staff, security supervisors, and healthcare staff. Interviews with incarcerated individuals further indicated no searches for this purpose had occurred.

115.15(f): DIR #4910 requires that the employee conducting a personal search must assure its thoroughness and not offend the dignity of the individual being searched. Additionally, staff must refrain from demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, and obscene language or gestures during these searches as well as during other encounters with incarcerated individuals. The facility reports that all security staff has been trained on conducting cross-gender pat searches and searches of transgender and intersex individuals professionally and respectfully, consistent with security needs. All new correctional officers receive training on conducting proper searches during their mandated basic training before assuming duties at the facility and refresher during annual in-service. The Contraband and Frisk lesson plan was provided for the auditor's review. The lesson plan was found to be comprehensive and consistent with best practices. The auditor reviewed the Contraband and Frisk training roster as of 06/09/2022 and found that 732 Wende Correctional Facility staff had completed the training. Training is well regulated, and the Administrative Training Lieutenant monitors non-compliance reports to ensure all required training is completed. During an interview with the Training Lieutenant, he confirmed that Regional Training Lieutenants monitor staff training and that they attend quarterly meetings to monitor the progress of annual training requirements. He explained that all security staff initially receives searches training in the academy and a yearly refresher during in-service. Staff complete the required training forms and submit them to the Training Lieutenant, who enters the training into the DOCCS's training database. He stated that exception reports are run periodically throughout the year to ensure that any staff or contract staff who may be deficient in any assigned training is notified with a copy to the employee's supervisor of the deficiency. All security staff has been trained in Contraband and Frisk at Wende Correctional Facility, and interviews with random staff confirmed their knowledge of the searches policy and training. Interviews with incarcerated individuals confirmed that searches are conducted by the same gender staff and are conducted respectfully and professionally.

Based on the review and evaluation of the evidence stated, the Wende CF and DOCCS have demonstrated compliance with all provisions of this standard.

115.16	Inmates with disabilities and inmates who are limited English proficient
	<b>Auditor Overall Determination:</b> Exceeds Standard
	<p data-bbox="244 208 451 237"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1485 398">Evidence Reviewed: DIR #0068; DIR #2612; DIR #4021; DIR #4490; SVPPM 115.33; Form 4021A, Draft Receipt; Language Access Line Contract; Memo from AC, Ending Sexual Abuse Behind the Walls: An Orientation; Memo from AC, New/Updated Material; DOCCS Facilitators Guide; Incarcerated Individual Education Facilitator Training; Prevention of Sexual Victimization in Prison Male; Observations During Site Visit; Information Obtained from Interviews.</p> <p data-bbox="244 427 1485 1227">115.16(a)(b): DIR #2612 establishes policy to ensure compliance with Title II (Subtitle A) of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and the New York State Human Rights Laws prohibiting state and local entities from discriminating against any qualified individual with a disability in their programs, services, and activities, and utilizing methods of program administration that have the effect of subjecting individuals with disabilities to discrimination. Programs and services provided to incarcerated individuals by DOCCS must ensure accessibility and usability by qualified individuals in the most integrated setting. The facility provided the Incarcerated Individual Education &amp; Orientation Film Facilitator Guide and the DOCCS Inmate Orientation Films Facilitator Training for review, and both provide that the agency provides individuals with education in formats accessible to all persons, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to those who have limited reading skills. If an individual has difficulty understanding the written material due to a disability or limited reading skills, appropriate staff shall provide assistance. Four facilities within the DOCCS have been identified to provide comprehensive accommodations to individuals with serious sensory, physical, hearing, visual, and cognitive impairments. Wende CF is one of those facilities. Wende CF provides services that are designated to meet the needs of visually and hearing-impaired incarcerated individuals, as well as deaf and blind incarcerated individuals. The facility is classified as Mental Health Service Level 1 and contains a Regional Medical Unit (RMU). Wende CF operates a Special Needs Unit (SNU) for incarcerated individuals who present developmental disabilities; a Transitional Special Needs Unit (TRSNU); an Intensive Intermediate Care Program (IICP); a Transitional Intermediate Care Program (TRICP); and a Residential Crisis Treatment Program (RCTP). DIR #2612 ensures for individuals who are deaf or hard of hearing, who primarily communicate in sign language, 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 can interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary will be provided. Wende has a growing population of hearing-impaired, deaf, visually-impaired, and blind incarcerated individuals. The facility has a resource room to aid these incarcerated individuals, and reasonable accommodations are available. Staffing consists of an Instructor of the Blind, an Offender Rehabilitation Coordinator/Manual Communicator, and a Sign Language Interpreter.</p> <p data-bbox="244 1256 1485 2154">The auditor selected incarcerated individuals from a list provided by the facility for targeted population interviews. From these lists, the following categories were selected: (2) visual impairment, (1) hearing impairment, (3) cognitive impairment, and (4) physical impairment; no special accommodations were needed for the auditor to complete the interviews with these individuals. Additionally, some of these individuals met more than one category identified. DIR #4490 establishes policies and procedures to ensure that all individuals with LEP have meaningful access to programs, services, and benefits. The directive further requires that LEP individuals will have access to vital documents, which include PREA complaint documents and procedures. The agency maintains a contract for interpreting services through LanguageLine Services, Inc., which was provided for the auditor's review; additionally, the facility has designated and qualified interpreters. The auditor observed both the Report Sexual Abuse poster and the gender-specific zero-tolerance posters posted in multiple languages in the housing units and other common areas accessed by individuals, such as intake, program areas, medical, public areas such as the visiting area, and visitor hospitality areas. The PREA Education Film "Ending Sexual Abuse Behind the Walls: An Orientation" is provided in DVD format appropriate to the gender classification of the facility and with tracks and captioning in English, Haitian Creole, Italian, Korean, Mandarin Chinese, Polish, Russian, and Spanish. A sample of the video transcript was provided to the auditor for review. By written directive of the AC/PREA, during admission into DOCCS custody at an intake or reception facility and upon transfer to another correctional facility, the individuals must be provided with a current copy of the gender-appropriate brochure upon arrival at the facility. Interviews with the intake staff confirmed that the facility provides each individual coming into the facility with The Prevention of Sexual Victimization in Prison, What You Need to Know brochure. Delivery of this brochure to the individual is documented on the Draft Receipt, form 4021A, with the appropriate language circled if issued in other than English. This pamphlet has been translated into and is printed in English, Bengali, Chinese, Korean, Russian, Spanish, Haitian/Creole, Polish, Yiddish, Arabic, and Italian. These pamphlets were also observed by the auditor in various common areas of the facility, including the intake area, library, and resource areas. Interviews with the AC/PREA, ADS/PCM, healthcare staff, security staff, and counseling staff indicated appropriate assistance is provided to individuals when needed to ensure meaningful communication. When interviewing staff, all employees indicated their knowledge of the Language Assistance Line and the availability of qualified staff interpreters. The auditor interviewed 3 LEP individuals with the assistance of a qualified staff interpreter, and when speaking with these individuals, they informed the auditor that their inability to speak English fluently had not affected their ability to participate in any facility-based services, including the agency's efforts to prevent, detect, and respond to sexual abuse and sexual</p>

harassment. A monthly report is generated on Form #4490C, Language Access Monthly Report, to track the use of interpreters for LEP individuals.

115.16(c): DIR #4490 provides that staff shall not rely on an incarcerated individual/releasee, LEP individual's family member or friend, or a minor as an interpreter or a translator for communications with an individual that involves sensitive, confidential, or privileged information or that creates a conflict of interest. However, this general prohibition does not apply during exigent circumstances, such as when an extended delay in obtaining qualified interpretation services could compromise an individual's safety or health, the performance of first response duties in connection with a report of sexual abuse, or the investigation of an incarcerated individual's/releasee's sexual abuse allegation. The facility reports there were no instances where interpretation or translation has been necessary for a sexual harassment or abuse allegation/investigation during the audit period. This was confirmed during interviews with the ADS/PCM, PPP, and OSI Investigators.

Based on analysis and evaluation of the evidence, Wende CF and DOCCS have demonstrated compliance with all provisions of this standard. Additionally, the agency has gone above and beyond to ensure that cultural diversity and gender specificity have been included in posters and educational materials and provides the PREA message in eleven languages through multiple methods.



115.17	<b>Hiring and promotion decisions</b>
	<b>Auditor Overall Determination:</b> Exceeds Standard
	<p data-bbox="244 208 451 235"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1473 461">Evidence Reviewed: DIR #2012; DIR #2112; DIR #2216; DIR #2216/Attachment A; DIR #2232; #406A, Recruitment Process; #406A.1, Recruitment Process Checklist Questions 10/14; #406A.2, Employment Telephone Verification Employment Record Section; #407 Civilian Promotions Memo; Personnel Procedure 407/407A; Fair Chance Hiring Application; Personal History and Interview Record Form #1253; Personal History Questionnaire; Employee Manual; Memo from John M. Czaka, Deputy Commissioner and Counsel; Personnel Files; Observations During Site Visit; Information Obtained from Interviews.</p> <p data-bbox="244 497 1489 757">115.17(a): DIR# 2216, Personnel Procedure #407, Civilian Promotions, and #407A, Security Promotions, direct that candidates for employment and contractors will be bypassed and not considered for hiring or promotion if they have engaged in any activity delineated in the five subsections of element (a) of this standard, thereby prohibiting the enlistment of services of any candidate who meets the criteria. New York State Civil Service regulates hiring procedures for all state agencies. Security positions are hired from the Civil Service registry and processed through a structured, centralized protocol by the Department's Employee Investigation Unit (EIU). Candidates with substantiated findings or pending investigations shall be bypassed in accordance with Civic Services Law for the next reachable candidate. A request to remove the candidate from the reliability list pursuant to Civil Service Law § 50(4) shall be submitted to the NY State Department of Civil Service.</p> <p data-bbox="244 786 1484 947">115.17(b): Any incidents of sexual harassment, both substantiated and pending investigation, will be considered in determining whether to hire an individual or to enlist the services of a contractor who may have contact with incarcerated individuals as directed by Personnel Procedures #407 and #407A. The Director of Personnel will review requests to promote a candidate who has engaged in an incident of sexual harassment and subsequently determine if it is in the best interest of the Department to promote the candidate.</p> <p data-bbox="244 976 1489 1541">115.17(c): DIR #2216 establishes the requirement that all employees and contractors of the DOCCS will be subjected to a criminal history inquiry in order to obtain background information pertinent to the security of operations, verify data on employment applications, and receive a notification when Department employees are arrested. Employees and contractors may also be fingerprinted in accordance with this directive. This policy applies to all titles, including employees, part-time/half-time employees, per diem employees, extra service employees, outside agency employees, contract service providers/consultants, contractors, and volunteers. Personnel Procedure #406A establishes a policy for contacting the former institutional employer for candidates who have been previously employed by a prison, jail, lockup, community confinement facility, or juvenile facility. Each facility is required to complete a Recruitment Process Checklist (406A1) upon recommending a vacant position be filled and thereby attesting to having contacted all prior institutional employers regarding substantiated allegations of sexual abuse or resignations during a pending investigation of an allegation of sexual abuse and to have sent emails to ODM, OSI and Labor Relations for inquiries on current employees considered for promotion. An interview with Human Resources Manager (HRM) and a review of local personnel files indicates this checklist is completed on all civilian employee hires. Applications cannot be submitted for onboarding without documentation that prior institutional employers have been contacted. Criminal background checks were conducted on 151 new employees hired in the past 12 months. The auditor reviewed fourteen randomly selected employee files as samples (6-new hires/8 contractors to review and found them to contain all required documents, following DOCCS policy, and compliant with the requirements of this standard; all files indicated that background checks were conducted before the applicants were hired.</p> <p data-bbox="244 1570 1489 1697">115.17(d): The facility provided a list of approved contractors to work in the facility. The facility indicates that, in the last 12 months, 38/38 (100%) contractors/volunteers received background checks. The interview with the PPP confirmed contractors are approved annually, at which time another background check will be conducted. The auditor reviewed two contractor packets and found that the background check was conducted before enlisting the contractor's services.</p> <p data-bbox="244 1727 1484 1955">115.17(e): DIR# 2216 establishes the requirement that all employees and contractors of the DOCCS be subjected to a criminal history inquiry to obtain background information pertinent to the security of operations, verify data on employment applications, and receive a notification when the Department employees are arrested. Criminal history inquiries are conducted by the Department's Employee Investigation Unit (EIU) and must be completed before the first date of employment. Criminal background record checks are not conducted after an employee's initial hire, as the Department has a system to capture this information on an ongoing basis. This procedure is further confirmed by Memorandum from John M. Czuka, Deputy Commissioner and Counsel for the Division of Criminal Justice Services.</p> <p data-bbox="244 1984 1473 2145">115.17(f): DIR #2112 requires employees to report when they are charged with the commission of a felony or misdemeanor and imposes upon employees a continuing affirmative duty to disclose any of the above misconduct. The DOCCS Personal History and Interview Record, Form #1253, and the Personal History Questionnaire, Form EIU23, require the applicant to respond yes/no to the following questions: "1) Have you ever been the subject of disciplinary action in connection with any employment? This would include, but is not limited to: suspension, termination, written warning, verbal warning, or formal</p>



counseling.; 2) Have you ever been named in any allegations of sexual abuse (i.e., engaging in or attempting to engage in any form of sexual activity with a person by force, overt or implied threats of force, or coercion; without the person's consent, or when the victim was unable to consent) or sexual harassment?; 3) Have you ever been asked to resign from any employment in lieu of termination or resigned during a pending investigation?; 4) Have you ever been convicted of a crime where you engaged in or attempted to engage in sexual activity in the community facilitated by force, overt or implied threats of force or coercion; or if the victim did not consent; or if the victim was unable to consent?; 5) Have you ever been civilly or administratively adjudicated to have engaged in or attempted to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion; or if the victim did not consent, or if the victim was unable to consent?; 6) Have you ever engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution?" Both of these forms are required to be completed during the application process; based on an interview with the HRM, affirmative answers to any of the questions may disqualify a candidate for employment and would require additional review as to the circumstances, and depending on the nature of the position being applied for. The Employee Manual states, "All employees shall immediately report in writing any criminal, civil or administrative adjudication that they (1) engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution; or (2) have been convicted of or have been civilly or administratively adjudicated for engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or where the victim did not consent or was unable to consent or refuse."

115.17(g): Personal History Questionnaire, Form EIU23, informs every applicant for employment that material omissions regarding misconduct or the provision of materially false information are grounds for rejection for appointment and termination. Staff interviews indicated their awareness of this requirement and understanding of the consequences of not reporting. The auditor confirmed completed questionnaires in the files randomly selected by the auditor for review while onsite.

115.17(h): DIR #2012 provides that information about a former employee's reason for leaving employment may only be disclosed to private and public employers upon written authorization from the employee or former employee. Information about a former employee's reason for leaving employment may be provided to State agencies without authorization from the employee but shall not be provided to parties other than State agencies without the written authorization of the employee. If a request is received without such authorization attached, the requester should be informed that the information cannot be provided without authorization. Upon receipt of proper authorization by the prior employee, this information is provided by the DOCCS. This policy is per the Personal Privacy Protection Law. Interviews conducted with AC/PREA, Superintendent, and HRM combined with the documents reviewed confirmed the processes and procedures as outlined in the directives listed above.

Based on a review and evaluation of the evidence stated, the DOCCS and Wende CF have demonstrated compliance with all provisions of this standard; additionally, the agency exceeds this standard by fingerprinting all staff and contractors, which provides real-time notification of any criminal activity.

115.18	<b>Upgrades to facilities and technologies</b>
	<b>Auditor Overall Determination:</b> Exceeds Standard
	<p data-bbox="244 208 451 235"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1396 297">Evidence Reviewed: DIR #3053; Form #1612; Observations During Site Visit; Information Obtained from Interviews.</p> <p data-bbox="244 329 1485 754">115.18(a): Following DIR #3053, 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 must 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. The Division of Facilities Planning and Development reviews these requests and obtains comments from the AC/PREA and other appropriate Central Office units before approving any request. These procedures were confirmed during an interview with the Commissioner's Designee and the Superintendent. The Commissioner's Designee indicated there were no new facilities acquired by the DOCCS during the audit period. The facility indicated no substantial expansions or modifications were made to the facility, although there were several construction projects completed that also required the completion of Form 1612; a sample was provided for the auditor's review. The auditor found that the procedures are well-implemented and that the impact of protecting individuals from sexual abuse is considered when the facility has a project for alternation/modification of any structure.</p> <p data-bbox="244 786 1485 1619">115.18(b): The Department has widespread audio/video surveillance in a number of its facilities and also coverage in specialized units such as Special Housing Units, Behavioral Health Units, and Residential Rehabilitation Units. When a report of sexual abuse or sexual harassment is received by the Office of Special Investigations (OSI), standard protocol calls for them to secure surveillance footage for the date, time, and location of the reported incident. Video surveillance has provided corroborating evidence used to help obtain convictions and has also assisted in vindicating wrongfully accused staff. Acting Commissioner conveyed to the auditor that it is becoming more frequent for OSI, SAPEO, and Operations to review areas of concern for possible adjustment of existing camera systems or to make recommendations for augmentation of the system, and technical limitations prevent rapid adjustments to the surveillance system. In recent years, the Department has significantly expanded its video surveillance capabilities with the installation of full coverage camera systems at Attica and Clinton Correctional Facilities and the completion of a significant expansion of the existing camera system at Bedford Hills Correctional Facility. Camera system installation projects are in various stages of construction at Auburn, Coxsackie, Elmira, Great Meadow, Green Haven, Shawangunk, Sullivan, and Wende Correctional Facilities. The following facilities are currently in the design phase: Albion (expansion), Bedford Hills (expansion), Eastern, Fishkill, five points (expansion), Greene, Marcy, Mid-State, Orleans, Sing Sing, and Taconic (expansion) Correctional Facilities. The Department's long-term goal is to install full-coverage camera systems at all maximum and medium-security facilities. Since 2017, the Department has used Body-Worn Cameras in several correctional facilities. The Department initially piloted body-worn camera systems using a local storage solution. The Department is currently phasing out the original model in favor of Axon body-worn camera systems using a cloud-based storage solution. Body-worn camera systems are now in place at Albion, Bedford Hills, Fishkill, Great Meadow, Green Haven, Greene, and Taconic Correctional Facilities. Axon body-worn cameras are being piloted at Bedford Hills, Collins, Franklin, and Mid-State Correctional Facilities, with a plan to expand the number of cameras in use upon completion of data infrastructure upgrades. According to the Acting Commissioner and AC/PREA, the Department's intent is to use grants and matching funds to expand its use of body-worn cameras to 6 other correctional facilities in 2022. Interviews with the Superintendent and ADS/PCM confirmed that Wende CF is currently installing a fixed video monitoring system throughout the facility to assist in monitoring the movement and activity of incarcerated individuals and staff; however, the system is not fully operational yet.</p> <p data-bbox="244 1650 1477 1776">Based on the review and evaluation of the evidence stated, Wende Correctional Facility and DOCCS have demonstrated compliance with all provisions of this standard. Based on the Department's commitment to audio/video surveillance enhancements and expansions within its facilities to protect incarcerated individuals and staff, the agency has exceeded the requirements of this standard.</p>

115.21	Evidence protocol and forensic medical examinations
	<b>Auditor Overall Determination:</b> Exceeds Standard
	<p data-bbox="244 208 451 235"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1469 427">Evidence Reviewed: DIR #4027; DIR #0700; HSPM #1.60; A National Protocol for Sexual Assault Medical Forensic Examinations; FOM #2006, Coordinated Response Plan/Watch Commander's Quick Reference Chart for Sexual Abuse/Harassment Related Complaints/Watch Commander's Sexual Abuse Response Sheet; New York Public Health Law Section 2807-c; NYSP Superintendent D'Amico PREA Investigations Memorandum; Observations During Site Visit; Information Obtained from Interviews.</p> <p data-bbox="244 463 1493 1155">115.21(a)(b): DIR #4027 establishes that an administrative or criminal investigation shall be completed for all allegations of sexual abuse, sexual harassment, and unauthorized relationships. Pursuant to DIR #0700, the Commissioner has designated the Office of Special Investigations (OSI) to conduct these investigations. The OSI Investigators follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions, as directed by DIR #0700. This directive states the OSI Sex Crimes Division (SCD) conducts investigations involving sexual misconduct between incarcerated individuals and releasees and Departmental staff, as well as incarcerated individuals perpetrated sexual abuse, and assists outside law enforcement in the development of cases for criminal prosecution. In accordance with OSI Manual Chapter 5, all OSI/SCD Investigators are trained in evidence collection, which includes methods of documenting, collecting, and preserving physical evidence to ensure the best analysis results. In addition, OSI/SCD Investigators are required to know the content of HSPM #1.60. The OSI/SCD Investigators coordinate with the New York State Police/Bureau of Criminal Investigation (NYSP/BCI) to investigate criminal cases. Interviews with the AC/PREA, Deputy Superintendent of Medical, Facility Health Services Director, and Nurse Administrator confirmed that the NY State Department of Health requires SAFE/SANE providers to use the U.S. Department of Justice Office on Violence Against Women, "A National Protocol for Sexual Assault Medical Forensic Examinations," which is appropriate for adults and adolescents. The Department utilizes community hospitals with Sexual Assault Forensic Examiners or Sexual Assault Nurse Examiners (SAFE/SANE) for forensic medical examinations. Interviews were conducted with two OSI/SCD investigators, confirming the protocols and practices for PREA investigations. The Investigators were very knowledgeable of the investigation process, the uniform evidence protocol, and the use of the Sexual Abuse Checklist. Interviews with the Watch Commanders confirmed knowledge of their responsibilities in response to an allegation of sexual abuse/harassment, required notifications, use of the Watch Commander Quick Reference Chart (as needed), and the Watch Commander's Sexual Abuse Response Sheet.</p> <p data-bbox="244 1191 1493 2154">115.21(c): Based on an interview with the AC/PREA, Deputy Superintendent of Medical, Facility Health Services Director, and Nurse Administrator, DOCCS does not conduct on-site forensic medical examinations. Following 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. This includes, but is not limited to, minimum standards and the uniform evidence protocol adopted by the New York State Department of Health and as specified in the "A National Protocol for Sexual Assault Medical Forensic Examinations Adults/Adolescents Second Edition." Health Services Policy #1.60, Sexual Assault, provides for cases occurring within 120 hours to be expeditiously transported, as coordinated between the medical and the Watch Commander, to take the victim to an outside hospital emergency department staffed with a certified SAFE or SANE. The policy further directs that all allegations of sexual assault be addressed consistent with community standards for handling allegations of sexual assault. HSPM #1.60 requires all victims of sexual abuse to be afforded access to forensic medical examinations at an outside facility, without financial cost, where evidentially or medically appropriate. Incarcerated 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. Based on an interview with the Nurse Administrator, Health Services maintains a list of SAFE/SANE hospitals and is responsible for confirming that a SANE/SAFE and a Victim Advocate are available to provide services before transporting a victim of sexual assault. The individual may be transported to a closer or more appropriate hospital if health staff determine the incarcerated individual's priority medical needs are such that they require immediate or specialized care (e.g., the victim is suffering from traumatic injuries that require a level of care beyond what the certified SAFE/SANE hospital can provide). Admission to the facility infirmary and expedited follow-up assessment by a primary care provider are required upon the incarcerated victim's return from an outside hospital emergency department. The primary care provider will continue any appropriate post-exposure prophylactic medications initiated at the outside hospital or the facility. For all involved individuals, immediate completion and submission of a Mental Health Referral Form 3150 to Mental Health staff is required. Interviews with the Deputy Superintendent of Medical, Facility Health Services Director, Nurse Administrator, Superintendent, Watch Commanders, Captain/PPP, and ADS/PCM confirmed these protocols and procedures are well implemented at Wende CF. Based on the facility's Coordinated Response Plan and interview with the HSA, SAFE/SANE examinations will be provided at any of the following locations 1) Erie County Medical Center - 462 Grider Street in Buffalo, NY; (2) Buffalo General Hospital - 100 High Street in Buffalo, NY; (3) Millard Fillmore Hospital - 1540 Maple Road in Williamsville, NY. FOM #2006 includes names, phone numbers, and email addresses for the points of contact at each of</p>

these hospitals. The facility's Coordinated Response Plan also includes contact numbers, email addresses, and names of the contact at each hospital. The New York Public Health Law section 2807-c states that no general hospital shall refuse to provide hospital services to a person presented or proposed to be presented for admission to such general hospital by a representative of a correctional facility based solely on the grounds such person is an incarcerated individual of such correctional facility. No general hospital may demand or request any charge for hospital services provided to such person in addition to the charges or rates authorized in accordance with this article, except for charges for identifiable additional hospital costs associated with or reasonable additional charges associated with security arrangements for such person. The facility reports that four individuals received a forensic medical exam (FME) after a report of sexual abuse within the audit period; (2) were performed by SAFE/SANE, and (2) were performed by a qualified medical practitioner. Two of the incarcerated individuals who received an FME were still housed at Wende CF, and the auditor intended to interview them both; however, due to a medical emergency for one and the other being on mental health crisis stabilization, the auditor elected to verify the necessary information through a review of their records, which was in the best interest of the individuals.

115.21(d): New York Public Health §2807-c and HSPM #1.60 provides that victims of sexual abuse shall be afforded access to crisis intervention services, the nature, and scope of which are determined by medical and mental health practitioners according to their professional judgment. Healthcare staff will ensure that a SAFE or certified SANE and a Victim Advocate are available to provide services before transport to a designated hospital. Interviews with the HSA and ADS/PCM confirmed that an advocate is always made available for victims of sexual abuse.

115.21(e): Pursuant to FOM #2006, Medical staff shall provide counseling, as appropriate, regarding post-exposure prophylactic treatment, the need for a forensic medical examination, the availability of a victim advocate during such examination, pregnancy-related services, and the availability of crisis intervention services, including an OMH referral. Investigators are not to interfere with or make decisions regarding medical treatment, and an advocate shall be afforded to the individual at this time; upon the individual's request, the advocate shall see the individual before discharge from the hospital. Advocacy services are offered to the victim by the Investigator before an interview and documented in the investigative file case notes. Advocacy services may be arranged if requested by the individual, the Supervising ORC, ADS/PCM, Deputy Superintendent for Security, or PREA Point Person, as needed. DOCCS offers one of the most comprehensive networks of support and advocacy services for incarcerated survivors of sexual victimization. Through a partnership with the State Office of Victim Services and the State Office for the Prevention of Domestic Violence, DOCCS provides the confidential 777 Rape Crisis Hotline services to individuals incarcerated at all DOCCS facilities state-wide. Hotline operators provide supportive listening and crisis counseling, as well as referrals for emotional support and advocacy services. When requested by the survivor, the hotline will also make reports to the Department. Beyond the hotline, this partnership includes a number of community-based victim assistance programs or "PREA Centers" that provide incarcerated survivors with ongoing emotional support and victim advocacy services. Incarcerated individuals can receive crisis counseling and emotional support for the effects of sexual victimization, whether the abuse occurred during confinement or in the community, and the caller is seeking assistance to manage the triggers that often occur while confined. Wende CF identified (15) individuals that reported prior sexual abuse. Based on Department's public website and an interview with the AC/PREA Coordinator, New York is the only state in the nation with a network of centers, and specially trained victim assistance programs, to provide emotional support, counseling, and advocacy to incarcerated survivors of sexual victimization.

115.21(f): The DOCCS OSI/SCD is responsible for investigating allegations of sexual abuse; however, Investigators work cooperatively with the Office of the Inspector General Sex Crimes Unit (IG/SCU) and the NYSP/BCI to investigate sexual abuse that may involve criminal conduct. A memorandum from AC Effman to NYSP Superintendent D'Amico dated May 4, 2014, confirms that DOCCS has requested that the agency follow the requirements of paragraphs 115.21 (a) through (e) of the standards.

115.21(h): This provision does not apply to Wende CF as a victim advocate is available at the local hospital for SANE/SAFE examinations and is available through the hotline provided.

Based on analysis and evaluation of the evidence, Wende CF and DOCCS have demonstrated compliance with all provisions of this standard; additionally, the Department exceeds due to having dedicated sex crimes investigators handle all cases and the extensive and ongoing training requirements for these investigators; the use of SAFE/SANE hospitals providing community standard of care; and its extensive partnership with a community victim assistance program for advocacy; and a comprehensive and well-established Coordinated Response Plan.

<b>115.22</b>	<b>Policies to ensure referrals of allegations for investigations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Evidence Reviewed: DIR #0700; DIR #4027; Monthly Report Samples; DOCCS Website Review; Observations During Site Visit; Information Obtained from Interviews.</p> <p>115.22(a): DIR #4027 establishes that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment, which will be completed following DIR #0700. Within the last 12 months, 13 allegations of sexual abuse and sexual harassment were received by the facility; of those, 4 resulted in an administrative investigation, and 9 were referred for criminal investigation. Interviews conducted with the OSI Investigators, ADS/PCM, and Superintendent and a review of investigative files indicate that all allegations of sexual abuse and harassment are forwarded promptly for investigation.</p> <p>115.22(b)(c): Based on an interview with the AC/PREA Coordinator/Commissioner's Designee, the Acting Commissioner of the DOCCS has delegated the authority to conduct administrative and criminal investigations to the OSI per Corrections Law § 112 and DIR #0700. DIR #0700 authorizes and designates the OSI as the official investigative body for all administrative and criminal investigations. The OSI is further charged with ensuring that substantiated allegations are referred to the appropriate person(s) for administrative, disciplinary, and/or prosecutorial action. OSI works cooperatively with the NYSP/BCI in the investigations of reported incidents of sexual abuse that may involve criminal conduct; however, DOCCS has not relinquished this authority to any separate activity. A separate entity is not responsible for conducting investigations. All complaints and information received by OSI relative to possible investigations are documented, reviewed, and processed. OSI/SCD has the authority to refer cases to NYSP/BCI, when appropriate and works with the local District Attorney's Office for prosecutions. Interviews with OSI/SCD Investigators confirmed procedures are well established and followed. DIR #4027 is published on the Agency's public website at <a href="http://www.dccs.ny.gov/PREA">http://www.dccs.ny.gov/PREA</a>.</p> <p>Based on analysis and evaluation of the stated evidence, the Wende CF and DOCCS have demonstrated compliance with all requirements of this standard.</p>

115.31	<b>Employee training</b>
	<b>Auditor Overall Determination:</b> Exceeds Standard
	<p data-bbox="244 208 451 235"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1469 562">Evidence Reviewed: 0.100 Training Frequency Chart; 8.300A Attachment-Recruit Training Catalog of Courses; 35029, Sexual Abuse Prevention and Response Training; 35029RTF ; 7.000, 40-Hour Orientation and Initial Employee Training; 7.100, Employee Familiarization; 7.100 Attachment A, Employee Familiarization Form for Facilities; 7.200, Employee Familiarization; Announcement of Mandatory Training, Sexual Abuse Prevention and Response; 17093, PREA Introduction-Transfer-Female; 17093, PREA Introduction-Transfer-Male; 2.1 Training Bulletin #7, Annual Training Bulletins; 17093RTF; 2.2 Annual Policies and Standards Generally Applicable to All Employees; 17078 PREA Refresher 2020; 17078RTF; Memorandum from AC Effman, 2022 Updated Refresher Training; Preventing Sexual Misconduct and Saving Careers PREA Refresher Training, March 9, 2022; Employee Manual; Observations During Site Visit; Information Obtained from Interviews.</p> <p data-bbox="244 598 1485 2094">115.31(a)(c): DOCCS's body of directives clearly expresses a zero-tolerance for sexual abuse. DIR #4027 sets forth the Department's zero-tolerance policy for sexual abuse and is supplemented by the Employee Manual and other related directives and training curricula. DOCCS mandates all staff complete the three-hour Sexual Abuse Prevention and Response training during their initial orientation training for new employees. This DOCCS training includes 1) its zero-tolerance policy for sexual abuse and sexual harassment; 2) on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures; 3) on incarcerated individual's right to be free from sexual abuse and sexual harassment; 4) on the right of incarcerated individuals and employees to be free from retaliation for reporting sexual abuse and sexual harassment; 5) the dynamics of sexual abuse and sexual harassment in confinement; 6) on the common reactions of sexual abuse and sexual harassment victims; 7) on how to detect and respond to signs of threatened and actual sexual abuse; 8) on how to avoid inappropriate relationships with incarcerated individuals; 9) on how to communicate effectively and professionally with incarcerated individuals, including lesbian, gay, bisexual, transgender, intersex, or gender-nonconforming individuals; and 10) on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities. Additionally, receipt of the Employee Manual is acknowledged through signature by all staff upon hire and comprehensively includes the expectations of staff regarding PREA prevention, detection, responding, and reporting. Training Manual 0.100, Frequency Training Chart establishes required training for Security Officers and Civilians, and before 2022, required both classes of employees to take Maintaining Professional Boundaries training annually and Sexual Abuse Prevention and Response Refresher training every two years. Effective April 2022, these two lessons were replaced by the roll-out of the new DOCCS PREA Refresher training. The auditor was provided the DOCCS's new PREA refresher training lesson plan, Preventing Sexual Misconduct and Saving Careers, for review. This training includes a brief refresher on DOCCS PREA policy and employee duties under the policy; professional boundaries and prevention; recognizing circumstances that create staff vulnerability; employee duty to report and respond. This interactive training incorporates video clips of various staff presentations, executive team presentations, and testimonial videos from individuals involved in PREA incidents. All employees are required to take the PREA Refresher training every two years. All staff is provided a pocket PREA Reference Card for employees to keep with them and use when necessary, and the auditor observed these cards in possession of employees during the facility tour and interviews. Between the biannual refresher training, the DOCCS provides employees with refresher information about current policies regarding sexual abuse and harassment. This is accomplished through Annual Training Bulletins issued by the DOCCS Director of Training, which consist of a list of policy topics that will be covered with staff at line-ups and employee meetings. The Annual Training Bulletin revised May 17, 2021, includes Training Bulletin 7, PREA Sexual Abuse Prevention and Response. This policy review is documented by the signature of the shift supervisor from each tour on the Training Bulletin form, and the Bulletin must be read at three consecutive line-ups. The facility provided a copy of the completed form for Training Bulletin 7, and the auditor confirmed the review of these Bulletins during interviews with random staff and supervisors. The auditor was also provided a copy of a Memorandum from Acting Commissioner Annucci dated July 8, 2021, providing executive support that states, "To effectively carry out the Department's mission, all employees of the Department of Corrections and Community Supervision are expected to comply with the applicable laws, regulations, policies, and standards as outlined below in performing their assigned duties, and in their daily professional conduct." The memorandum further states, "Employees are also expected to comply with the Governor's Executive Orders and the Commissioner's Policy on Prevention of Sexual Abuse of Incarcerated Individuals." The auditor interviewed the Administrative Training Lieutenant responsible for coordinating, delivering, and tracking training for the facility. He explained that PREA Refresher training is delivered every other year, but every year employees and contract employees receive refresher updates through Training Bulletins and mandatory policy review. No employee assumes their duties without first receiving the initial PREA training required during pre-service orientation. Training is tracked quarterly by Regional Training Coordinators, and any deficiencies are provided to the facility for notification to be provided to the employee and the employee's supervisor to resolve. Employees must complete the required report of training form and submit it to the Training Lieutenant, who records the training in the DOCCS training database.</p> <p data-bbox="244 2130 1437 2157">115.31(b): Training Manual 7.100 requires that all Department employees who have been newly transferred to or from a</p>

facility, area office, Board of Parole office, or Central Office, including part-time and per diem staff, will receive a 16-hour familiarization program at the receiving facility or office. This familiarization will occur during the first two days of the new assignment. Also, personnel who have been absent for more than one year must be re-familiarized upon their return to work. Lesson Plans for this training was provided for the auditor's review; this training is tailored to the gender of the incarcerated population at the facility, including addressing gender dynamics for staff who are transferring from a facility that houses only male individuals to a facility that houses only female individuals, or vice versa. Also, job-specific training is conducted by the immediate supervisor once an employee is assigned and reports to a work area. This three-day orientation to the employee's specific job includes a review of DIR #4027 and other related policies. Interviews with the Training Coordinator, HRM, and ADS/PCM, confirmed that this orientation is completed for all staff transferring in from another facility, and the auditor observed completed documentation maintained in the randomly selected personnel files.

115.31(d): DOCCS requires, upon completion of Course 35029 –Sexual Abuse Prevention and Response - PREA, and 17078 –Sexual Abuse Prevention and Response – Refresher, a Report of Training Form must be completed and signed by the employee, indicating the employee understood the training received. This record will be maintained by the local training office, and a copy is to be provided to the facility's ADS/PCM. Employees completing the PREA Introduction/Transfer Training must sign the RTF-PREA (course code 17093), and a copy must be forwarded to the appropriate PCM. The facility reports that 100% of employees are current with their training, except for anyone who may be out on extended leave. The auditor reviewed training rosters confirming all staff has completed Course 35029, and all staff is current on the 17078 (PREA refresher). Additionally, the facility provided a training report dated 08/09/22 that indicated 100% of all staff training is complete and current.

Based on analysis and evaluation of the evidence, Wende CF and DOCCS have demonstrated compliance with all provisions of this standard. Furthermore, it is evident that the DOCCS SAPEO analyzes and utilizes incidence data collected in a continuing effort to improve training programs for the Department. The new training refresher issued this year clearly addresses systemic problems specific to the Department, with a focused and direct approach toward educating and arming staff with tools to impact change. The DOCCS has exceeded the requirements of this standard.



115.32	<b>Volunteer and contractor training</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p data-bbox="244 208 451 235"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1390 396">Evidence Reviewed: DIR #4027; DIR #4071; DIR #4750; Guidelines for Construction Projects Form #4071A; Form #4750D, Required Training for Various Categories of Volunteers Volunteer Services List; Standards of Conduct for Volunteers; Application for Volunteer Status 6.20; Acknowledgement of Standards of Conduct for Volunteers, Form #MFVS3087; Training Records; Observations During Site Visit; Information Obtained from Interviews.</p> <p data-bbox="244 427 1497 1592">115.32(a)(b)(c): DIR #4027 designates that all contractors and contract employees, volunteers, and interns shall receive orientation and periodic in-service training consistent with their level of incarcerated individual contact relating to the prevention, detection, and response to sexual abuse and sexual harassment. DIR #4750 directs that during orientation, volunteers must be cautioned regarding the seriousness of personal/emotional involvement with incarcerated individuals, including visiting, corresponding, and accepting phone calls and that volunteers are prohibited from having any sexual contact or engaging in any sexual conduct with an incarcerated individual. For purposes of applicability, Penal Law section 130.05 states an employee also includes any person, including a volunteer, providing direct services to individuals in a state correctional facility pursuant to a contractual arrangement or written agreement with the Agency, thereby inclusive of volunteers providing services to individuals. Based on the Application for Volunteer Status Acknowledgement of Orientation, all volunteers are provided with the training and a copy of the policy DIR #4027 and The Commissioner's Prevention of Sexual Abuse Memorandum. Per DIR #4750, all volunteer applicants must read the most updated version of the Policy on the Prevention of Sexual Abuse and acknowledge receipt of the policy in writing and acknowledge they understand that they will be held accountable for and act in accordance with the policy and the law. The job-specific training for volunteers will be delivered by the volunteer's staff supervisor, who will ensure the volunteer acknowledges that they understand the Department's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report such incidents by signing Form #MFVS3087. DIR #4071 includes procedures for required contractor training on PREA and directs each contract worker to be issued a copy of Form #4071A which is a handout that includes the zero-tolerance, definition of sexual abuse, definition of sexual harassment, the duty to report, confidentiality, and a requirement to sign the acknowledgment form. The Acknowledgement Statement includes the signature of both the contractor and the DOCCS employee who reviewed the procedures with the contractor. The auditor also reviewed a Memorandum from Acting Commissioner Annucci regarding the Policy on the Prevention of Sexual Abuse and Sexual Harassment of Incarcerated Individuals and Parolees (Revised), September 4, 2018, addressed to All Employees, Contractors, Volunteers, and Interns. This memorandum reinforces the zero-tolerance policy and provides a reminder of the definitions of the terms sexual abuse/harassment, the duty to report, and the Commissioner's expectations for all employees, contractors, volunteers, and interns. No contractor enters the facility without signing the notification of the zero-tolerance policy form. The facility indicated there are 267 volunteers and individual contractors (89 contract services; 113 construction contractors; and 65 volunteers) who have contact with residents who have been trained in DOCCS policies and procedures regarding sexual abuse and sexual harassment prevention, detection, and response. The DOCCS maintains documentation confirming that volunteers and contractors understand the training they have received. The auditor was provided lists of approved contractors and volunteers from which names were selected for documentation review and interviews. The auditor's review of training records for a total of (10) contractors/volunteers found training appropriate to their level of service and contact with incarcerated individuals, and compliant with all provisions of this standard. Interviews were conducted with four contractors and one volunteer, and all confirmed that they had received training and notification of the Department's zero-tolerance policy and were able to explain how to maintain professional relationships with incarcerated individuals and how and to whom to make a report if they became aware of an incident.</p> <p data-bbox="244 1624 1406 1682">Based on the review and evaluation of the evidence, Wende CF and DOCCS have demonstrated compliance with all provisions of this standard.</p>



115.33	<b>Inmate education</b>
	<b>Auditor Overall Determination:</b> Exceeds Standard
	<p data-bbox="244 208 451 235"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1493 427">Evidence Reviewed: DIR #4021; Form #4021A; DIR #4027; PREA Orientation Film Implementation; Memorandum ReNew/Updated Material; Orientation Outline Rev. 6/28/19; Form #115.33, Report of Incarcerated Individual Training Participation; Memorandum from DC McKoy Revised Transitional Services Phase; DC168L PREA Brochure Language Guide Poster; Memorandum Reasonable Accommodations; PREA Education Video Translations; Observations During Site Visit; Information Obtained from Interviews.</p> <p data-bbox="244 463 1493 1825">115.33(a)(b)(d): DIR #4021 establishes that upon arrival at an Intake Center, each incarcerated individual receives a gender-specific pamphlet "The Prevention of Sexual Abuse in Prison; What You Need to Know," Form #DC055/#DC053, according to the facility classification and distribution is to be documented on Form #4021A. This pamphlet explains the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and addresses prevention, self-protection (situation avoidance), reporting sexual abuse and sexual harassment, and the availability of treatment and counseling. This information is provided in formats accessible to all incarcerated individuals. DIR #4021 further requires Intake/Reception/Classification Centers to present each individual with a viewing of the Orientation Video and the gender-specific version of the film "Ending Sexual Abuse Behind the Walls; An Orientation" during the reception and classification process. Viewing the film is to be documented on Form #115.33, Report of Incarcerated Individual Training Participation, and filed in the individual's guidance file. The film, brochures, and handbooks are available in English, Spanish, Haitian-Creole, Russian, Polish, Italian, Chinese, and Korean. The SAPEO has published a PREA - Sexual Abuse Prevention Incarcerated Individual Orientation Outline that is to be used to guide staff in the delivery of the sexual abuse prevention program during orientation. Step-by-step instructions are given to assist staff in covering the required information and provide prompts for engaging the incarcerated individuals during the education and requirement to play the designated PREA orientation film. The outline includes for the presenter: 1) Introduction and history, and explains the role and duties of the PREA Coordinator, the role and duties of the ADS/PCM, and explains multiple ways to make a report; 2) defines PREA; 3) defines the DOCCS's zero-tolerance policy; 4) explains the right of every incarcerated individual to be free from sexual abuse and sexual harassment and what that means; 5) explains behavior expectations and defines sexual abuse and sexual harassment; 6) explains what to do if abused; 7) explains how and to whom to report, including third-party and anonymous reports; 8) covers the consequences of a false report; 9) explains the availability of Victim Services; 9) explains the difference between an authorized pat frisk and sexual abuse; 10) covers confidentiality; 11) explains the requirement of opposite gender staff to announce presence on housing unit and why it is done; 12) guides for question/answer period. This program provides a comprehensive delivery of the educational material required by this standard. Any individuals admitted to the DOCCS before August 20, 2012, were provided the comprehensive PREA education between July 13-31, 2015. The video "Ending Sexual Abuse Behind the Walls" was shown throughout the DOCCS at all facilities during that week. Wende CF is not a designated Intake/Reception/Classification Center. Individuals are assigned to this facility through transfer from another facility and have already received the formal training required by DIR #4021 at the Intake Center and are provided information and refresher training upon arrival and during orientation at Wende CF based on interviews with the ADS/PCM, PPP, ORCs and Draft Sergeant. The facility reports 1139 individuals admitted within the past 12 months who were given the "The Prevention of Sexual Abuse in Prison; What You Need to Know" brochure, which is captured on Form #4021A. They also reported that 888 individuals, who were at Wende CF for 30 days or more, received the refresher training by viewing the designated PREA orientation video "Ending Sexual Abuse Behind the Walls: An Orientation," which is documented through the signature of the incarcerated individual on the Report of Incarcerated Individual PREA Training Participation Form #115.33. Interviews with the incarcerated individuals confirmed that they had all received comprehensive training, watched the film and videos, and received a brochure before transferring to this facility; additionally, facility staff provided them with information on sexual abuse/harassment upon arrival to Wende. They all stated that their ORC discussed PREA with them and asked about their safety, and the Draft Sergeant conducted their risk screening and talked to them about zero-tolerance. The facility provided draft receipts and nine records with the PAQ indicating individuals had participated in the PREA training program. The auditor randomly selected 28 incarcerated individuals for a file review; each file was documented by signature they had received the pamphlet and handbook and viewed the SAPEO-prescribed video at Wende Correctional Facility. The auditor concludes that the processes are fully implemented.</p> <p data-bbox="244 1861 1493 2143">115.33(c): DIR #2612 establishes policy to ensure compliance with Title II (Subtitle A) of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and the New York State Human Rights Laws prohibit state and local entities from discriminating against any qualified individual with a disability in their programs, services, and activities and utilizing methods of program administration that have the effect of subjecting individuals with disabilities to discrimination. Programs and services provided to incarcerated individuals by DOCCS must ensure accessibility and usability by qualified individuals in the most integrated setting. The facility provided the Incarcerated Individual Education &amp; Orientation Film Facilitator Guide and the DOCCS Incarcerated Individual Orientation Films Facilitator Training for review. Both guides express, "The agency shall provide [incarcerated individual] education in formats accessible to all [individuals], including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to [individuals] who have limited reading skills."</p>

Appropriate staff shall assist if an individual has difficulty understanding the written material due to a disability or limited reading skills. A memorandum from AC Effman directs that the PREA orientation and education are to be provided orally or in writing in a language clearly understood by the individual and using any accommodations required for those with sensory disabilities to ensure equal access. Audio education is available to the visually impaired through CDs and cassette tapes. Facility staff, the Office of Cultural and Language Access Services staff interpreters, and a Language Line Service are available for use by facility staff for interpretation services when needed. Four facilities within the DOCCS have been identified to provide comprehensive accommodations to individuals with serious sensory, physical, hearing, visual, and cognitive impairments. Wende CF can accommodate some disabilities but is not one of the four designated facilities for serious impairments. DIR#2612 ensures for individuals who are deaf or hard of hearing, who primarily communicate in sign language, 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 can interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary will be provided. From lists provided by the facility, the auditor selected individuals with disabilities for interviews (1-hearing/2-visual/3-cognitive/4-physical). DIR #4490 establishes policies and procedures to ensure that all individuals with LEP have meaningful access to programs, services, and benefits. The directive further requires that LEP individuals have access to vital documents, including PREA complaint documents and procedures. The agency maintains a contract for interpreting services through LanguageLine Services, Inc., which was provided for the auditor's review. Additionally, designated bilingual staff interpreters are available to assist individuals with interpretation. The PREA Education Film "Ending Sexual Abuse Behind the Walls: An Orientation" is provided in DVD format appropriate to the gender classification of the facility and with tracks and captioning in English, Haitian Creole, Italian, Korean, Mandarin Chinese, Polish, Russian, and Spanish. A sample of the video transcript was provided to the auditor for review. Interviews with the draft sergeant at Wende CF confirmed that the facility provides each individual coming into the facility with The Prevention of Sexual Victimization in Prison, What You Need to Know brochure. Delivery of this brochure to the individual is documented on the Draft Receipt, form #4021A, with the appropriate language circled if issued in other than English. This pamphlet has been translated into and is printed in English, Bengali, Chinese, Korean, Russian, Spanish, Haitian/Creole, Polish, Yiddish, Arabic, and Italian. The auditor also observed these pamphlets in various common areas of the facility, including the intake area, library, and resource areas. Additionally, the PREA video "Ending Sexual Abuse Behind the Walls: An Orientation" is available in English, Spanish, Haitian-Creole, Russian, Polish, Italian, Chinese, Korean, and closed caption and is gender-specific. Interviews with the AC/PREA Coordinator, PCM, healthcare staff, security staff, and counseling staff indicated appropriate assistance is provided to individuals when needed to ensure meaningful communication. All employees indicated their knowledge of the Language Assistance Line when interviewing staff. The auditor selected three incarcerated individuals who were listed as LEP to interview. The facility has designated staff interpreters who are bilingual in addition to the Language Line Services contract. When speaking with individuals who are LEP, they informed the auditor that their inability to speak English fluently had not affected their ability to participate in any facility-based services, including the Department's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. The auditor reviewed three files for LEP individuals, and the documentation indicated they had received the PREA education material in a language they understood. Interviews with the AC/PREA, ADS/PCM, ORCs, healthcare staff, and security staff indicated appropriate assistance is provided to individuals when needed to ensure meaningful communication. Additionally, when interviewing random staff, all employees indicated their knowledge of the Language Assistance Line. A monthly report is generated on Form #4490C, Language Access Monthly Report, to track the use of interpreters for LEP individuals. The auditor was provided with a copy of the May 2022 report and the most current Language Line Services, Inc. invoice, which confirms that language interpreter services are used regularly at the facility.

115.33(e): The DOCCS ensures that key information is continuously and readily available or visible to individuals through posters, handbooks, or other written formats. The auditor observed both the Report Sexual Abuse poster and the gender-specific zero-tolerance posters with the message delivered in multiple languages on the housing units and other common areas accessed by incarcerated individuals, staff, and visitors such as intake, program areas, library, medical, and public areas such as the visiting area, and visitor hospitality areas. Additionally, the auditor observed posting throughout the facility of the PREA Brochure Language Guide that informs of the seven languages that the pamphlet is available. These brochures were observed in multiple locations throughout the facility, including the library, intake/draft, and education/program areas. The auditor observed a variety of culturally diverse, informative PREA posters throughout the facility in various languages. Some of these posters address the zero-tolerance, others indicate how to access victim advocacy services, and a third poster specifically for reporting includes: "Report Sexual Abuse" in large lettering with a paragraph about reporting on the left in English and the right in Spanish and "Report Sexual Abuse" translated in Mandarin Chinese, Haitian-Creole, Italian, Korean, Polish, and Russian across the bottom.

Based on the analysis and evaluation of the evidence, Wende CF and DOCCS have demonstrated compliance with all provisions of this standard and exceeded the requirements based on the extensive training curriculum and the multiple translations for conveying the Department's zero-tolerance and sexual safety program.

115.34	Specialized training: Investigations
	<p><b>Auditor Overall Determination:</b> Exceeds Standard</p>
	<p><b>Auditor Discussion</b></p> <p>Evidence Reviewed: Notice to Auditor, Specialized Training Investigations; PREA Specialized Training Investigations; Investigating Physical and Sexual Abuse in an Institutional Setting; NIC Investigating Sexual Abuse in Confinement Overview; RTF Investigating Physical and Sexual Abuse; KHRT for Course 17072 OSI Investigators Trained; RTF Investigating Physical and Sexual Abuse; Information Obtained from Interviews.</p> <p>115.34(a): Following OSI Policy Manual Chapter 5, in addition to the general training provided to all employees and discussed in 115.31, the agency ensures its investigators receive training in conducting sexual abuse investigations in confinement settings. All new OSI/SCD Investigators attend Basic OSI Investigator School, which includes the following curricula: DOCCS OSI Overview Training, Investigating Sexual Abuse in a Confinement Setting, and Communicating Effectively and Professionally with LGBTI Incarcerated Individuals. OSI-specific training is documented utilizing the RTF-PREA submitted to and maintained by the OSI Training Coordinator. All OSI/SCD Investigators complete the Sexual Abuse Investigations and PREA Update and evidence collection training. OSI Investigators also receive specialized training in Interview and Interrogation, Strangulation, NIC-Investigating Sexual Abuse in a Confinement Setting-Advanced Investigations, Investigating Physical and Sexual Abuse in Institutional Settings, FETI (Forensic Experiential Trauma Interviewing), NIC Trauma-Informed Treatment &amp; Theory, Advocate training, Basic Investigative Photography Course, Police Crime Scene and Evidence Specialist Course, Certified Inspector General Investigator Institute, Reid Technique Interview and Interrogation-Advanced, Cellebrite. The Police Crime Scene and Evidence Specialist training is provided by an outside law enforcement entity and certifies attendees as certified evidence collectors. All OSI/SCD Investigators receive the required basic specialized training before being assigned a case.</p> <p>115.34(b): The auditor's review of the specialized training curricula discussed in section (a) above reveals instruction for 1) conducting sexual abuse investigations in confinement settings; 2) techniques for interviewing sexual abuse victims; 3) proper use of Miranda and Garrity warnings; 4) sexual abuse evidence collection in confinement settings; 5) criteria and evidence required to substantiate a case for administrative action or prosecution referral, consistent with the requirements of this standard. OSI Policy Manual establishes that OSI members interact with complainants in a victim-focused manner, meaning they systematically focus on the needs and concerns of victims to ensure the compassionate and sensitive delivery of services nonjudgmentally. Additionally, per the relevant provisions of NYS Executive Law 838-a, OSI/SCD staff shall be trained in trauma and victim response through a program meeting minimum standards established by the division of criminal justice services, following appropriate guidelines on evidence-based, trauma-informed practices. The auditor interviewed two investigators responsible for investigating allegations for Wende Correctional Facility and found both very knowledgeable and well-trained in the investigative process. They explained investigative protocols, report writing, interview procedures, best practices, and Department policies. Both Investigators explained that cases are assigned to the designated investigator, and once the investigator completes a case, it is presented to the Assistant Deputy Chief, who works with NYSP/BCI and the local District Attorney in making the final disposition on assigning eligible cases for a criminal investigation and prosecution. All completed investigations are reviewed by the Assistant Deputy Chief before the case is submitted for closure.</p> <p>115.34(c): DOCCS maintains documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations through participation rosters and hours entered into the training database upon completion. Training records are maintained by the OSI Training Coordinator in Central Office. There are currently 28 investigators state-wide in the Department. A roster from the training database and a copy of the Sex Crimes Training Matrix dated July 2022 confirmed that all 28 OSI investigators completed the general and specialized training.</p> <p>Based on review and evaluation of the evidence stated, Wende CF and DOCCS have demonstrated compliance with all provisions of this standard; additionally, the stringent training requirements of the Sex Crimes Division go above and beyond what is required by the standards, showing excellence in the Department's commitment to a trauma-informed approach at interviewing victims and educating investigators in the most up to date practices for evidence collection and technology employed to be more receptive in the changing ways to investigate sexual abuse and sexual harassment.</p>

115.35	<b>Specialized training: Medical and mental health care</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Evidence Reviewed: 7.000 40-Hour Orientation and Initial Employee Training; Report of Training Forms; 7.150 Orientation Program for Per Diem and Non-Departmental Employees; 17083: PREA Training for Medical and Mental Health Providers; RTF-PREA Introduction Transfer; MOU with OMH; Training Records; Observations During Site Visit; Information Obtained from Interviews.</p> <p>115.35(a): Medical and Mental Health providers receive Incarcerated Individual Sexual Assault Post Exposure Protocol/PREA, published by the DOCCS Infection Control Unit, which includes: (1) How to detect and access signs of sexual abuse and sexual harassment; (2) How to preserve physical evidence of sexual abuse; (3) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and (4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment. This specialized training curriculum was reviewed by the auditor confirming it to be conclusive of all stated objectives and consistent with 115.35 requirements. In addition, this lesson covers related agency medical and investigative policy and procedures and encourages a collaborative, victim-centered approach to assessing sexual abuse incidents. This program is designed to increase the employee's knowledge of this protocol so that he/she can adopt work practices that maintain a high level of care for the incarcerated population. According to the Memorandum of Understanding between the New York State Office of Mental Health (OMH) and the DOCCS dated 09/14/16, DOCCS provides a standardized orientation to all new OMH employees working in correctional facilities. All full and part-time OMH employees working in any DOCCS facility participate in this training as required by this standard. Additionally, all full and part-time mental health care practitioners must participate in specialized training provided by DOCCS as required by PREA, 28 C.F.R. § 115.35. The facility reports that there are 183 (155 medical and 26 mental health care) practitioners who regularly work at Wende CF, and all have received the training required by DOCCS policy.</p> <p>115.35(b): Forensic examinations are not conducted by DOCCS staff; individuals are taken to the nearest hospital for this service, as supported by agency policy and interviews with the Nurse Administrator, Superintendent, and ADS/PCM.</p> <p>115.35(c): The auditor's review of the DOCCS Course Completion Records for Course 17083, PREA Training for Medical and Mental Health Providers, confirmed that Medical and MH training requirements are compliant.</p> <p>115.35(d): Training Manual 7.000 requires all full and part-time medical and mental health employees to attend civilian (non-peace officer) training. This training consists of the Initial Employee Training Program (code 27018), including the following classes: 35029 Sexual Abuse Prevention and Response (3 Hours), and provided the Policy on the Prevention of Sexual Abuse of Incarcerated Individuals by their job-specific immediate supervisor. Training Manual 7.150 establishes training requirements for the OMH and states, 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). All employees receive training on DOCCS's zero-tolerance policy for sexual abuse and sexual harassment and how to fulfill their responsibilities. No employee can begin their work assignment without completing this mandatory training, and a copy of the signed RTF PREA must be forwarded to the appropriate PREA Compliance Manager. Refresher training is provided every other year, and each year refresher information training is provided via a training bulletin and the Commissioner's policy statement on the Prevention of Sexual Abuse of Incarcerated Individuals and Parolees. The auditor interviewed the Nurse Administrator and seven additional medical staff. All staff was knowledgeable about the training received, and they all confirmed having received the general training upon hire and then annually at in-service and the specialized training. A review of training documentation provided evidence the training has been completed.</p> <p>Based on analysis and evaluation of the evidence, Wende CF and DOCCS have demonstrated compliance with the provisions of this standard.</p>

115.41	Screening for risk of victimization and abusiveness
	<b>Auditor Overall Determination:</b> Exceeds Standard
	<p data-bbox="244 208 451 235"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1485 360">Evidence Reviewed: DIR #4027; DIR #4021/Form 4021A; DIR #4401; FOM #2023, SSPPM #115.41; PREA Risk Screening; PREA Risk Screening Form Female/115.41F Male/115.41M; Gender Identify Interview Form,115.41GI; Observations During Site Visit; Information Obtained from Interviews.</p> <p data-bbox="244 396 1485 987">115.41(a)(b): SVPPM #115.41 establishes that per PREA Standard 115.41/241, 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. DIR #4021 directs the statewide PREA Risk Screening process and requires screening upon admission to a facility for risk of sexual abuse victimization or sexual abusiveness toward other residents. Additionally, each 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 or Form #115.41F, following the facility-specific PREA Risk Screening Facility Operation Manual (FOM), upon transfer to another facility. Wende Correctional Facility's local operating procedure FOM #2023 outlines the protocols for conducting risk screening at the local facility. Wende Correctional Facility's policy is that all incarcerated individuals received shall be screened by a Sergeant or above within 24 hours of arrival at the facility and reassessed by an assigned Offender Rehabilitation Coordinator (ORC) ordinarily within 14-days of arrival at the facility. The facility reports that 1099 individuals received and screened within the past 12 months whose length of stay in the facility was for 72 hours or more and were screened within 72 hours. Based on an interview with the ADS/PCM, all Sergeants are trained on how to conduct a Risk Screening, and this training is delivered by the ADS/PCM for new Sergeants. The auditor interviewed the Draft Sergeant and found him knowledgeable about the risk screening process; he clearly understood the importance of handling sensitive information appropriately. The auditor's review of 30 randomly selected risk screening documents confirmed that this practice is well-implemented and documentation for all files reviewed confirmed the assessment occurred within 24 hours. This policy and practice exceed the 72-hour requirement of this standard.</p> <p data-bbox="244 1023 1485 1180">115.41(c): SVPPM #115.41 establishes that consistent with recommendations from the U.S. Department of Justice, Risk Screening shall address the risk factors as delineated in 115.41(d)(1-9) of the standards. The DOCCS PREA Risk Screening Form #115.41M/F was reviewed by the auditor and is a comprehensive, fact-finding, and objective instrument. The instrument allows for recording the individual's responses and multiple levels of review once the instrument is completed and forwarded to the designated reviewers.</p> <p data-bbox="244 1216 1485 1843">115.41(d)(e): DOCCS's PREA Risk Screening Form #115.41M, used at Wende, includes questions for all criteria (1-9) of provision (d) of the standard to be considered during screening. The Department does not hold individuals solely for civil immigration purposes; however, Element 10 is still captured on each risk screening instrument. Additionally, the instrument includes questions to collect data for assessing sexual abusive behavior risk and considers a) convictions of a crime related to sexual abuse of another incarcerated individual, detainee, or resident; b) known history of committing institutional sexual abuse; c) convictions of a violent offense; d) known history of committing institutional violence. This information is obtained from the individual's DOCCS records and answers provided by the individual. Each incarcerated individual who identifies as transgender, intersex, or gender non-conforming/gender nonbinary during their PREA risk screening (Section A question 7b) or who has a diagnosis of Gender Dysphoria or Intersex (identified via extended classification codes) shall be screened by the ORC using the Gender Identity Interview (Form 115.41GI) and given the opportunity to voluntarily disclose information concerning their gender identity, expression, and preferences, including how they would like their gender identity to be reflected in DOCCS electronic records. Per Directive #4401, Form 115.41GI will be reviewed, verified as current and accurate, or updated at each Case Plan Review or, as necessary, at any time there is a change in circumstances. Risk Screening requires asking the incarcerated individual questions regarding their sexual orientation, gender identity, and gender expression. The risk screening process also requires a subjective observation of the individual's gender expression. Annexed as Appendix A is a Glossary of Terms to assist in this process. Form #115.41GI is only used for individuals with Gender Dysphoria or who are transgender, intersex, or gender non-conforming/gender nonbinary. The auditor reviewed four instruments for individuals whose screening prompted the completion of Form #115.41GI and found them to be completed timely and address the needs of the individual.</p> <p data-bbox="244 1879 1485 2134">115.41(f): The ADS/PCM shall make a final risk assessment determination within 30 days of the incarcerated individual's arrival at the facility. When the ADS/PCM is absent from the facility, the PPP is responsible for the day-to-day tasks of the PREA Risk Screening procedures. DIR #4021 establishes at the Department-level each 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 #115.41M or Form #115.41F, following the facility-specific PREA Risk Screening Facility Operation Manual. FOM #2023 establishes that the Supervising (S)ORC shall distribute the initial assessment screening form to the incarcerated individual's assigned ORC for a reassessment review. The reassessment review shall be completed within 14 days by updating the original screening based upon a review of</p>

records and any additional available relevant information. A final risk assessment determination shall ordinarily be made by the ADS/PCM or Captain/PPP (if the ADS PREA Compliance Manager is away from the facility) within 30 days of the incarcerated individual's arrival. If the available information differs from the information on the intake screening form, or the records reflect a change in responses relevant to the assessment of the incarcerated individual's risk of victimization or abusiveness, the ADS/PCM or PPP conducts a follow-up interview to complete the risk assessment. The ADS/PCM or PPP reviews all available information and renders a determination whether the incarcerated individual is at high risk of sexual victimization, high risk of being sexually abusive, both, or neither. The facility reports that 888 individuals were rescreened within 30 days of arrival at the facility within the audit period. The auditor reviewed 30 randomly selected screening forms and found that all had an assessment review by an ORC within 14 days and a review by the ADS/PCM within 30 days. Assessment forms were reviewed for 3 incarcerated individuals reassessed after an allegation of sexual abuse/harassment. The auditor further confirmed these processes and procedures during interviews with ORCs. The policy and practice of having an ORC review within 14 days and the ADS/PCM review the screening results within 30 days is above and beyond the requirements of this standard. Additionally, ORCs meet with each incarcerated individual on their caseload at least quarterly, and this contact is notated in the file case notes.

115.41(g): DIR #4021 requires the assigned ORC to review the intake screening and to reassess the incarcerated individual's risk of victimization or abusiveness based upon any additional, relevant information not available to the Sergeant or received by the facility since the initial assessment. The reassessment may be conducted in whole or in part in conjunction with the initial interview. The ORC shall ask the incarcerated individual questions 1, 7, 8, and 9, and record their own subjective observation regarding gender expression under question 7d on Form 115.41M during the Initial Interview, even if that information is documented in available records.

115.41(h): FOM #2023 establishes that individuals are not to be disciplined for refusing to answer or for not disclosing complete information in response to questions asked according to the PREA Risk Screening process. A statement is also printed on the Risk Screening Form that individuals cannot be disciplined for refusing to answer or not completely disclosing information. Interviews with Sergeants, ORCs, and ADS/PCM confirmed that an individual would never be disciplined for refusing to answer the risk screening questions.

115.41(i): Sensitive information collected during the risk screening process is controlled and disseminated only as needed to appropriate parties to ensure proper care, housing, and other assignments to protect the individual and others. The Risk Screening Form includes language that directs, "information contained on this form shall not be disclosed to anyone other than to the extent necessary to make security classification, housing/placement, programming, treatment, investigation, and other security and management decisions." FOM #2023 requires all PREA risk screening interviews shall be conducted in a private setting. There were no new arrivals processed during the site visit, but the Draft Sergeant provided a simulation of the processes used when new arrivals are processed, which included a private, one-on-one interview in the Draft Sergeant's office for purposes of conducting the risk screening. Dissemination of the screening information is limited to the PPP, Watch Commander, ADS/PCM, ORCs, Medical/Mental Health staff, and Executive staff. Observation during the site visit and interviews with all concerned parties confirmed the risk screening forms are kept in the incarcerated individual's file in a locked file cabinet in a secured file room with only the identified persons listed above having access. Staff interviews confirmed their awareness that any sensitive information is to be kept confidential and shared only with those who need to know.

Based on analysis and evaluation of the evidence, Wende CF and DOCCS have demonstrated compliance with the provisions of this standard. The policy and practice of screening new arrivals within 24 hours and the two-level reassessment/review process within 30 days for each individual, plus the quarterly face-to-face ORC contact, is above and beyond the requirements of this standard.



115.42	Use of screening information
	<b>Auditor Overall Determination:</b> Exceeds Standard
	<p data-bbox="244 208 451 235"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1453 394">Evidence Reviewed: DIR #4009; DIR #4021/Form 4021A; DIR #4027; DIR #4401; FOM #2023; SVPPM #115.42; Form 115.42 Report of Risk Screening Results; PREA Risk Screening Form Female/115.41F Male/115.41M; Gender Identity Interview Form 115.41GI; Wende Shower Policy; Memorandum from ADS/PCM Housing High Risk; 115.42TSPREA Risk Tracking Sheet 2022; Observations During Site Visit; Information Obtained from Interviews.</p> <p data-bbox="244 427 1485 1189">115.42(a): SVPPM #115.42 establishes that per 115.42/242, the Department shall use information from the risk screening, including any change of circumstances reassessment, outlined in the SVPPM 115.41, to inform housing, bed, work, education, and program assignments to keep separate those incarcerated individuals at high risk of being sexually victimized from those at high risk of being sexually abusive. FOM #2023 requires that information from the risk screening will be used to inform housing, bed, work, education, and program assignments to keep separate 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" shall be 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. ADS/PCM or PREA Point Person (if the ADS PREA Compliance Manager is away from the facility) shall complete Form 115.42 to notify appropriate staff of an incarcerated individual's assessment as potentially being at "high risk of sexual victimization" or "high risk of being sexually abusive." A copy of Form 115.42 shall be provided to the Movement and Control Officer, who shall use the information to inform housing and bed assignments, and the Program Committee Chairperson, who shall use the information to determine appropriate work, education, and program assignments. Interviews with the ORCs, Watch Commanders, DS/S, DS/P, DS/A, DS/Health, and ADS/PCM confirmed this procedure and explained to the auditor how this information is used in making placement decisions. The auditor reviewed four files of transgender individuals and found completed Forms #115.42 in each file indicating individualized determinations for placements of housing, work, education, and programming. Additionally, case notes revealed the ORCs meet with the individuals regularly and at least every six months to review their placements and check in with them on any safety concerns. Additionally, the Watch Commander enters into the Watch Commander's Logbook when an individual is identified as being at risk for sexual victimization or being sexually abusive, and the following information is recorded: Date, Time, Name, DIN, Housing Location, and indicates the approval of the Watch Commander of the designated housing. The auditor reviewed the Watch Commander's Logbook and found consistent entries documenting notifications by Screening Sergeants during draft processing.</p> <p data-bbox="244 1223 1485 1581">115.42(b): The ADS/PCM and PPP have the authority to recommend individualized determinations about ensuring the safety of individuals based on information obtained from their risk screening instruments. Individuals determined to be at high risk for victimization are interviewed, followed by periodic spot checks by the ADS/PCM, and the individual's own views of safety are given serious consideration concerning safety. Bed or housing moves and adjustments to programming/work/education assignments may be recommended to ensure the safety of the individual. Information from the Gender Identity Interview Form 115.41GI is also used to assist the Department in making an individualized assessment of the incarcerated individual's placement and program assignments to maximize the incarcerated individual's safety. The auditor reviewed four samples of Form #115.41GI for placement review. Documentation on the risk assessment forms and a review of documentation for individuals considered high risk for victimization confirmed this practice is well established. Interviews with the Superintendent, Draft Sergeant, ORCs, DS/S, DS/P, DS/Health, and ADS/PCM further confirmed that individualized determinations about ensuring the safety of incarcerated individuals are made as routine practice.</p> <p data-bbox="244 1615 1485 2141">115.42(c): DIR #4401 requires upon request from an individual who identifies as transgender or intersex for a transfer from a male-classified facility to a female-classified facility, or vice versa, the assigned ORC shall complete an updated Form#115.41GI, documenting the individual's responses to questions regarding their gender identification, expression, and preferences, as well as their statement regarding their safety in connection with their housing and placement. The ORC shall notify the SORC upon completion of the updated Form #115.41GI, who will notify the Deputy Superintendent for Program Services (DS/P) and the facility's designated ADS/PCM. The DS/P shall notify the Director of Classification and Movement of the individual's request via electronic mail, including the completed Form #115.41GI and the most recently completed gender-appropriate PREA Risk Screening Form #115.41M/F, which shall be used to assist the Department in making an individualized assessment of the individual's placement and program assignments, to maximize the individual's safety. The request will be forwarded to the Central Office Transgender Placement Review Committee for a case-by-case assessment. Housing assignments by gender identity will be made when appropriate. Additionally, the AC/PREA provided documentation of a Central Office Transgender Placement Review Committee responding to a request from a transgender female currently housed at Wende CF to be transferred to a female facility. The committee's review indicated an individual assessment was conducted, and the requested transfer was granted. At the time of the site visit, preparations were being made for a safe transition to the new facility. The auditor interviewed this individual during the site visit, who confirmed she had regular communication with staff about this request and the progress being made to prepare her for a safe housing transition. This is</p>

the 17th transfer from a male-classified facility to a female-classified facility since January 2019 for DOCCS. Additionally, there has been 1 transgender male transfer from a female-classified facility to a male-classified facility in February 2020.

115.42(d): DIR #4401, FOM #2069 establishes that for transgender or intersex individuals, the Gender Identity Interview Form 115.41GI will document the incarcerated individual's statement regarding their safety in connection with decisions regarding their housing and placement. Information from the Gender Identity Interview Form 115.41GI will be used to assist the Department in making an individualized assessment of the incarcerated individual's placement and program assignments to maximize the incarcerated individual's safety. In accordance with DIR #4803, for all individuals, a job assignment and programming review and update are conducted by the Classification Committee Chairperson every six months, who then recommends appropriate changes to the DS/P. This is documented in the individual's case notes within the computer database and was confirmed during interviews with the DS/P and ORCs.

115.42(e): DIR #4021 establishes that a transgender or intersex individual's own views concerning his or her safety shall be seriously considered. DIR# 4009 establishes authorization statewide for transgender and intersex individuals to shower separately from other incarcerated individuals. FOM #2023 establishes local directive that the Gender Identity Interview Form 115.41GI provides the opportunity for an incarcerated individual who is transgender or has been diagnosed with Gender Dysphoria or an Intersex Medical Condition to request to shower separately from other incarcerated individuals as provided for in Directive #4009. Based on interviews with the ADS/PCM, PPP, and incarcerated individuals and the auditor's review of 115.41GI forms in place at the time of the site visit, there were no individuals who had requested any special shower arrangements.

115.42(f): DIR #4021 establishes that individuals who identify as transgender or intersex will not be placed in a gender-specific facility, housing unit, or program based solely on their external genital anatomy. The auditor analyzed the housing assignments of individuals identified as lesbian, gay, bisexual, transgender, or intersex and concluded that Wende Correctional Facility has no dedicated unit or wing for housing individuals with this identification or status. Individuals of all SOGI are housed in various units and wings throughout the facility.

Based on analysis and evaluation of the evidence, Wende CF and DOCCS have demonstrated compliance with all provisions of this standard; additionally, both have exceeded the requirements of this standard through the SAPEO's development and implementation of Forms 115.41GI and #115.42 and their subsequent procedures. Facilities have clear documentation indicating how information from the risk screening instrument from 115.41 is used in making decisions for placement for individuals who are considered to be at high risk for victimization. These processes clearly support a true interdisciplinary approach to keeping individuals safe.



115.43	<b>Protective Custody</b>
	<p data-bbox="244 145 738 174"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="244 208 451 237"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1393 365">Evidence Reviewed: DIR #4948; Form #4948A, Sexual Victimization Involuntary Protective Custody; Form #2170A, Protective Custody Review; Form #2168A, Sexual Victimization Involuntary Protective Custody Recommendation; Observations During Site Visit; Information Obtained from Interviews.</p> <p data-bbox="244 394 1484 757">115.43(a): DIR #4948 sets forth minimum conditions of confinement for incarcerated individuals in Protective Custody Status within the Department and directs that an individual's confinement to Sexual Victimization Involuntary Protective Custody solely because he/she is at high risk for sexual victimization or following a report that the individual was the victim of sexual abuse must be done only after an assessment of all available alternatives has been made and determined that there are no available alternative means of separation from likely abusers. If the facility cannot conduct the assessment immediately, the facility may hold the incarcerated individual in Involuntary Protective Custody for less than 24 hours while completing the assessment using Form #2168A. The ADS/PCM must be notified of these assignments no later than the next business day, who will then notify the AC/PREA, in writing, of the date and time Form #2168A was completed and the date and time of the individual's removal from this status, if removed. The facility reports there were no individuals who were held in involuntary segregated housing in the past 12 months for up to 24 hours awaiting an assessment; this was confirmed through interviews with the ADS/PCM, PPP, and staff who are assigned to work the RRU/SHU.</p> <p data-bbox="244 786 1484 1115">115.43(b): Per DIR #4948, individuals in Sexual Victimization Involuntary Protective Custody Status are afforded access to recreation, telephone calls, visiting, programs, exercise, religious counseling, counseling services, law library services, legal services, general library services, education, commissary/packages, Family Reunion Program, grievance program, laundry services, and personal property. To the extent possible, access to these services is the same as afforded to the general population. Any restrictions and reasons for limitations to access are documented on Form #4948A. Administrative Segregation Plan, Attachment A, indicates that incarcerated individuals are allowed group recreation, television, commissary, property, programming, and in-cell correspondence course materials. Any restrictions to an incarcerated individual's access to programs, privileges, education, or work opportunities must be documented on Form #4948A, Restriction of Incarcerated Individual's Program-Participation, which includes: 1) the opportunities that have been limited; 2) the duration of limitation; 3) the reasons for such limitation.</p> <p data-bbox="244 1144 1484 1574">115.43(c)(d)(e): Following DIR #4948, the facility assigns individuals at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged. Form #2168A includes the basis for the facility's concerns for the Incarcerated Individual's safety and documentation of what alternatives were considered and assessed to be unavailable. An assignment should ordinarily not exceed a period of 30 days. If this status extends beyond the 30 days, the status will be reviewed every seven 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's Executive Staff, a Security Supervisor, and a member of the Guidance and Counseling staff. Per DIR #4948, Form #2170A must be clearly documented with the facility's concerns for the Incarcerated Individual's safety and an explanation of what alternatives were considered and assessed to be unavailable when an individual is placed on Involuntary Protective Custody for high risk of victimization. No individuals at risk of sexual victimization were held in involuntary segregated housing in the past 12 months, which was confirmed during interviews with the AC/PREA, Superintendent, DS/S, ADS/PCM, PPP, and security staff assigned to work the segregation unit; alternative arrangements are always made for keeping individuals who are at risk for sexual victimization safe instead of placing an individual on Involuntary Protective Custody Status.</p> <p data-bbox="244 1603 1385 1664">Based on analysis and evaluation of the evidence, Wende CF and DOCCS have demonstrated compliance with all provisions of this standard.</p>

115.51	<b>Inmate reporting</b>
	<p data-bbox="244 145 738 174"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="244 208 451 237"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1485 360">Evidence Reviewed: DIR #4027; Employee Manual; Sexual Abuse Prevention and Response Training; OSI Poster - Phones 444; Prevention of Sexual Abuse in Prison English; ACOC Letter; Observations During Site Visit; Information Obtained from Interviews.</p> <p data-bbox="244 394 1485 920">115.51(a): DIR #4027 establishes that the Department provides multiple internal ways for incarcerated individuals and releases to privately report sexual abuse and sexual harassment, retaliation by other incarcerated individuals, releases, or staff for reporting sexual abuse and sexual harassment, unauthorized relationships, and staff neglect or violation of responsibilities that may contribute to such incidents. Incarcerated individuals and releases may report to OSI. Reports may be made by writing to the DOCCS Office of Special Investigations, 1220 Washington Ave., Building 4, Albany, NY 12226-2050. Reports can also be made to 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 <a href="mailto:OSIComplaint@doccs.ny.gov">OSIComplaint@doccs.ny.gov</a>, or by submitting an online complaint at <a href="https://doccs.ny.gov/doccs-office-special-investigations-osi">https://doccs.ny.gov/doccs-office-special-investigations-osi</a>. Reports can be made directly to the facility's designated PCM or PPP, or any SORC or their ORC, Chaplain, security staff person, medical staff, or any other employee. The interviews with incarcerated individuals, both targeted and random, confirmed widespread awareness of the multiple options to report any incident or concern regarding PREA. Most of the individuals mentioned the availability of posters throughout the facility being easily accessible and provided the contact information for making a report. The auditor's review of the 22 case files found that 3 reports were made through third-party reporting methods, 12 were reported to security staff, 4 were reported to non-security staff, and 3 were reported to OSI through the hotline/online. The PPP performs weekly PREA Phone Line Checks for deficiencies and sends the report to ASD/PCM to ensure the telephones are working.</p> <p data-bbox="244 954 1485 1211">115.51(b): DIR #4027 establishes that incarcerated individuals and releases 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 release may request that the SCOC allow them to remain anonymous, and the SCOC will not include their name in the report. This method is further confirmed by the Letter of Agreement from SCOC Chairman Beileinm to Acting Commissioner Annucci, dated May 24, 2017, provided for the auditor's review.</p> <p data-bbox="244 1245 1485 1402">115.51(c): DIR #4027 and Employees' Manual, Section 2.20 require staff to accept reports of sexual abuse, sexual harassment, and unauthorized relationships made verbally, in writing, anonymously, and from third parties. Any verbal reports are to be promptly documented and forwarded for investigation. This information is also covered in the Sexual Abuse Prevention and Response Training that is mandated for all staff before assuming any duties for the DOCCS. All reports received by staff were handled promptly and put in writing to the Watch Commander for further response.</p> <p data-bbox="244 1435 1485 1559">115.51(d): The Sexual Abuse Prevention and Response Training for staff inform all employees that reports may be made privately by calling DOCCS OSI/SCD at 518-457-2653 or by email at <a href="mailto:specialinvestigations@doccs.ny.gov">specialinvestigations@doccs.ny.gov</a>. This information is also listed on the Pocket Card distributed to all staff for quick reference. Staff interviews confirmed that they know they may go outside their chain of command and report misconduct privately through this method.</p> <p data-bbox="244 1592 1445 1648">Based on analysis and evaluation of the evidence listed, Wende CF and DOCCS have demonstrated compliance with all provisions of this standard.</p>

<b>115.52</b>	<b>Exhaustion of administrative remedies</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Evidence Reviewed: DIR #4040; Information Obtained from Interviews.</p> <p>115.52(a-g): Based on the auditor's review of DIR #4040, DOCCS is exempt from this standard. The auditor interviewed the Grievance Program Supervisor, who confirmed that a report of sexual abuse/harassment received on a grievance form would be forwarded immediately to the Watch Commander, ADS/PCM, and the DS/S. The Watch Commander would further process the allegation as a written report following the guidance directives in 115.65. There were no allegations of sexual abuse or harassment reported through the grievance process within the audit period.</p> <p>Based on a review of the stated evidence, Wende CF and DOCCS are compliant with this standard through non-applicability.</p>

115.53	<b>Inmate access to outside confidential support services</b>
	<b>Auditor Overall Determination:</b> Exceeds Standard
	<p data-bbox="244 208 451 235"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1490 365">Evidence Reviewed: DIR #4423; DIR #4404; DIR #4421; SVPPM #115.53; Statewide Rape Crisis Hotline; Help for Victims of Sexual Abuse Notices (English/Spanish); Victim Support Brochure, DC132 English/Spanish; NYSCASA Contract with OVS; Unity House Hotline Contract; OVS-OPDV MOU; Observations During Site Visit; Information Obtained from Interviews.</p> <p data-bbox="244 394 1490 1827">115.53(a): SVPPM #115.53 establishes that the DOCCS, in partnership with State and non-governmental partners, makes available emotional support and victim advocacy services for incarcerated survivors of sexual victimization. The services are provided by community-based Rape Crisis Programs, including, but not limited to, a network of partner PREA centers. The DOCCS Rape Crisis Hotline is intended to provide crisis counseling and referrals for emotional support and victim advocacy services for incarcerated survivors of sexual victimization, regardless of where and when the victimization occurred. The PREA Rape Crisis Hotline is not a reporting hotline, and an incarcerated individual does not need to make a report to use the service. Ongoing emotional support and advocacy services are available through partner PREA Centers. PREA Centers are community-based rape crisis programs that, through a series of contractual agreements, employ rape crisis counselors, therapists, and advocates to provide services to incarcerated clients. These services include confidential support, trauma-informed counseling, victim advocacy via telephone, privileged correspondence, and in-person services. Incarcerated individuals can contact the statewide hotline for rape crisis services, trauma-informed counseling, emotional support, or victim advocacy by dialing 777 on incarcerated individual self-dial phones and static tablets unless they have a sanction imposed as a result of a disciplinary hearing, Superintendent's hearing or other restriction. Calls to 777 or a PREA Center for the purpose of seeking or receiving services, counseling, or assistance concerning any sexual offenses, sexual abuse, incest, or attempts to commit sexual offenses, sexual abuse, or incest, as defined in the Penal Law are confidential under CPLR 4510. Hotline staff must report if the caller reveals the intent to commit a crime or harmful act or in the case of suspected child abuse or maltreatment. If the incarcerated individual requests ongoing emotional support or advocacy services, the hotline provider will make a referral to the rape-crisis program identified for the caller's facility under the relevant contract. An incarcerated individual can request ongoing rape crisis services, emotional support, or advocacy via the hotline, writing to the PREA Center, or requesting that the ADS/PCM or PREA Point Person at their facility facilitate contact with the PREA Center. If a request is made for communication with a Rape Crisis Program that is not a PREA Center, additional verification of appropriate certification may be required and, therefore, shall be forwarded to the AC/PREA for approval. An incarcerated individual subject to a disciplinary sanction restricting telephone access may contact a Rape Crisis Program through privileged correspondence or request through the facility's ADS/PCM, designated PREA Point Person, or other designated staff person for assistance arranging a Rape Crisis Program Legal Call. Emotional support/advocacy calls should generally be limited to 30-45 minutes. If the incarcerated client requires more intensive counseling services, the PREA Center/Rape Crisis Program shall work with the facility's designee to identify the most appropriate call length to balance the needs of the individual and the facility's needs. Rape Crisis Program Legal Calls with PREA Centers may be arranged regularly in keeping with the PREA Center's protocols. DIR #4423 allows an individual to add an approved Rape Crisis Program to his/her telephone list at any time by submitting a request to his/her assigned ORC. Although the PREA Rape Crisis Hotline 777 is accessible without making an addition to the telephone list. DIR #4404 allows a visit with a representative, including an employee or registered volunteer, of a rape crisis program. This directive defines a Rape Crisis Program as any Local, State, or National organization authorized to provide rape crisis services, victim advocacy services, and emotional support services, including, but not limited to, organizations approved to provide such services in New York State by the Department of Health under Public Health Law §206(15). DIR #4421 defines Privileged Correspondence as correspondence addressed by an individual to including any local, State, or National organization authorized to provide rape crisis services, victim advocacy services, and emotional support services, including but not limited to organizations approved to provide such services in New York State by the Department of Health under Public Health Law §206(15). The DOCCS publishes a Victim Support brochure in English and Spanish that describes the services available, lists the centers with addresses and phone numbers, and provides instructions on accessing these services. The auditor observed the Help for Victims of Sexual Abuse Notices (English/Spanish) posted throughout the facility and the brochures available in the library, intake, ORC offices, and programming areas. Two interviewed incarcerated individuals are currently communicating regularly with center counselors for services. There were 77 calls logged for Wende CF between September 2021-August 2022.</p> <p data-bbox="244 1856 1490 2150">115.53(b): An incarcerated individual shall receive the emotional support/advocacy call at one of the following locations as determined by the correctional facility a) a phone booth that was constructed to accommodate legal calls; b)a disciplinary hearing room; c) any other location where the telephone monitored or recorded and where there exists auditory confidentiality. Reasonable steps shall be taken to protect the confidentiality of the incarcerated individual. Calls to 777, PREA Centers, and staff-assisted calls with Rape Crisis Program providers are not monitored by facility staff; however, calls placed on the incarcerated individual telephone system, including 777 calls and calls to PREA Centers, are recorded and available to OSI Investigators in the event of misuse, and may be used in any resulting disciplinary or criminal proceeding. Incarcerated individuals are advised of the limits to confidentiality on communications using the 777 or with a designated PREA Center through policy SVPPM #4027, postings near the self-dial telephones, and the Victim Support brochure. DIR</p>

#4423 provides guidelines for monitoring notices and instructs each facility to post the monitoring notice in English and Spanish adjacent to any telephone used by incarcerated individuals. DIR #4404 guides visits between an incarcerated individual and a representative, including an employee or registered volunteer, or a rape crisis program, and provides that an area shall be designated for such visits to ensure the confidentiality of all communications during the visit. The Crime Victims Treatment Center (CVTC) is the local area advocacy group for this facility. DIR #4421 describes definitions and procedures governing correspondence with a Rape Crisis Program. This procedure directs outgoing privileged correspondence may be sealed by an incarcerated individual, and such correspondence shall not be opened, inspected, or read without express written authorization from the facility Superintendent unless there is a reason to believe that the provisions of this or any directive or rule or regulation have been violated, that any applicable State or Federal law has been violated, or that the content of such correspondence threatens the safety, security, or good order of a facility or the safety or well-being of any person. Incoming privileged correspondence shall not be opened outside the presence of the individual to whom it is addressed and shall not be read without express written authorization from the facility Superintendent, which can only be authorized for the same reasons stated for outgoing privileged correspondence above. The auditor interviewed the mailroom supervisor, who confirmed the procedures at Wende Correctional Facility to be consistent with the procedures outlined in DIR #4421. During the site visit, the auditor observed the "Telephone Monitoring Notices" posted near the self-dial telephones on the housing units.

115.53(c): DOCCS is a recipient of benefits of the Memorandum of Agreement between the NYS Office of Victim Services(OVS) and NYS Office for the Prevention of Domestic Violence (OPDV) for the OPDV PREA Hotline Expansion Project that began on October 1, 2018, and, based on the 2021 OVS Grant Renewal Notice for the NYSCASA contract, extends through 09/30/2022. Correspondence between the DOCCS, CVTC-NYSCASA, and OVS confirming a continuation of the Scope of Services beyond the 09/30/2022 contract expiration. The Scope of Services includes the provision to provide services for incarcerated individuals according to the Prison Rape Elimination Act (PREA) as administered by the DOCCS and OVS. Administration of the Hotline for calls received through the 777 speed-dial number, with operation hours between 8:00 AM and 11:00 PM, is in effect through 09/30/2024. This MOA allows calls to be responded to and/or referred per DOCCS and OVS protocols. This contract provides incarcerated victims of sexual abuse with rape crisis counseling, advocacy, and emotional support services; follow-up with individuals who made direct contact seeking rape crisis services via telephone or mail, or as requested by DOCCS (services as outlined in provision (a) narrative above); maintain active confidential communication with New York State Department of Corrections and Community Supervision staff to facilitate treatment for incarcerated victims' rights to confidentiality; complete; and participate in training provided by NYSCASA. The facility provided a copy of the Unity House Hotline Contract, secured to replace the existing contract for hotline services upon expiration later this year.

Based on review and evaluation of the stated evidence, the DOCCS and Wende CF have demonstrated compliance with this standard; additionally, the Department, through extensive efforts and participation with the OVS and OPDV to provide consistent, accessible, quality service to the incarcerated population exceeds this standard.

<b>115.54</b>	<b>Third-party reporting</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Evidence Reviewed: DIR #4027; DOCCS Website Review; Information Obtained from Interviews.</p> <p>115.54(a): DIR #4027 provides that the DOCCS has established a method to receive third-party reports on behalf of anyone under the Department's custody or supervision. These third-party reports 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 release to the OSI through the reporting line at 1-844-OSI-4NYS, via email to <a href="mailto:OSIComplaint@doccs.ny.gov">OSIComplaint@doccs.ny.gov</a>, or by submitting an online complaint at <a href="https://doccs.ny.gov/doccs-office-special-investigations-osi">https://doccs.ny.gov/doccs-office-special-investigations-osi</a>. All third-party and anonymous reports are confidential and will be thoroughly investigated. This information is published on the Department's public website, which also contains an online form for complaint submission.</p> <p>Based on analysis and evaluation of the evidence, Wende CF and DOCCS have demonstrated compliance with this standard.</p>

115.61	<b>Staff and agency reporting duties</b>
	<p data-bbox="244 145 738 174"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="244 208 451 237"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1473 398">Evidence Reviewed: DIR #0700; DIR #4027; Employee Manual; Memorandum of Understanding (MOU) between The New York State Office of Mental Health (OMH) and DOCCS; Form #4027RC, Watch Commander Quick Reference Chart; Form #4027CS, Community Supervision Supervisor/Reentry Manager Quick Reference Chart; HSPM #1.01; Form #3102, Health Services Orientation; Observations During Site Visit; Information Obtained from Interviews.</p> <p data-bbox="244 427 1493 723">115.61(a): DIR #4027 establishes that all staff shall report to a supervisor immediately 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 DOCCS 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 release, whether in a community-based residential program or while under Community Supervision or any unauthorized relationship with a releasee. Additionally, staff must report any acts of retaliation against an incarcerated individual, release, 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; or any staff neglect or violation of responsibility that may have contributed to an incident of retaliation. 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.</p> <p data-bbox="244 752 1477 981">115.61(b): Per DIR #4027, 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 DOCCS policy, including but not limited to SVPPM 115.61, to make treatment, investigation, and other security and management decisions. This is further reinforced by DOCCS's Employee Manual, Rule 2.20, prohibiting release of information outside those needed to make treatment, investigation, and other security and management decisions. Random staff interviews and interviews with the executive management team indicated everyone had a thorough knowledge of the expectations outlined in the employee standards of conduct, as well as the importance of enforcement.</p> <p data-bbox="244 1010 1473 1305">115.61(c): The MOU between DOCCS and OMH acknowledges that medical and mental health practitioners, unless otherwise precluded by Federal, State, or local law, 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 and the limitations of confidentiality at the initiation of services. The consent of an incarcerated patient is not required in these cases. HSPM #1.01 establishes that 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 orientation is documented through signature on Form 3102. This information is available to incarcerated individuals with limited English proficiency in a language they can understand.</p> <p data-bbox="244 1335 1473 1431">115.61(d): Under New York Consolidated Laws, Social Services Law - SOS § 488,492, Vulnerable persons' central register, DOCCS is exempt from the vulnerable persons' central register requirements to receive reportable incidents involving covered persons. Wende CF houses no individuals under the age of 18.</p> <p data-bbox="244 1460 1477 1688">115.61(e): DIR #0700 directs the authority to investigate allegations with the OSI/SCD. In accordance with DIR #4027 and pursuant to DIR #0700 and DIR#2111, under no circumstances shall a facility investigation involving sexual abuse, sexual harassment, or an unauthorized relationship be initiated unless and until OSI has been consulted. All allegations of sexual abuse, sexual harassment, or retaliation against staff, an incarcerated individual, or a releasee for reporting such an incident or participating in an investigation shall be immediately reported to the OSI, who will assign to the appropriate investigator and ensure the allegation is thoroughly investigated. DIR #0700, Office of Special Investigations, establishes and grants authority to the OSI/SCD to conduct these investigations.</p> <p data-bbox="244 1718 1461 1778">Based on analysis and evaluation of the stated evidence, Wende CF and DOCCS have demonstrated compliance with the provisions of this standard.</p>

<b>115.62</b>	<b>Agency protection duties</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Evidence Reviewed: DIR #4948; Form #2158A, Sexual Victimization - Involuntary Protective Custody Recommendation; Observations During Site Visit; Information Obtained from Interviews.</p> <p>115.62(a): Per DIR #4948, an individual may be placed in either Voluntary or Involuntary Protective Custody, as deemed necessary, if it is determined that they are at substantial risk of imminent sexual abuse. Involuntary Protective Custody will only occur if it is determined that there are no available alternative means of separation from likely abusers and who do not voluntarily accept admission into Protective Custody Status. The facility reports that there have been no incidents where an individual has been subject to a substantial risk of imminent sexual abuse at the facility during the audit period. Interviews with the AC/PREA, Superintendent, ADS/PCM, DS/A, DS/P, and DS/S confirm the facility will observe the process as indicated in DIR #4948 and that no individual has been placed in Protective Custody for this purpose.</p> <p>Based on analysis and evaluation of the evidence, Wende CF and DOCCS have demonstrated compliance with the requirements of this standard.</p>



115.63	<b>Reporting to other confinement facilities</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p data-bbox="244 208 451 235"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1477 329">Evidence Reviewed: DIR #4027; Jail Administrators Contact Information; Form #115.63, PREA Allegation Notification Form; Information Obtained from Interviews.</p> <p data-bbox="244 360 1485 1225">115.63 (a)(b)(c): DIR #4027 establishes that upon receiving an allegation of sexual abuse 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 abuse allegedly occurred, as soon as possible, but no later than within 72 hours, by electronic mail utilizing Form #115.63 with a copy to OSI. When staff is made aware of prior victimization at another jail or prison, the ADS/PCM and designated PPP are to be notified immediately. If the facility where the abuse allegedly occurred is a DOCCS facility, the email will be addressed to the facility's superintendent with a copy of the DS/S, ADS/PCM, and PPP in addition to OSI. For notification to the NYC (New York City) DOC, the email shall be addressed to the Deputy Director of Investigation and the NYC DOC PREA Coordinator. Notifications to State correctional facilities or jails outside of New York State should be addressed to the agency head, facility head, PREA Coordinator, or Investigative Unit of the agency where the incident is reported to have occurred. The SAPEO maintains a current listing of Jail Administrators in New York State and distributes it as needed for notification purposes. As deemed appropriate, the Superintendent should make a follow-up phone call to the head of the facility or the appropriate office of the agency or facility where the abuse allegedly occurred to confirm receipt of Form #115.63. The DS/S of the facility that received the allegation will record the Report of Sexual Victimization log number (if applicable) provided by the facility where the sexual abuse is reported to have occurred, including all pertinent information as specified in DIR #4027. The facility advised there were four allegations received by an individual of an incident that occurred at another facility and provided documentation for the auditor's review. A report of the allegation was provided from the Wende CF Superintendent to the other facility's Superintendent, with copies to OSI and the facility's ADS/PCM, using Form #115.63, within the 72 hours required for each case. The facility also provided documentation for mental health referrals and advisement of the community advocate services to demonstrate the facility's response to these reports. Additionally, there were four allegations received from other facilities of incidents that were to have occurred and Wende CF; documentation confirmed all four cases had been or were currently under investigation. Interviews with the OSI Investigators, Superintendent, ADS/PCM, PPP, and DS/S confirm a thorough understanding of the procedures for reporting to other facilities and receiving reports from other facilities. The ADS/PCM provided an instruction sheet for the Screening Sergeants containing step-by-step instructions on what to do if they received a report of an allegation that occurred at another facility. These instructions include timely notifications so the information can be reported promptly to the facility where the alleged incident occurred.</p> <p data-bbox="244 1256 1465 1314">Based on analysis and evaluation of the stated evidence, Wende CF and DOCCS have demonstrated compliance with this standard.</p>

115.64	<b>Staff first responder duties</b>
	<b>Auditor Overall Determination:</b> Exceeds Standard
	<b>Auditor Discussion</b>
	<p>Evidence Reviewed: DIR #4027; Coordinated Response Operations Manual Template; FOM #2006; Memo Coordinated Response FOM; Watch Commander Sexual Abuse Tracking Sheet; Watch Commander Quick Reference Chart; Sexual Abuse Prevention and Response Training; PREA Pocket Card; Wende FOM #2006 Coordinated Response Plan; Observations During Site Visit; Information Obtained from Interviews.</p> <p>115.64 (a)(b): The DOCCS SAPEO issued a Coordinated Response to Reports of Sexual Victimization template for facilities' use in developing their local coordinated response. This template is mandatory and establishes clear facility-specific guidelines to coordinate actions taken among facility leadership, staff first responders, investigators, and facility medical and mental health practitioners in response to reports of sexual victimization of an incarcerated individual, including sexual abuse, sexual harassment, unauthorized relationships, and related complaints. FOM #2006 establishes the Coordinated Response Plan for Wende CF directing that that first responders are required to take the following steps: Staff, regardless of title, shall direct the participants to cease the act, separate and maintain direct supervision over the participants; assess the situation; initiate emergency medical response if necessary; request that the reported victim not to take any action to destroy physical evidence including washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating; take reasonable steps to ensure that the alleged abuser does not destroy physical evidence; take steps to prevent access to any possible crime scene in the area; immediately notify security supervisor who shall notify the Watch Commander; if a security supervisor is not available, the employee shall immediately notify the Watch Commander directly; ensure that the details are reported in a signed written memorandum to the Watch Commander no later than the end of the shift. The responding security supervisor is then required to take the following steps: request that the reported victim takes no action to destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; ensure that the alleged abuser(s) does not destroy physical evidence; arrange to have all reported participants separately escorted to medical immediately regardless of when the incident is alleged to have occurred; update the Watch Commander with relevant information as needed and ensure that the details are reported in a signed written memorandum to the Watch Commander no later than the end of the shift. The Watch Commander records allegations in red ink in the Watch Commander's logbook when an allegation is received. The recorded information is the date, time, and PREA Log number. The auditor reviewed the Watch Commander's logbook and found a consistent practice of making these entries to document when allegations are received by the Watch Commander. The Sexual Abuse Prevention and Response training is mandatory for all staff and includes specific training on first responder duties. Various staff interviewed showed the auditor their PREA First Responder Pocket Card issued by the facility, which provides step-by-step instructions for a First Responder to take. All staff interviewed, both security and non-security, were knowledgeable of their first responder duties. The DOCCS makes no differentiation between security and non-security employees with regard to first responder actions in an incident of sexual abuse, and all are trained on the same procedures. Training records confirmed that all staff received this training during their initial orientation. There were 22 sexual abuse allegations reported within the audit period; of these allegations, none were of a nature that required instructions to be given to the alleged victim regarding evidence or immediate separation from a perpetrator. Interviews with random staff and a review of the investigative case files confirmed a thorough knowledge of their first responder duties.</p> <p>Based on the analysis and evaluation of the evidence stated, Wende CF and DOCCS have demonstrated compliance with the provisions of this standard.</p>

115.65	<b>Coordinated response</b>
	<p data-bbox="244 145 766 174"><b>Auditor Overall Determination:</b> Exceeds Standard</p> <p data-bbox="244 208 451 237"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1453 329">Evidence Reviewed: DIR #4027; DIR #4301; SVPPM #115.65; FOM #2006; HSPM #1.60; Observations During Site Visit; Information Obtained from Interviews.</p> <p data-bbox="244 362 1493 1659">115.65(a): DIR #4027 and SVPPM #115.65 require each facility to maintain a written institutional plan to coordinate actions to respond to an incident of sexual abuse among staff first responders, medical and mental health practitioners, agency investigators, and facility leadership. The facility has developed a written institutional plan to coordinate actions to respond to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership. The Wende Correctional Facility Coordinated Response Plan, FOM #2006, was reviewed by the auditor and found to be thorough and comprehensive; and based on the guidance provided by the DOCCS SAPEO template directive. This local directive provides steps required of first responders and responding supervisors and steps to take upon receipt of a third-party and anonymous report. The plan outlines the specific duties of the Watch Commander, including a Watch Commander Quick Reference Chart. OSI must be notified on Form 4027RC for allegations of staff on incarcerated individual sexual abuse, unauthorized relationship, and incarcerated individual on incarcerated individual sexual abuse before initiating any investigative steps beyond assessment interviews; and in these cases, Form 4027WC, Watch Commander's Sexual Abuse Response Sheet is to be completed. If the incident is deemed sexual abuse or a sexual assault and has occurred within a time period that still allows for the collection of physical evidence (within 120 hours), the Health Services Staff or the on-duty Physician shall initiate the proper procedures as outlined in HSPM #1.60. This medical evaluation will assist in determining if referral to an outside hospital emergency department is medically indicated based on evidence collection or physical trauma. If an outside medical trip is required, the incarcerated individual will be transported to one of the following SAFE/SANE hospitals unless medical staff determines the incarcerated individual's priority medical needs require transportation to a more appropriate hospital emergency department or medical staff determines that another hospital is more appropriate and upon Health Services confirmation that a SANE/SAFE and a Victim Advocate are available to provide services: 1) Erie County Medical Center 2) Buffalo General Hospital and 3) Millard Fillmore Hospital. FOM #2006 includes names, phone numbers, and email addresses for the points of contact at each of these hospitals. Every incarcerated individual involved in an incident of sexual contact must be seen for emergency medical services, regardless of when the incident is reported to have occurred. Medical staff will determine whether the incident is a significant exposure case and provide bloodborne pathogen counseling as medically indicated. Medical staff will also assess the situation to determine if treatment under HSPM 1.60 is warranted. The medical staff shall complete a Mental Health Referral Form #3150 and provide counseling, as appropriate, regarding post-exposure prophylactic treatment, the need for a forensic medical examination, the availability of a victim advocate during such examination pregnancy-related services, and the availability of crisis intervention services. If an incarcerated individual is identified as needing an immediate referral to OMH, staff shall notify their supervisor and the Watch Commander; otherwise, a regular referral to OMH will be made through medical following the procedures in DIR #4301, and the incarcerated individual will be scheduled for an appointment at the catchment unit. If the Medical Department directs transport to an outside hospital for a SAFE/SANE examination, according to HSPM #1.60 and #7.10, the incarcerated individual will be returned directly to an appropriate facility for off-site infirmary care. The incarcerated individual shall be returned to the infirmary location specified in HSPM 7.10. The Watch Commander will ensure the alleged incarcerated individual/victim and additional participant(s) are physically separated by appropriate, effective means pending investigation. The ADS/PCM (or other staff designated by the Superintendent) will initiate monitoring for possible retaliation. Interviews with the Superintendent and ADS/PCM confirmed that the Coordinated Response Plan was developed collaboratively with medical and mental health practitioners, investigators, and facility leadership and that the plan is updated as needed to ensure the information is current. FOM #2006 is disseminated to all affected staff, and a copy is retained in the Watch Commander's office and the medical department for quick reference.</p> <p data-bbox="244 1693 1477 1816">Based on analysis and evaluation of the evidence, Wende CF and DOCCS have demonstrated compliance with the requirement of this standard; additionally, the Department has exceeded this standard by implementing the Coordinated Response to Reports of Sexual Victimization Template, supported by the SVPPM #115.65 providing detailed instructions for facilities to follow, and ensuring consistency throughout the Department.</p>

115.66	<b>Preservation of ability to protect inmates from contact with abusers</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p data-bbox="244 208 451 235"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1465 365">Evidence Reviewed: DIR #2110; DIR #2114; Union Contracts Continuation; NYS Governors Office of Employee Relations; Security Supervisors Unit; Professional Scientific Technical Unit; Administrative Services Unit; Institutional Services Unit; Operational Services Unit; NYSCOPBA; Information Obtained from Interviews.</p> <p data-bbox="244 394 1492 1122">115.66 (a): DIR #2110 allows for employees to be suspended from duty pending the outcome of sexual abuse or sexual harassment investigation; When OSI receives a report of staff sexual misconduct, they shall evaluate the facts and circumstances of the report together with any other available information and consult with the appropriate Bureau of Labor Relations representative regarding appropriate action, including removal of the employee from contact with any incarcerated individual pending the outcome of the investigation. The interviews with OSI/SCD Investigators and the Superintendent identified various methods that may be used to separate staff from alleged victims during the investigation, including suspension when appropriate. The process of suspending or separating an employee from employment as a function of a negative sexual abuse or sexual harassment investigation was explained. The agency has a proven record of terminating employees for engaging in sexual abuse and unauthorized relationships. DIR #2114 establishes that employees of the DOCCS are subject to administrative discipline consistent with Section 75 of the New York Civil Service Law or through procedures established in collective bargaining agreements; employees may be suspended from duty consistent with this law or the agreements. The auditor was provided labor contracts with the DOCCS for review; all contracts permit the DOCCS 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. Based on an interview with the AC/PREA Coordinator/Commissioner's Designee, both the agency as well as any other governmental entity responsible for collective bargaining on the agency's behalf are prohibited from entering into or renewing any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any incarcerated individuals pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.</p> <p data-bbox="244 1153 1398 1211">Based on analysis and evaluation of the evidence, Wende CF and DOCCS have demonstrated compliance with this standard.</p>

115.67	<b>Agency protection against retaliation</b>
	<b>Auditor Overall Determination:</b> Exceeds Standard
	<p data-bbox="244 208 451 235"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1465 360">Evidence Reviewed: DIR #4027; SVPPM #115.67; Employee's Manual; Protection Against Retaliation Memo; Protection Against Retaliation Tracking Sheet; Retaliation Monitoring Forms (Incarcerated Individuals/Staff); Observations During Site Visit; Information Obtained from Interviews.</p> <p data-bbox="244 396 1485 555">115.67(a): SVPPM #115.67, combined with the Employee's Manual, establishes the policy of the Department to protect all incarcerated individuals, releases, and staff who report sexual abuse, sexual harassment, unauthorized relationships, or who cooperate with an investigation into such incidents from retaliation by other incarcerated individuals or staff. Further, it is the policy of the Department to protect any other individual who cooperates with an investigation of sexual abuse, sexual harassment, or unauthorized relationships and who expresses fear of retaliation for doing so.</p> <p data-bbox="244 591 1481 1014">115.67(b): SVPPM #115.67 further establishes that each facility shall employ multiple protection measures that may include monitoring staff to protect against unwarranted reassignments, negative evaluations, or retaliation, and as appropriate, may include providing a referral to EAP or an appropriate organization for emotional support services. Measures to protect incarcerated individuals may include housing changes or transfers for incarcerated victims, removal of alleged staff or incarcerated abusers from contact with victims, and facilitation of emotional support services. As confirmed by the Acting Commissioner and AC/PREA, all incarcerated individuals, releasees, and staff who report sexual abuse or sexual harassment or who cooperate with the investigation are protected from retaliation by other incarcerated individuals or staff. This includes housing changes or transfers for incarcerated individual victims or abusers (as necessary), 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. Decisions on protective measures are made on a case-by-case basis by both the facility administration and the OSI, and if current housing is not appropriate, consideration will be given to moving to a different housing unit or facility as appropriate. Any complaint or evidence of retaliation is referred to the OSI/SCD for investigation and to be promptly remedied.</p> <p data-bbox="244 1050 1493 1776">115.67(c)(d)(e): SVPPM #115.67 directs monitoring to continue for a minimum of 120 days following a report of sexual abuse or sexual harassment; the facility shall monitor the conduct and treatment of 1) an incarcerated individual who reported an incident of sexual abuse or sexual harassment (including a third-party reporter); 2) an incarcerated individual who was reported to have suffered sexual abuse or sexual harassment; 3) an employee who reported an incident of sexual abuse or sexual harassment of an incarcerated individual. Additionally, if any other individual (staff, volunteer, contractor, incarcerated individual, etc.) who cooperates with an investigation of sexual abuse, sexual harassment, or unauthorized relationships expresses a fear of retaliation, the facility, and Department shall take appropriate measures to protect that individual against retaliation as well. The facility's ADS/PCM will coordinate monitoring to prevent retaliation. The procedures set forth for monitoring have the intent to identify changes that may suggest possible retaliation by incarcerated individuals or staff and include 1) for incarcerated individuals, review of any disciplinary reports, housing or program changes approximately every 30 days within-person status checks; 2) for staff, review of any negative performance evaluations or reassignments with in-person status checks recommended. The designated PPP will assist and serve as the backup for monitoring, which shall include seeing monitored incarcerated individuals and staff during rounds and reporting any complaints of retaliatory conduct. The OSI/SCD shall be notified promptly of any complaint or evidence of retaliation, and upon consultation with OSI, the facility shall act promptly to remedy any such retaliation. If the previous monitoring period indicates a continuing need, the monitoring shall continue for an additional period of 120 days. Monitoring activities are to be documented on Form #115.67-S for staff and Form #115.67-I for incarcerated individuals. The auditor reviewed the Protection from Retaliation Monitoring Log for 2021, indicating monitoring of individuals as required, with documentation if the individual transferred or was released and if the monitoring was extended. The auditor reviewed Retaliation Monitoring Forms for 15 incarcerated individuals who were involved in a PREA allegation and monitored for retaliation during the audit period. There was no need for any staff retaliation monitoring for any allegations reported within the audit period. The auditor's review of these documents and interviews with the PPP, ADS/PCM, and Superintendent confirmed these practices are well-implemented at Wende CF.</p> <p data-bbox="244 1812 1481 1901">Based on analysis and evaluation of the stated evidence, Wende CF and DOCCS have demonstrated compliance with all provisions of this standard; additionally, the DOCCS has exceeded the requirements of provision (c) by requiring a minimum of 120 days of monitoring where the standard requires a minimum of 90 days.</p>

<b>115.68</b>	<b>Post-allegation protective custody</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Evidence Reviewed: DIR #4948; Form #2168A; Observations During Site Visit; Information Obtained from Interviews.</p> <p>115.68(a): DIR #4948, Protective Custody Status sets forth the minimum conditions of confinement for incarcerated individuals in Protective Custody Status. Use of segregated housing to protect an individual who is alleged to have suffered sexual abuse is subject to the same requirement of 115.43. Individuals may be placed in involuntary segregation after a report of sexual abuse has been made only after an assessment of all available alternatives has been made and a determination has been made that there are no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the individual in Involuntary Protective Custody for less than 24 hours while completing the assessment using Form #2168A, Sexual Victimization - Involuntary Protective Custody Recommendation. The referenced policy clearly outlines requirements that are compliant with this standard. No individuals have been placed in segregated housing in the past 12 months for allegedly having suffered sexual abuse. For additional narrative, reference 115.43 of this report. No individuals have been placed in involuntary segregated housing in the past 12 months for any length of time after having alleged to have suffered sexual abuse. This was confirmed during interviews with the Superintendent, ADS/PCM, PPP, Watch Commanders, security staff assigned to work in the segregation housing areas, and incarcerated individuals who had reported sexual abuse at the facility.</p> <p>Based on the analysis and evaluation of the evidence, Wende CF and DOCCS have demonstrated compliance with this standard.</p>

115.71	<b>Criminal and administrative agency investigations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p data-bbox="244 208 451 235"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1469 360">Evidence Reviewed: DIR #0700; DIR #4027; Notice to Auditor, Criminal and Administrative Investigations; NYSP Superintendent D'Amico PREA Investigations; Criminal Procedures Law, 160.45 Polygraph Tests; Investigative Case Files; Observations During Site Visit; Information Obtained from Interviews.</p> <p data-bbox="244 396 1485 956">115.71(a): Through the power granted under Section 112 of the Correction Law, the DOCCS Commissioner has designated the OSI and its members to assist with the implementation of statutory authority to prevent, detect, identify, expose, and eliminate criminal activity, misconduct, fraud, waste, abuse, corruption, and other improper behavior within the Department. DIR #0700 outlines the general functions of OSI and establishes five major Divisions, one of which is Sex Crimes (SCD). The SCD conducts investigations involving unauthorized relationships and sexual misconduct between incarcerated individuals or releasees and Departmental staff, as well as incarcerated individual-on-incarcerated individual sexual abuse. The SCD coordinates with outside law enforcement and prosecutors in developing these cases for criminal prosecution and collaborates with others within the Department to ensure compliance with the PREA. Within the OSI Policy and Procedure Manual reviewed by the auditor, all reports of sexual abuse, sexual harassment, and retaliation against an incarcerated individual or staff member for reporting or taking part in an investigation of possible sexual abuse or harassment will be thoroughly investigated. All investigations into allegations of sexual abuse and sexual harassment shall be completed promptly, thoroughly, and objectively, including investigations of third-party and anonymous reports. The auditor interviewed the OSI/SCD Investigator assigned to Wende CF. The investigators explained the steps to initiate an investigation and stated that the nature of the allegation would dictate the response time, although all reports are investigated promptly; they explained the investigative steps, which were aligned with policy requirements and training received; and the procedure for collection of circumstantial and direct evidence protocols. Both were experienced and knowledgeable in protocols for investigating sexual abuse in correctional settings.</p> <p data-bbox="244 992 1477 1081">115.71(b): Per OSI Policy Manual and DIR #0700, the DOCCS uses investigators who have been specially trained in sexual abuse investigations to conduct all allegations of sexual abuse as detailed in section 115.34 of this report. The auditor's review of investigative case files indicated all were investigated by trained investigators.</p> <p data-bbox="244 1117 1485 1274">115.71(c): Based on the auditor's interviews with the OSI/SCD investigators, review of investigative case files, and requirements of DIR #0700 and the OSI Policy Manual, investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; interview alleged victims, suspected perpetrators, and witnesses; and review prior complaints and reports of sexual abuse involving the suspected perpetrator.</p> <p data-bbox="244 1310 1477 1467">115.71(d): Following the OSI Policy Manual, when the quality of the evidence appears to support a criminal prosecution, the agency shall conduct compelled interviews as outlined in DIR #0102 only after consulting with the Deputy Chief Investigator or Assistant Deputy Chief Investigator and prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. This procedure was explained to the auditor during interviews with the OSI/SCD investigators and in reviewing the investigative case files.</p> <p data-bbox="244 1503 1485 1794">115.71(e): The OSI Policy Manual requires the credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as incarcerated individual or staff. The credibility of an incarcerated individual or staff is based on an assessment of the individual's history of institutional behavior, prior allegations, any disciplinary history, and any other factors relevant to the investigation according to the interviews conducted. New York State Criminal Procedure Law, Section 160.45, Polygraph tests, prohibits the DOCCS or any law enforcement agency from requesting or requiring a victim of a sexual assault crime to submit to any polygraph test or psychological stress evaluator examination. The auditor's review of the facility's investigations indicated no truth-telling device was used during the investigation. Interviews with the OSI/SCD Investigators confirmed that credibility assessments are based solely on the individual and not on their status as incarcerated individuals/releasees or staff.</p> <p data-bbox="244 1830 1485 2121">115.71(f)(g): The OSI Policy Manual establishes the OSI investigator will include information in the investigative report regarding staff action or inaction that may have contributed to the alleged abuse. An evaluation is also made at the facility level as part of the Administrative Review conducted by the Superintendent or designee. The investigative policies require a written report including the investigative findings for every allegation reported for both criminal and administrative investigations. The report must contain the name of the person involved, a thorough summary of the incident, a description of physical and testimonial evidence collected, the reasoning behind credibility assessments, and investigative facts and findings. OSI investigative reports are also entered and tracked in the OSI's electronic case tracking system. Copies of all investigative evidence, where available, are attached in both written and electronic files. These documents were observed by the auditor during the review of the investigative case files.</p>



115.71(h): DIR #0700 sets forth a policy that ensures substantiated allegations of conduct are referred to the appropriate person(s) for administrative, disciplinary, and/or prosecutorial action. Substantiated allegations of conduct that appear to be criminal are referred for prosecution. The OSI/SCD has the authority and responsibility to refer matters for further civil, criminal, and administrative action to appropriate administrative and prosecutorial agencies. The auditor's interview with OSI/SCD investigators confirmed their investigative procedures align with the policy, and in cases with sufficient evidence to substantiate criminal charges, the case is presented to the District Attorney for prosecution. Wende CF reports no cases referred for criminal prosecution since the last audit.

115.71(i): The electronic case file, including copies of the investigative report and other critical documents, is permanently retained. DIR #2011, Report of Employee Misconduct, requires records to be retained for a minimum of seven years.

115.71(j): OSI Policy Manual establishes that the departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation. Based on interviews with the Superintendent and the OSI/SCD investigators and a review of the facility's investigations, the auditor confirmed an investigation would not be terminated due to the departure of the abuser or victim from the control of the DOCCS.

115.71(l): DOCCS OSI/SCD is the lead investigative body for 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 no Garrity issues when interviewing staff in criminal investigations. Additionally, DOCCS maintains long-standing relationships with several outside law enforcement agencies whose expertise can be brought to bear to supplement OSI capabilities, when necessary, in certain investigations. DOCCS OSI/SCD will exchange information throughout the investigation with all relevant entities to move an investigation forward. Interviews with the OSI/SCD investigators confirmed investigative procedures are well established and compliant with all requirements of this standard.

Based on the review and evaluation of the evidence stated, Wende and DOCCS have demonstrated compliance with all provisions of this standard



<b>115.72</b>	<b>Evidentiary standard for administrative investigations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Evidence Reviewed: OSI Policy Manual, Chapter 21; Investigative Case Files; Information Obtained from Interviews.</p> <p>115.72(a): The auditor's review of the OSI Policy Manual, Chapter 21, found evidentiary standards for substantiating an allegation of sexual abuse or sexual harassment shall be a preponderance of the evidence. A review of the specialized training received by all OSI/SCD Investigators includes instruction on how to use the preponderance of the evidence for substantiating a sexual abuse or sexual harassment case. The auditor's review of a sample of closed cases and interviews with OSI/SCD Investigators confirmed that sexual abuse and harassment allegations are substantiated using the standard of preponderance of the evidence.</p> <p>Based on the review and evaluation of the stated evidence, the Wende CF and DOCCS have demonstrated compliance with the requirement of this standard.</p>

115.73	<b>Reporting to inmates</b>
	<p data-bbox="244 145 738 174"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="244 208 451 237"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1457 300">Evidence Reviewed: Notification of Investigative Determination; OSI Policy Manual; Information Obtained from Interviews.</p> <p data-bbox="244 329 1493 656">115.73(a): According to OSI Policy Manual, following an investigation into an incarcerated individual's allegation that he or she suffered sexual abuse in a DOCCS facility, the Department shall inform the individual as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. The OSI/SCD will assign an investigator to provide this notification when the case is ready to be closed upon the conclusion of the case and notify the individual, in person, of the result of the case when substantiated. If there were multiple allegations with mixed outcomes, the individual should be advised what allegations were substantiated, what allegations were unsubstantiated, and what allegations were unfounded. If the investigation is pushed back by OSI for the facility to complete, then the DSS or higher authority will provide the outcome of the case to the incarcerated individual once the case is closed and maintain documentation of this notification. The facility indicated that 16 investigations were completed during the audit period, and notifications of the outcome were provided to the alleged victim in 11 cases. Four notification examples were reviewed by the auditor.</p> <p data-bbox="244 685 1493 1048">115.73(b): Based on an interview with the AC/PREA Coordinator/Commissioner's Designee, the Acting Commissioner of the DOCCS has delegated the authority to conduct administrative and criminal investigations to the OSI under Corrections Law § 112 and DIR #0700. DIR #0700 authorizes and designates the OSI as the official investigative body for all administrative and criminal investigations. The OSI is further charged with ensuring that substantiated allegations are referred to the appropriate person(s) for administrative, disciplinary, and/or prosecutorial action. OSI works cooperatively with NYSP/BCI in the investigations of reported incidents of sexual abuse that may involve criminal conduct; however, DOCCS has not relinquished this authority to any separate activity. A separate entity is not responsible for conducting investigations. All complaints and information received by OSI relative to possible investigations are documented, reviewed, and processed. OSI/SCD has the authority to refer cases to NYSP/BCI when appropriate and works in conjunction with the local District Attorney's Office for prosecutions. Interviews with the OSI/SCD investigators confirmed procedures are well established and followed per the OSI Policy Manual and Directives.</p> <p data-bbox="244 1077 1493 1305">115.73(c): According to OSI Policy Manual, in substantiated or unsubstantiated staff-on-incarcerated individual sexual abuse cases, the individual will be informed if the staff member is no longer posted within the individual's unit; if the staff member is no longer employed at the facility; if the staff member has been indicted on a charge related to sexual abuse within the facility or the staff member has been convicted on a charge related to sexual abuse within the facility. There were no cases closed within the audit period that required an incarcerated individual victim to be advised of an employee's removal, indictment, or conviction; however, interviews with the ADS/PCM, PPP, and OSI/SCD investigators confirmed these procedures are in place if and when applicable.</p> <p data-bbox="244 1335 1493 1563">115.73(d)(e): According to the OSI Policy Manual, in substantiated or unsubstantiated incarcerated individual-on-incarcerated individual sexual abuse cases, the individual will be informed when the alleged abuser has been indicted or convicted on a charge related to the sexual abuse within the facility, or the alleged abuser has been convicted on a charge related to sexual abuse within the facility. These notifications are documented by the Investigator in the case file. The auditor's interview with the OSI/SCD investigators confirmed these procedures. There were no substantiated cases during the audit period that qualified for this notification, although interviews with the ADS/PCM, PPP, and OSI/SCD investigators confirmed these procedures are in place if and when applicable.</p> <p data-bbox="244 1592 1465 1655">Based on a review and evaluation of the stated evidence, Wende CF and DOCCS have demonstrated compliance with the provisions of this standard.</p>

<b>115.76</b>	<b>Disciplinary sanctions for staff</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Evidence Reviewed: DIR #2110; DIR #2111; DIR #4027; Employee Manual; Presumptive Disciplinary Sanctions; Notice to Auditor #115.76 Disciplinary Sanctions for Staff; Information Obtained from Interviews.</p> <p>115.76(a): DIR #4027 establishes that any perpetrator of sexual abuse or sexual harassment, any unauthorized relationship, or retaliation related to such an incident or investigation will be dealt with severely through discipline or prosecution to the fullest extent permitted by law. Supporting directives include DIR#2110, and DIR #2111, both indicating that OSI will evaluate the facts and circumstances of a report of staff sexual misconduct and consult with the appropriate Bureau of Labor Relations representative regarding appropriate action, including removal of the employee from contact with any incarcerated individuals pending the outcome of an investigation. In addition, each employee receives and signs for the DOCCS Employee Manual, which includes the same language, consistent with elements of this standard.</p> <p>115.76(b): Under § 130.05 of NYS Penal Law, an [incarcerated individual] or parolee cannot legally consent to any sexual act with an employee, contract employee, or volunteer (i.e., "staff"). It is a crime for staff to engage in a sexual act with an [incarcerated individual] or parolee. A staff person who engages in sexual conduct, including sexual contact with an [incarcerated individual] or parolee, is guilty of a sex offense even if the [incarcerated individual] or parolee "willingly" participates or manipulates the staff member. Sexual conduct with a person committed to the custody of the Department is a crime whether it occurs inside a correctional facility, during transportation, outside a correctional facility, or while the person is a participant in a temporary release program. Any sexual abuse of an incarcerated individual or releasee by a staff member will be prosecuted to the fullest extent of the law. Based on a Memorandum dated February 5, 2016, Deputy Commissioner for Administrative Services Martuscello, "termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse of an incarcerated individual." In the last 12 months, the facility had no substantiated cases of staff sexual harassment or staff sexual abuse, which was confirmed through interviews with the Superintendent, HRM, DS/A, and OSI/SCD investigators.</p> <p>115.76(c): DIR #2111 establishes procedures for reporting employee misconduct, recommending appropriate disciplinary action, and for the disciplinary process. When OSI receives a report of staff sexual misconduct, they evaluate the facts and circumstances of the report together with any other available information and consult with the appropriate Bureau of Labor Relations representative regarding appropriate action, including removal of the employee from contact with any incarcerated individuals pending the outcome of an investigation. In Reports of Employee Misconduct, the Bureau of Labor Relations considers when and where the incident occurred; the facts and circumstances of the incident; who was present at the incident, and the extent of their involvement; an evaluation of the seriousness of the incident; and a complete assessment of the employee's performance, with particular reference to conduct similar to that which causes the present concern. When OSI investigates the misconduct, a copy of the OSI investigative file or investigative report shall be submitted to the Bureau of Labor Relations in lieu of a Report of Employee Misconduct. The Director of Labor Relations will work to set up any contractual disciplinary arbitrations or hearings following applicable Collective Bargaining Agreements and any applicable State laws and regulations. Based on a Memorandum dated February 5, 2016, Deputy Commissioner for Administrative Services Martuscello, "disciplinary sanctions for violations of agency policy relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall continue to be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories."</p> <p>115.76(d): The OSI Policy Manual establishes that 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, shall be reported to law enforcement agencies unless the activity was clearly not criminal, and to any relevant licensing bodies. Interviews with the HRM, DS/A, and OSI/SCD investigators confirmed that OSI would be responsible for making these notifications and that no staff violations of this nature occurred within the audit period to be reported.</p> <p>Based on the analysis and evaluation of the stated evidence, Wende CF and DOCCS have demonstrated compliance with the provisions of this standard.</p>

115.77	<b>Corrective action for contractors and volunteers</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p data-bbox="244 208 451 235"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1469 365">Evidence Reviewed: DIR #4750; Standards of Conduct for Volunteers; Form #MFVS3087, Acknowledgement of Standards of Conduct for Volunteers; Notice to Auditor 115.77; Memorandum from Acting Commissioner Annucci, Subject: Policy on the Prevention of Sexual Abuse and Sexual Harassment of Incarcerated Individuals and Parolees (Revised).</p> <p data-bbox="244 396 1497 992">115.77(a)(b): The OSI Policy Manual establishes that 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, shall be reported to law enforcement agencies unless the activity was clearly not criminal, and to any relevant licensing bodies. Also, any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with incarcerated individuals and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. Memorandum dated September 4, 2018, from Acting Commissioner Annucci regarding Policy on the Prevention of Sexual Abuse and Sexual Harassment of Incarcerated Individuals and Parolees (Revised), reminds contractors and volunteers, and interns that the DOCCS has a zero-tolerance for sexual abuse and sexual harassment and that all allegations of sexual abuse, sexual harassment, or retaliation against staff, an incarcerated individual or releasee for reporting such an incident or participating in an investigation will be thoroughly investigated and perpetrators will be dealt with severely through discipline or prosecution to the fullest extent permitted by law. DIR #4750 explains that volunteers are prohibited from having any sexual contact or engaging in any sexual conduct with an incarcerated individual, which is a violation of state law. Each volunteer, upon receiving orientation training, is required to sign Form #MFVS3087 acknowledging receipt of the standards and policies for volunteers and understanding that they will be held accountable for and act in accordance with these standards and policies; furthermore, any violation may result in termination as an approved volunteer. Any sexual abuse of an incarcerated individual by a volunteer or intern will be prosecuted to the fullest extent of the law, even if the individual “willingly” participates in the act. Interviews with the Superintendent and OSI/SCD investigators confirmed that there were no substantiated violations of sexual abuse policies by a contractor, volunteer, or intern at Wende CF during the audit period.</p> <p data-bbox="244 1023 1465 1081">Based on the analysis and evaluation of the evidence stated, Wende CF and DOCCS have demonstrated compliance with the provisions of this standard.</p>

<b>115.78</b>	<b>Disciplinary sanctions for inmates</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Evidence Reviewed: DIR #4401; SVPPM #115.6; DIR #4932; Hearing Officer Reference Book; Information Obtained from Interviews.</p> <p>115.78(a): DIR #4932 outlines the procedures and standards for all incarcerated individual disciplinary hearings. The Hearing Officer Reference Book guides the Hearing Officer on the imposition of appropriate discipline for misbehavior and emphasizes the importance of fairness and consistency in disciplinary dispositions imposed. DOCCS's philosophy on incarcerated individual discipline includes that when imposed properly, disciplinary sanctions keep staff and incarcerated individuals safe and correctional facilities secure and may assist in the agency's mission by returning releases to the community less likely to engage in negative behaviors. Disciplinary charge 101.10 covers sex acts or attempts at sex acts perpetrated by an incarcerated individual toward another incarcerated individual. There were no substantiated allegations of sexual abuse or sexual harassment perpetrated by an incarcerated individual during the audit period, which was confirmed during interviews with the Disciplinary Hearing Officer (DHO).</p> <p>115.78(b): The Hearing Officer Reference Book sets forth in Appendix B aggravating and mitigating factors that should be considered in reaching a just and fair disposition. The absence or presence of these factors should be viewed within the context of the totality of the evidence presented when the Hearing Officer is considering sanctions. A substantial list of factors to consider is delineated in the Reference Book to ensure a fair sanction. A table grid with recommended graduated sanctions is utilized by the DHO after a review of the entire situation and circumstances of the case and consideration of mitigating factors of the individual, such as past behavior. This table includes a checklist for Tier III Disciplinary Sanctions, labeled Appendix C. These guidelines clearly support fair and objective considerations in all disciplinary cases.</p> <p>115.78(c): DIR #4932 guides Hearing Officers when an incarcerated individual's mental state or intellectual capacity is at issue and states that the evidence shall be considered regarding the individual's mental; condition or intellectual capacity at the time of the incident and at the time of the hearing. To the extent it is known by the hearing officer, an individual's diminished intellectual capacity should be considered a mitigating factor according to established procedures. The auditor confirmed these practices during interviews with the DHO and two mental health professionals.</p> <p>115.78(d): DIR #4401 outlines the requirements of the Sex Offender Counseling and Treatment Program (SOCTP), which is a comprehensive program of counseling and treatment for convicted sex offenders and other incarcerated individuals whom the DOCCS identifies as likely to benefit from sex offender counseling and treatment based upon a review of their background. The SOCTP is offered at maximum and medium-security correctional facilities in the state prison system and provides comprehensive sex offender treatment for convicted sex offenders, incarcerated individuals convicted of sexually motivated offenses, and incarcerated individuals whose histories (including behavior while incarcerated) indicate that they are likely to benefit from sex offender counseling and treatment. An incarcerated individual may be referred for admission to the program based on a guilty finding at a tier hearing for any sexually abusive or assaultive act.</p> <p>115.78(e)(f)(g): SVPPM 115.6 defines sexual abuse and other related terms and are with those found in 28 C.F.R. Part 115, Definitions related to sexual abuse. There were no disciplinary reports issued on any individual for contact with staff, falsely reporting, or lying about a sexual abuse/harassment incident during the audit period. Interviews with the Director of PREA Compliance confirmed that incarcerated individuals are not disciplined for sexual contact with staff unless it is determined that the staff member did not consent to the contact, and consistent with the definitions found in SVPPM 115.6.I.C.2.c; neither are individuals disciplined for falsely reporting an incident or lying if made in good faith and upon a reasonable belief that the incident occurred.</p> <p>115.78(g): The DOCCS prohibits any form of sexual contact between incarcerated individuals; those who are found to have participated in consensual sexual contact after an investigation are sanctioned through the disciplinary process. Interviews with the DHO confirmed that zero tolerance for sexual activity is enforced, and individuals are held accountable.</p> <p>Based on analysis and evaluation of the evidence, Wende CF and DOCCS have demonstrated compliance with the provisions of this standard.</p>

115.81	<b>Medical and mental health screenings; history of sexual abuse</b>
	<p data-bbox="244 145 738 174"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="244 208 451 237"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1460 331">Evidence Reviewed: HSPM #1.44; Form #3278-PREA; DIR #4301; FOM #2023; Form #3150; HSPM 1.12B; Observations During Site Visit; Information Obtained from Interviews.</p> <p data-bbox="244 360 1484 824">115.81(a): PREA Risk Screening, DIR #4301, and FOM #2023 work collectively to ensure incarcerated individuals who report prior victimization of sexual abuse will be offered a referral to medical or mental health services. And DIR #4301 OMH ensures regular mental health referrals are addressed within a timeframe consistent with the nature of the referral and within 14 days. Division of Health Services Policy #1.44 guides medical and mental healthcare procedures and directs that upon arrival at a DOCCS facility, every newly received or transferred individual, including individuals being moved from an owning correctional facility to the same correctional facility Special Housing Unit (SHU) receive a health screening by a Registered Nurse (RN) using Form #3278-PREA. This screening includes an inquiry into the individual's current and past health, mental health, and PREA history and immediate referral of any individual to a health provider if indicated. The auditor reviewed completed examples of Form #3278-PREA, where individuals reported prior sexual victimization, and found that the proper referral is made to OMH according to policy requirements on a regular and consistent basis. Completed health screening forms are filed in the incarcerated individual's Ambulatory Health Record and accompany the individual during transfer. Additionally, OMH maintains documentation of information obtained during interviews in their case records. Interviews with mental health staff, medical staff, the Intake Sergeant, ORCs, ADS/PCM, and Watch Commanders and a review of screening records confirmed these procedures are well-implemented.</p> <p data-bbox="244 853 1492 1115">115.81(b): As per PREA Risk Screening, DIR #4301, and Wende Correctional Facility FOM #2023, individuals who report prior perpetration of sexual abuse will be offered a referral to medical or mental health services. If the incarcerated individual accepts the referral to OMH, the Sergeant makes a written referral to the OMH using Form #3150 and includes a brief description of the incident and any other relevant information. The Sergeant then notifies the Watch Commander of the referral. This referral offer is documented on the individual's Risk Screening Form #115.41M. Additionally, if prior perpetration of sexual abuse is disclosed but not previously reported when the ORC conducts the reassessment, the ORC will follow the same procedures. Interviews with ORCs, ADS/PCM, and Watch Commanders and a review of screening documents confirmed these procedures are well-implemented.</p> <p data-bbox="244 1144 1476 1541">115.81(d): HSPM #1.44, Health Screen of Incarcerated Individuals, directs 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 and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law. Completed health screening forms are filed in the Incarcerated Individual's Ambulatory Health Record and accompany the Incarcerated Individual during transfer. These forms are available for review by the health screening staff of each arrival facility involved in the incarcerated individual's transfer and serve as a reference tool for completing subsequent health screening forms. Additionally, FOM #2023 identifies PREA Intake Screening Forms 115.41M/F as confidential documents. These completed forms are filed in the Guidance Folders, and distribution is limited to the ADS/PCM and PPP. Access to the completed forms is limited to the Executive Team and guidance staff with a business necessity to review the completed forms. Interviews with the ADS/PCM, PPP, guidance staff, and health services staff confirm that the information collected related to sexual victimization or abusiveness is maintained confidentially.</p> <p data-bbox="244 1570 1492 1832">115.81(e): HSPM #1.44 states that medical and mental health practitioners obtain informed consent from incarcerated individuals before reporting information about prior sexual victimization that did not occur in an institutional setting unless the individual is under 18. Informed consent/HIPAA release is not required for a referral to the OMH. According to an interview with health services personnel before the beginning of a mental health evaluation, the individual is informed of the limits of confidentiality and asked to consent to the interview. The incarcerated individual signs a consent form, and documentation of the informed consent is made in the health record. The auditor reviewed files of individuals who received services and found timeframes were met, and informed consent was obtained. Information in the individual's healthcare record is highly restricted to medical and mental health practitioners.</p> <p data-bbox="244 1861 1385 1921">Based on analysis and evaluation of the evidence, Wende CF and DOCCS have demonstrated compliance with all requirements of this standard.</p>

115.82	<b>Access to emergency medical and mental health services</b>
	<p data-bbox="244 145 738 174"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="244 208 451 237"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1485 331">Evidence Reviewed: HSPM #1.12B; HSPM #1.44; HSPM #1.60; Mental Health Referral Form #3150; SAFE-SANE Updated; FOM #2006; Observations During Site Visit; Information Obtained from Interviews.</p> <p data-bbox="244 360 1485 1093">115.82(a)(b): Per Health Services Policy #1.60, immediate notification of the Watch Commander and the Facility Health Service Director for alleged assaults that occurred within the past 120 hours. The incarcerated victim of an alleged sexual assault will be medically evaluated regardless of whether the allegation has been independently verified before the victim's presentation for treatment. Assaults that occurred within the past 120 hours will be expeditiously transported to an appropriate outside hospital emergency department. 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. Following the National PREA Standards 115.21 and 115.82, all victims of sexual abuse shall be afforded access to forensic medical examinations at an outside facility, without financial cost, where evidentiarily or medically appropriate. When medically appropriate, HIV prophylactic medications will be offered before transportation to the emergency department. Healthcare staff must communicate with the emergency department triage nurse by phone to notify the hospital of a victim's transport to their facility. Documentation relative to whether or not PEP (post-exposure prophylactic) has been administered must be sent with the incarcerated victim. The incarcerated individual may be transported to a closer or more appropriate hospital if health staff determine the individual's priority medical needs are such that they require immediate or specialized care (e.g., the individual victim is suffering from traumatic injuries that require a level of care beyond what the certified SAFE/SANE hospital can provide). Admission to the facility infirmary and expedited follow-up assessment by a primary care provider are required upon the incarcerated victim's return from an outside hospital emergency department. The primary care provider will continue any appropriate PEP medications initiated at the outside hospital or the facility. For all involved individuals, immediate completion/submission of a Mental Health Referral Form #3150 is required. Based on the interviews with healthcare staff, OMH, ADS/PCM, PPP, OSI investigators, and the auditor's review of investigative files, all incarcerated individuals involved in allegations of sexual abuse receive a referral to Medical and OMH, and individuals have unimpeded access to emergency medical treatment and crisis intervention services.</p> <p data-bbox="244 1122 1485 1350">115.82(c): HSPM #1.12B provides information provided to individuals after sexual contact on care and prophylaxis. After a sexual encounter, all incarcerated participants require an assessment of whether participation involved force, coercion, or consensual contact. Medical and mental health services are consistent with the community level of care. Interviews with health care practitioners confirmed that the facility is prepared to provide these services upon the individual's return to the facility after the forensic examination per the provider's orders. Instructions are provided for medical assessments, which are required regardless of when the incident was to have occurred, and counseling/treatment regarding post-exposure prophylactic treatment. These procedures were confirmed through interviews with the Nurse Administrator and DS/Medical.</p> <p data-bbox="244 1379 1485 1910">115.82(d): Per HSPM #1.60, all victims of sexual abuse will be afforded access to forensic medical examinations at an outside facility and any other medical treatment, without financial cost, where evidentiarily or medically appropriate. Incarcerated 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. New York Public Health Law, Chapter 45 of the Consolidated Laws, Article 28, Hospitals, enacts that no general hospital shall refuse to provide hospital services to a person presented or proposed to be presented for admission to such general hospital by a representative of a correctional facility. If the incident is deemed sexual abuse or asexual assault and has occurred within a time period that still allows for the collection of physical evidence (within 120 hours), the health services staff or the on-duty physician shall initiate the proper procedures as outlined in HSPM #1.60. This medical evaluation will assist in determining if referral to an outside hospital emergency department is medically indicated based on evidence collection or physical trauma. If an outside medical trip is required, the incarcerated individual will be transported to one of the following SAFE/SANE hospitals unless medical staff determines the incarcerated individual's priority medical needs require transportation to a more appropriate hospital emergency department or medical staff determines that another hospital is more appropriate and upon Health Services confirmation that a SANE/SAFE and a Victim Advocate are available to provide services: 1) Erie County Medical Center 2) Buffalo General Hospital and 3) Millard Fillmore Hospital. FOM #2006 includes names, phone numbers, and email addresses for the points of contact at each of these hospitals.</p> <p data-bbox="244 1939 1461 2000">Based on the analysis and evaluation of the stated evidence, Wende CF and DOCCS have demonstrated compliance with the provisions of this standard.</p>



115.83	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p data-bbox="244 208 451 235"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1449 331">Evidence Reviewed: HSPM #1.60; HSPM 1.12B; DIR #4301; DIR #4401; FOM 2006; OMH MOU; Mental Health Referral Form 3150; Observations During Site Visit; Information Obtained from Interviews.</p> <p data-bbox="244 360 1490 1160">115.83(a)(b)(c): HSPM #1.60 states all allegations of sexual assault will be evaluated immediately by the facility health staff. The incarcerated victim of an alleged sexual assault will be medically evaluated regardless of whether the allegation has been independently verified before the victim's presentation for treatment. If referred to an outside hospital emergency department, admission to an infirmary and an expedited follow-up assessment by a primary care provider is required upon the victim's return. The primary care provider will continue any appropriate post-exposure prophylactic medications initiated at the outside hospital or the facility. DIR #4301 provides guidelines related to services provided to under-custody individuals. The OMH, through its Division of Forensic Services, provides services to the DOCCS under custody incarcerated population. These services are provided as follows: At designated DOCCS facilities by OMH Personnel, at "Satellite Units" operated by OMH located at certain DOCCS facilities, and/or at OMH's Central New York Psychiatric Center (CNYPC). By mutual agreement between DOCCS and OMH, this directive provides guidelines for determining the appropriate facility or unit for providing OMH services, outlines procedures to be followed when it is necessary to transport individuals from one facility or unit to another to receive mental health services, and assigns responsibility to appropriate DOCCS and OMH personnel for taking necessary action to ensure delivery of appropriate services. This policy states regular mental health referrals are addressed within a timeframe consistent with the nature of the referral and within 14 days. DOCCS Mental Health Referral Form 3150 includes a place to identify in a regular referral that the individual is a possible victim of sexual abuse. OMH further acknowledges that, per 28 C.F.R. § 115.83, mental health evaluation and treatment, as appropriate, shall be offered to all individuals who have been identified as victims of sexual abuse in any prison, jail, lockup, or juvenile facility and are willing to undergo such evaluation and/or treatment. HSPM #1.60 further directs ongoing medical and mental health care for incarcerated individuals as appropriate and includes follow-up services, treatment plans, and referrals for continued care following their transfer to or placement in other units or their release from custody. DIR #4301 states the evaluation and treatment of such victims shall 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. Further, the facility shall provide such victims with mental health services consistent with the community level of care. Interviews with healthcare staff indicated services are at least consistent with community levels of service.</p> <p data-bbox="244 1189 1465 1283">115.83(d)(e): Wende CF is a male facility. These provisions do not apply to Wende CF, although HSPM #1.60 directs that pregnant incarcerated sexual assault victims will receive pregnancy tests and timely and comprehensive information about and timely access to all appropriate pregnancy-related services.</p> <p data-bbox="244 1312 1490 1608">115.83(f): Per HSPM #1.60, when medically appropriate, HIV prophylactic medications will be offered before transportation to the emergency department. Application of the Department's Incarcerated Individual Bloodborne Pathogen Post Exposure Protocol will be followed if appropriate. Health Services Policy#1.12B provides individuals who experience significant exposure to bloodborne pathogens (i.e., human immunodeficiency virus (HIV), hepatitis B virus (HBV), and hepatitis C virus(HCV)) will receive appropriate medical care and treatment. PEP, if needed, will be initiated before transport to an outside hospital. In order not to delay the transfer, completion of all forms and other documentation in the post-exposure packet may be completed upon the individual's return from the hospital. In reference to sexual encounters, all incarcerated participants require assessment regardless if participation involved force, coercion, or mutually agreed-upon contact. An interview with the Nurse Administrator confirms this procedure is in place; two individuals were transported out for an FME.</p> <p data-bbox="244 1637 1453 1697">115.83 (g): Per HSPM #1.60, all treatment, including outside hospital services, will be provided to victims without financial liability and regardless of whether the victim cooperates in any investigation arising from the incident.</p> <p data-bbox="244 1727 1485 1921">115.83 (h): Per HSPM #1.60, immediate completion and submission of a Mental Health Referral Form #3150, is required for all involved individuals. Sex Offender Counseling and Treatment Program (SOCTP) is offered at Wende CF, which provides comprehensive sex offender treatment for convicted sex offenders, individuals convicted of sexually motivated offenses, and individuals whose histories (including behavior while incarcerated) indicate that they are likely to benefit from sex offender counseling and treatment. The SOCTP is available to eligible incarcerated individuals in the general population, SNU, and RMU.</p> <p data-bbox="244 1951 1465 2011">Based on the analysis and evaluation of the stated evidence, Wende CF and DOCCS have demonstrated compliance with the provisions of this standard.</p>



115.86	<b>Sexual abuse incident reviews</b>
	<p data-bbox="244 145 766 174"><b>Auditor Overall Determination:</b> Exceeds Standard</p> <p data-bbox="244 208 451 237"><b>Auditor Discussion</b></p> <p data-bbox="244 271 1452 331">Evidence Reviewed: DIR #4027; SVPPM #115.86; PREA Standard 115.86/286 Sexual Abuse Incident Review Checklist; Observations During Site Visit; Information Obtained from Interviews.</p> <p data-bbox="244 360 1497 689">115.86(a)(b): DIR #4027 and SVPPM #115.86 together establish policy and procedures for the requirement of each facility 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. OSI develops the necessary investigative documentation to facilitate the completion of those incident reviews. At the conclusion of any PREA reportable substantiated or unsubstantiated investigation, OSI submits the Sexual Abuse Incident Review Information (SAIRI) to SAPEO. SAPEO forwards 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. Additionally, the review team is required by SVPPM #115.86 to conduct reviews of Unauthorized Relationships, which are not required by federal standards but considered paramount by the SAPEO to the DOCCS zero-tolerance culture. This is above the requirement of this provision.</p> <p data-bbox="244 719 1497 880">115.86(c): SVPPM #115.86 requires the review team to include upper-level facility management officials, with input from the OSI/SCD Investigator, the area sergeant, the Crisis Intervention Unit, Health Services, OMH, and others deemed appropriate by the review team. The review team is chaired by the ADS/PCM, the PPP will be the security representative, and the third member of the multi-disciplinary review team, salary grade 22 or equivalent or higher, is designated by the Superintendent for each review.</p> <p data-bbox="244 909 1497 1641">115.86(d): SVPPM #115.86 directs the use of the PREA Standard 115.86/286 Sexual Abuse Incident Review Checklist by the review team when conducting a review. This robust and comprehensive 6-page form includes an extensive review of each incident and captures information such as 1) circumstances of the incident; 2) events leading up to and following the incident; 3) consideration of whether actions taken were consistent with policies and procedures; 4) whether alternative means of managing the situation were available; 5) identification of actions that could be taken to avoid future incidents of a similar nature and identification of training needs; 6) determination of whether Incident Command System levels or response levels were used during the incident; 7) whether employee action or inaction was a factor in the incident; 8) any corrective action taken. The Administrative Review Form includes consideration as to whether the incident was motivated by race or ethnicity; gender identity; LGBTI status; gang affiliation; or other group dynamics at the facility and whether an indication of a need to change policy or practice to better prevent, detect, or respond to sexual abuse is present. Additional information captured includes if the victim had any disabilities or was LEP and whether the victim or perpetrator had been previously identified as being at high risk for either sexual victimization or being sexually abusive. An examination of the area where the incident occurred to assess any physical barriers that enable abuse will be conducted and an assessment of the adequacy of staffing levels during different shifts will be made. Consideration is given as to whether monitoring technology should be deployed or augmented to supplement supervision by staff. A written report is prepared of these findings with recommendations for improvements, where indicated. Considerations required by SVPPM #115.86 through the use of the Incident Review Checklist include all elements required in provision (d) of this standard and go beyond these minimum requirements. The facility reports that 13 incident reviews were conducted within the audit period. The auditor reviewed samples of Incident Reviews and found them to be thorough, complete, and well-documented using the checklist. These reviews were completed within 30 days after the investigation was closed. Interviews with (4) Review Team Members confirmed a thorough working knowledge of the process and details of their experience as active participants on the Review Team.</p> <p data-bbox="244 1671 1497 1901">115.86(e): SVPPM #115.86 requires the completed Sexual Abuse Incident Review Checklist and any recommendations for improvements to the Superintendent and the SAPEO. The facility is required to implement the recommendations for improvement or shall document its reasons for not doing so. An interview with the ADS/PCM confirmed that the Incident Review Tracking Sheet is maintained on a shared drive so the PPP can access and update it as needed. The Logs are saved by calendar year and document all corrective actions recommended and completed. An example of an Incident Review where corrective action to improve processes was recommended by the team was reviewed by the auditor along with documentation that the corrective action recommendation was implemented promptly and thoroughly by the facility.</p> <p data-bbox="244 1930 1497 2058">Based on the analysis and evaluation of the evidence, Wende CF and DOCCS have demonstrated compliance with this standard. Additionally, the DOCCS has exceeded through implementing the Department-wide Sexual Abuse Incident Review Checklist, which considers relevant information above what is required, and requires incident reviews to be conducted on Unauthorized Relationships.</p>

<b>115.87</b>	<b>Data collection</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Evidence Reviewed: SVPPM #115.87; DOCCS Public Website; Observations During Site Visit; Information Obtained from Interviews.</p> <p>115.87(a)(b): SVPPM #115.87 outlines the basic procedures for data collection, review, storage, and reporting of sexual abuse data. Per this standard, the DOCCS collects uniform confidential incident-based data for all allegations of sexual abuse. The Office of Program Planning Research and Evaluation, in cooperation with the OSI, reviews allegations reported to the SCD in order to collect uniform data for every allegation of sexual abuse. The PREA analyst conducts a preliminary review of allegations reported to OSI/SCD weekly and disaggregates these data into five categories of sexual victimizations. The analyst utilizes the definition of "sexual abuse" or "sexual harassment" as provided by 28 C.F.R. §115.6 in the National Standards to Prevent, Detect, and Respond to Prison Rape. In coordination with the OSI/SCD and SAPEO, these data are reviewed and amended throughout the year to reflect a complete and comprehensive classification of PREA allegations and to identify individuals associated with each case.</p> <p>115.87(c)(d): Confidential incident-based data includes all information necessary to answer all questions from the most recent version of the Survey of Sexual Victimization (SSV) conducted by the Bureau of Justice Statistics. This data includes OSI/SCD data, sexual abuse incident review information, unusual incidents, personnel records, confidential security information, incarcerated individual records, disciplinary data, and the incarcerated individual locator system. 115.87(e): The DOCCS does not contract for the confinement of incarcerated individuals (reference standard 115.12 of this audit report).</p> <p>115.87(f): On an annual basis, upon request by the U.S. Department of Justice (DOJ), DOCCS shall provide all data requested from the previous calendar year in the proscribed format and by the deadline specified by the DOJ.</p> <p>Based on the analysis and evaluation of the evidence stated, Wende CF and DOCCS have demonstrated compliance with all provisions of this standard.</p>

<b>115.88</b>	<b>Data review for corrective action</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Evidence Reviewed: SVPPM #115.88; DOCCS Public Website; Annual Report on Sexual Victimization, 2015-2019, Published April 2022; Information Obtained from Interviews.</p> <p>115.88(a): SVPPM #115.88 establishes a policy requiring the Department to review data collected and aggregated as indicated in SVPPM 115.87, to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. OSI/SCD data are extracted, reviewed, classified, coded, and stored by the PREA Research Analyst. Allegations of sexual abuse are based on the most recent definitions provided by the BJS and reporting requirements as specified in the National Standards to Prevent, Detect and Respond to Prison Rape under § 28 CFR Part 115. These initial classifications are preliminary and subject to further review. The allegation categories are not final until a final resolution of the investigation is provided by the OSI and a final review is made by the PREA Analyst. These reconciled data are aggregated for an annual review of substantiated PREA allegations that include substantiated incidents of sexual abuse or sexual harassment reported in the calendar year. The annual review team consisting of the AC/PREA, the Deputy Chief of Investigations/SCD, the Director of PREA Compliance, and the PREA Analyst meets annually to review substantiated PREA allegations before submission of data to the BJS. All investigative files are securely retained by OSI. The PREA Analyst securely retains the electronic PREA data collection.</p> <p>115.88(b)(c)(d): SVPPM #115.88 establishes the PREA Analyst prepares and aggregates the PREA data collected annually for use in an Annual Report on Sexual Victimization. This report includes a comparison of allegations of sexual abuse and sexual harassment over a five-year period. The annual report includes a comparison of the current year's data and corrective actions with those from prior years and provides an assessment of progress in addressing sexual abuse. The report identifies problem areas and corrective actions taken for each facility and the agency as a whole prepared by the SAPEO. The report is prepared in a manner to avoid the 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 DOCCS. The report is prepared by the AC/PREA for approval by the Commissioner, which is published and made available through the Department's website upon approval. The auditor found the most recently published Annual Report on Sexual Victimization 2015-2019, dated April 2022, published on the Department's public website.</p> <p>Based on the analysis and evaluation of the evidence, Wende CF and DOCCS have demonstrated compliance with all provisions of this standard.</p>

<b>115.89</b>	<b>Data storage, publication, and destruction</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Evidence Reviewed: SVPPM 115.89; Office of Program Planning Research and Evaluation PREA Data Collection, Review, Retention and Publication Manual, Revised 05/21/2021; Public Website Review; Annual Report on Sexual Victimization 2015-2019; Information Obtained from Interviews.</p> <p>115.89(a)(b)(c)(d): SVPPM 115.89 establishes that data collected pursuant to SVPPM 115.87 is securely retained by the Office of Special Investigations and the Office of Program Planning, Research and Evaluation. The Annual Report of Sexual Victimization includes the most recently available annual aggregated sexual abuse data from the Department's facilities and any facilities with which the Department contracts. The Annual Report of Sexual Victimization is readily available on the DOCCS website at <a href="https://doccs.ny.gov/about-prea#annual-reports">https://doccs.ny.gov/about-prea#annual-reports</a>. This annual report and aggregated sexual abuse data are prepared and published in a manner to avoid the disclosure of personal identifying information or material which would present a clear and specific threat to the safety and security of any facility of the Department. Before making individuals level sexual abuse data publicly available, the agency removes all personal identifiers. The Department maintains the sexual abuse data collected pursuant to SVPPM 115.87 for at least ten years after the date of the initial collection. The auditor's interview with AC Effman and review of the most recent Annual Report on Sexual Victimization posted to the public website analyzing sexual abuse and sexual harassment data for 2015-2019, with a publication date of April 2022, confirmed compliance with the provisions of this standard.</p> <p>Based on the analysis and evaluation of the evidence, Wende CF and DOCCS have demonstrated compliance with all provisions of this standard.</p>

<b>115.401</b>	<b>Frequency and scope of audits</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Evidence Reviewed: DOCCS Public Website; PREA Audit Reports; Projected Audit Schedule; Observations During Site Visit; Information Obtained from interviews.</p> <p>115.401(a): All facilities operated by the DOCCS were not audited within the first cycle. No future action can change the response to this provision; however, the agency has met the requirements of this standard in the previous and current cycle and has a proven history of maintaining said course. During the prior three-year audit period, the DOCCS SAPEO ensured that each facility operated by the Department was audited at least once. Based on the current status of the Department's audit history, projected schedule, and interview with AC Effman, the auditor finds this standard overall met.</p> <p>115.401(b): DOCCS PREA Final Reports are posted at <a href="http://www.doccs.ny.gov/PREA/PREA_Final_Audit_Reports.html">http://www.doccs.ny.gov/PREA/PREA_Final_Audit_Reports.html</a>. The auditor reviewed the Department's web page and found PREA final reports posted according to requirements. NYS Correction Law § 121 provides that the private ownership or operation of a facility for housing state or local individuals or the private ownership or operation of a facility for the incarceration of other states' individuals is prohibited. No private prisons are operated on behalf of the Department.</p> <p>115.401(h): The auditor was permitted to observe and have full access to all areas of the Wende Correctional Facility.</p> <p>115.401(i): The auditor was permitted to request and receive copies of relevant documents (including electronically stored information). Some documents were locally obtained, and others were requested from headquarters. All documents requested were provided either in printed or electronic format.</p> <p>115.401(h): The auditor was provided with appropriate and private areas to conduct all interviews.</p> <p>115.401(n): Audit notifications, which were provided by ACA on behalf of the auditor, were posted throughout the facility in both English and Spanish; these notices provided an opportunity for individuals to send confidential letters to the auditor. The auditor received two letters from incarcerated individuals before the site visit. Interviews with mailroom staff and interviews with incarcerated individuals indicated a procedure and practice for outgoing mail correspondence without inspection; sealed envelopes are dropped into the mailbox by the individual, which allows for confidential correspondence.</p> <p>Based on the analysis and evaluation of the evidence, Wende CF and DOCCS demonstrated compliance with all provisions of this standard.</p>

<b>115.403</b>	<b>Audit contents and findings</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Evidence Reviewed: DOCCS Public Website; Information Obtained from Interviews.</p> <p>115.403(f): All DOCCS PREA final reports are posted on the Department's public website at <a href="https://doccs.ny.gov/final-audit-reports">https://doccs.ny.gov/final-audit-reports</a>. Based on an interview with AC/PREA Coordinator Effman, the agency posts all final PREA audit reports on the agency website within 90 days of issuance by the auditor. The auditor's review of the updated website found 137 final reports for PREA audits posted since 2015. The website is comprehensive and allows the user to search reports by keyword and with a date range. The site was easily navigated and intuitive.</p>

Appendix: Provision Findings		
<b>115.11 (a)</b>	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>	
	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
<b>115.11 (b)</b>	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>	
	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
<b>115.11 (c)</b>	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>	
	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
<b>115.12 (a)</b>	<b>Contracting with other entities for the confinement of inmates</b>	
	If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	yes
<b>115.12 (b)</b>	<b>Contracting with other entities for the confinement of inmates</b>	
	Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	yes

<b>115.13 (a)</b>	<b>Supervision and monitoring</b>	
	Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or standards?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors?	yes
<b>115.13 (b)</b>	<b>Supervision and monitoring</b>	
	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
<b>115.13 (c)</b>	<b>Supervision and monitoring</b>	
	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



<b>115.13 (d)</b>	<b>Supervision and monitoring</b>	
	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
<b>115.14 (a)</b>	<b>Youthful inmates</b>	
	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
<b>115.14 (b)</b>	<b>Youthful inmates</b>	
	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
<b>115.14 (c)</b>	<b>Youthful inmates</b>	
	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
<b>115.15 (a)</b>	<b>Limits to cross-gender viewing and searches</b>	
	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
<b>115.15 (b)</b>	<b>Limits to cross-gender viewing and searches</b>	
	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 facility does not have female inmates.)	yes
<b>115.15 (c)</b>	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?	yes
	Does the facility document all cross-gender pat-down searches of female inmates (N/A if the facility does not have female inmates)?	na

<b>115.15 (d)</b>	<b>Limits to cross-gender viewing and searches</b>	
	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
<b>115.15 (e)</b>	<b>Limits to cross-gender viewing and searches</b>	
	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
<b>115.15 (f)</b>	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes
	Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes

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

<b>115.16 (c)</b>	<b>Inmates with disabilities and inmates who are limited English proficient</b>	
	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
<b>115.17 (a)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
<b>115.17 (b)</b>	<b>Hiring and promotion decisions</b>	
	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
<b>115.17 (c)</b>	<b>Hiring and promotion decisions</b>	
	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
<b>115.17 (d)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates?	yes
<b>115.17 (e)</b>	<b>Hiring and promotion decisions</b>	
	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

<b>115.17 (f)</b>	<b>Hiring and promotion decisions</b>	
	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
<b>115.17 (g)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes
<b>115.17 (h)</b>	<b>Hiring and promotion decisions</b>	
	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
<b>115.18 (a)</b>	<b>Upgrades to facilities and technologies</b>	
	If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)	na
<b>115.18 (b)</b>	<b>Upgrades to facilities and technologies</b>	
	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
<b>115.21 (a)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	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
<b>115.21 (b)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	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

<b>115.21 (c)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	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
<b>115.21 (d)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	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
<b>115.21 (e)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	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
<b>115.21 (f)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	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.)	yes
<b>115.21 (h)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	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
<b>115.22 (a)</b>	<b>Policies to ensure referrals of allegations for investigations</b>	
	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

<b>115.22 (b)</b>	<b>Policies to ensure referrals of allegations for investigations</b>	
	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
<b>115.22 (c)</b>	<b>Policies to ensure referrals of allegations for investigations</b>	
	If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).)	yes
<b>115.31 (a)</b>	<b>Employee training</b>	
	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
<b>115.31 (b)</b>	<b>Employee training</b>	
	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

<b>115.31 (c)</b>	<b>Employee training</b>	
	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
<b>115.31 (d)</b>	<b>Employee training</b>	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes
<b>115.32 (a)</b>	<b>Volunteer and contractor training</b>	
	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
<b>115.32 (b)</b>	<b>Volunteer and contractor training</b>	
	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
<b>115.32 (c)</b>	<b>Volunteer and contractor training</b>	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes
<b>115.33 (a)</b>	<b>Inmate education</b>	
	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
<b>115.33 (b)</b>	<b>Inmate education</b>	
	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
<b>115.33 (c)</b>	<b>Inmate education</b>	
	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



<b>115.33 (d)</b>	<b>Inmate education</b>	
	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
<b>115.33 (e)</b>	<b>Inmate education</b>	
	Does the agency maintain documentation of inmate participation in these education sessions?	yes
<b>115.33 (f)</b>	<b>Inmate education</b>	
	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
<b>115.34 (a)</b>	<b>Specialized training: Investigations</b>	
	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
<b>115.34 (b)</b>	<b>Specialized training: Investigations</b>	
	Does this specialized training include techniques for interviewing sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include proper use of Miranda and Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
<b>115.34 (c)</b>	<b>Specialized training: Investigations</b>	
	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

<b>115.35 (a)</b>	<b>Specialized training: Medical and mental health care</b>	
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
<b>115.35 (b)</b>	<b>Specialized training: Medical and mental health care</b>	
	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.)	yes
<b>115.35 (c)</b>	<b>Specialized training: Medical and mental health care</b>	
	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
<b>115.35 (d)</b>	<b>Specialized training: Medical and mental health care</b>	
	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
<b>115.41 (a)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	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
<b>115.41 (b)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Do intake screenings ordinarily take place within 72 hours of arrival at the facility?	yes
<b>115.41 (c)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Are all PREA screening assessments conducted using an objective screening instrument?	yes

<b>115.41 (d)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes?	yes
<b>115.41 (e)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	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
<b>115.41 (f)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	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

<b>115.41 (g)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	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
<b>115.41 (h)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	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
<b>115.41 (i)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates?	yes
<b>115.42 (a)</b>	<b>Use of screening information</b>	
	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
<b>115.42 (b)</b>	<b>Use of screening information</b>	
	Does the agency make individualized determinations about how to ensure the safety of each inmate?	yes
<b>115.42 (c)</b>	<b>Use of screening information</b>	
	When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)?	yes
	When making housing or other program assignments for transgender or intersex inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems?	yes

<b>115.42 (d)</b>	<b>Use of screening information</b>	
	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
<b>115.42 (e)</b>	<b>Use of screening information</b>	
	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
<b>115.42 (f)</b>	<b>Use of screening information</b>	
	Are transgender and intersex inmates given the opportunity to shower separately from other inmates?	yes
<b>115.42 (g)</b>	<b>Use of screening information</b>	
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
<b>115.43 (a)</b>	<b>Protective Custody</b>	
	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

<b>115.43 (b)</b>	<b>Protective Custody</b>	
	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
<b>115.43 (c)</b>	<b>Protective Custody</b>	
	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
<b>115.43 (d)</b>	<b>Protective Custody</b>	
	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
<b>115.43 (e)</b>	<b>Protective Custody</b>	
	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
<b>115.51 (a)</b>	<b>Inmate reporting</b>	
	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

<b>115.51 (b)</b>	<b>Inmate reporting</b>	
	Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?	yes
	Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the inmate to remain anonymous upon request?	yes
	Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility never houses inmates detained solely for civil immigration purposes.)	na
<b>115.51 (c)</b>	<b>Inmate reporting</b>	
	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
<b>115.51 (d)</b>	<b>Inmate reporting</b>	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?	yes
<b>115.52 (a)</b>	<b>Exhaustion of administrative remedies</b>	
	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
<b>115.52 (b)</b>	<b>Exhaustion of administrative remedies</b>	
	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
<b>115.52 (c)</b>	<b>Exhaustion of administrative remedies</b>	
	Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	na
	Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	na

<b>115.52 (d)</b>	<b>Exhaustion of administrative remedies</b>	
	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
<b>115.52 (e)</b>	<b>Exhaustion of administrative remedies</b>	
	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
<b>115.52 (f)</b>	<b>Exhaustion of administrative remedies</b>	
	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
<b>115.52 (g)</b>	<b>Exhaustion of administrative remedies</b>	
	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



<b>115.53 (a)</b>	<b>Inmate access to outside confidential support services</b>	
	Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations?	yes
	Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility never has persons detained solely for civil immigration purposes.)	yes
	Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible?	yes
<b>115.53 (b)</b>	<b>Inmate access to outside confidential support services</b>	
	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
<b>115.53 (c)</b>	<b>Inmate access to outside confidential support services</b>	
	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
<b>115.54 (a)</b>	<b>Third-party reporting</b>	
	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
<b>115.61 (a)</b>	<b>Staff and agency reporting duties</b>	
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation?	yes
<b>115.61 (b)</b>	<b>Staff and agency reporting duties</b>	
	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

<b>115.61 (c)</b>	<b>Staff and agency reporting duties</b>	
	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
<b>115.61 (d)</b>	<b>Staff and agency reporting duties</b>	
	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
<b>115.61 (e)</b>	<b>Staff and agency reporting duties</b>	
	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
<b>115.62 (a)</b>	<b>Agency protection duties</b>	
	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
<b>115.63 (a)</b>	<b>Reporting to other confinement facilities</b>	
	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
<b>115.63 (b)</b>	<b>Reporting to other confinement facilities</b>	
	Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?	yes
<b>115.63 (c)</b>	<b>Reporting to other confinement facilities</b>	
	Does the agency document that it has provided such notification?	yes
<b>115.63 (d)</b>	<b>Reporting to other confinement facilities</b>	
	Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?	yes
<b>115.64 (a)</b>	<b>Staff first responder duties</b>	
	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

<b>115.64 (b)</b>	<b>Staff first responder duties</b>	
	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
<b>115.65 (a)</b>	<b>Coordinated response</b>	
	Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse?	yes
<b>115.66 (a)</b>	<b>Preservation of ability to protect inmates from contact with abusers</b>	
	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
<b>115.67 (a)</b>	<b>Agency protection against retaliation</b>	
	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
<b>115.67 (b)</b>	<b>Agency protection against retaliation</b>	
	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

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

<b>115.71 (b)</b>	<b>Criminal and administrative agency investigations</b>	
	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
<b>115.71 (c)</b>	<b>Criminal and administrative agency investigations</b>	
	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
<b>115.71 (d)</b>	<b>Criminal and administrative agency investigations</b>	
	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
<b>115.71 (e)</b>	<b>Criminal and administrative agency investigations</b>	
	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
<b>115.71 (f)</b>	<b>Criminal and administrative agency investigations</b>	
	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
<b>115.71 (g)</b>	<b>Criminal and administrative agency investigations</b>	
	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
<b>115.71 (h)</b>	<b>Criminal and administrative agency investigations</b>	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
<b>115.71 (i)</b>	<b>Criminal and administrative agency investigations</b>	
	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
<b>115.71 (j)</b>	<b>Criminal and administrative agency investigations</b>	
	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
<b>115.71 (l)</b>	<b>Criminal and administrative agency investigations</b>	
	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

<b>115.72 (a)</b>	<b>Evidentiary standard for administrative investigations</b>	
	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
<b>115.73 (a)</b>	<b>Reporting to inmates</b>	
	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
<b>115.73 (b)</b>	<b>Reporting to inmates</b>	
	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
<b>115.73 (c)</b>	<b>Reporting to inmates</b>	
	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
<b>115.73 (d)</b>	<b>Reporting to inmates</b>	
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility?	yes
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?	yes
<b>115.73 (e)</b>	<b>Reporting to inmates</b>	
	Does the agency document all such notifications or attempted notifications?	yes
<b>115.76 (a)</b>	<b>Disciplinary sanctions for staff</b>	
	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes
<b>115.76 (b)</b>	<b>Disciplinary sanctions for staff</b>	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes

<b>115.76 (c)</b>	<b>Disciplinary sanctions for staff</b>	
	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
<b>115.76 (d)</b>	<b>Disciplinary sanctions for staff</b>	
	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
<b>115.77 (a)</b>	<b>Corrective action for contractors and volunteers</b>	
	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
<b>115.77 (b)</b>	<b>Corrective action for contractors and volunteers</b>	
	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
<b>115.78 (a)</b>	<b>Disciplinary sanctions for inmates</b>	
	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
<b>115.78 (b)</b>	<b>Disciplinary sanctions for inmates</b>	
	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
<b>115.78 (c)</b>	<b>Disciplinary sanctions for inmates</b>	
	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
<b>115.78 (d)</b>	<b>Disciplinary sanctions for inmates</b>	
	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
<b>115.78 (e)</b>	<b>Disciplinary sanctions for inmates</b>	
	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

<b>115.78 (f)</b>	<b>Disciplinary sanctions for inmates</b>	
	For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation?	yes
<b>115.78 (g)</b>	<b>Disciplinary sanctions for inmates</b>	
	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
<b>115.81 (a)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	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
<b>115.81 (b)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	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
<b>115.81 (c)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a jail).	yes
<b>115.81 (d)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	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
<b>115.81 (e)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	yes
<b>115.82 (a)</b>	<b>Access to emergency medical and mental health services</b>	
	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
<b>115.82 (b)</b>	<b>Access to emergency medical and mental health services</b>	
	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



<b>115.82 (c)</b>	<b>Access to emergency medical and mental health services</b>	
	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
<b>115.82 (d)</b>	<b>Access to emergency medical and mental health services</b>	
	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
<b>115.83 (a)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	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
<b>115.83 (b)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	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
<b>115.83 (c)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Does the facility provide such victims with medical and mental health services consistent with the community level of care?	yes
<b>115.83 (d)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	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
<b>115.83 (e)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	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
<b>115.83 (f)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes
<b>115.83 (g)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	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
<b>115.83 (h)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	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
<b>115.86 (a)</b>	<b>Sexual abuse incident reviews</b>	
	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

<b>115.86 (b)</b>	<b>Sexual abuse incident reviews</b>	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes
<b>115.86 (c)</b>	<b>Sexual abuse incident reviews</b>	
	Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?	yes
<b>115.86 (d)</b>	<b>Sexual abuse incident reviews</b>	
	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
<b>115.86 (e)</b>	<b>Sexual abuse incident reviews</b>	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes
<b>115.87 (a)</b>	<b>Data collection</b>	
	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
<b>115.87 (b)</b>	<b>Data collection</b>	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes
<b>115.87 (c)</b>	<b>Data collection</b>	
	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
<b>115.87 (d)</b>	<b>Data collection</b>	
	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
<b>115.87 (e)</b>	<b>Data collection</b>	
	Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.)	yes
<b>115.87 (f)</b>	<b>Data collection</b>	
	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

<b>115.88 (a)</b>	<b>Data review for corrective action</b>	
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole?	yes
<b>115.88 (b)</b>	<b>Data review for corrective action</b>	
	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
<b>115.88 (c)</b>	<b>Data review for corrective action</b>	
	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
<b>115.88 (d)</b>	<b>Data review for corrective action</b>	
	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
<b>115.89 (a)</b>	<b>Data storage, publication, and destruction</b>	
	Does the agency ensure that data collected pursuant to § 115.87 are securely retained?	yes
<b>115.89 (b)</b>	<b>Data storage, publication, and destruction</b>	
	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
<b>115.89 (c)</b>	<b>Data storage, publication, and destruction</b>	
	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes
<b>115.89 (d)</b>	<b>Data storage, publication, and destruction</b>	
	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
<b>115.401 (a)</b>	<b>Frequency and scope of audits</b>	
	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

<b>115.401 (b)</b>	<b>Frequency and scope of audits</b>	
	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
<b>115.401 (h)</b>	<b>Frequency and scope of audits</b>	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes
<b>115.401 (i)</b>	<b>Frequency and scope of audits</b>	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes
<b>115.401 (m)</b>	<b>Frequency and scope of audits</b>	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes
<b>115.401 (n)</b>	<b>Frequency and scope of audits</b>	
	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
<b>115.403 (f)</b>	<b>Audit contents and findings</b>	
	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