

PREA Facility Audit Report: Final

Name of Facility: SCI-Smithfield

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 03/29/2017

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input checked="" type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input checked="" type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input checked="" type="checkbox"/>
Auditor Full Name as Signed: Maria loane Silao-Johnson	Date of Signature: 03/29/2017

AUDITOR INFORMATION	
Auditor name:	Silao-Johnson, Maria
Address:	
Email:	Maria.SilaoJohnson@wisconsin.gov
Telephone number:	
Start Date of On-Site Audit:	01/25/2017
End Date of On-Site Audit:	01/26/2017

Personally Identifying Information has been redacted from this report.

FACILITY INFORMATION	
Facility name:	SCI-Smithfield
Facility physical address:	1120 Pike Street, Huntingdon, Pennsylvania - 16652
Facility Phone	
Facility mailing address:	
The facility is:	<input type="radio"/> County <input type="radio"/> Federal <input type="radio"/> Municipal <input checked="" type="radio"/> State <input type="radio"/> Military <input type="radio"/> Private for profit <input type="radio"/> Private not for profit
Facility Type:	<input checked="" type="radio"/> Prison <input type="radio"/> Jail

Primary Contact			
Name:	Mandy Biser	Title:	CCPM
Email Address:	mbiser@pa.gov	Telephone Number:	814-643-6520

Warden/Superintendent			
Name:	Kevin Kauffman	Title:	Superintendent
Email Address:	kkauffman@pa.gov	Telephone Number:	814-643-6520 ext. 71

Facility PREA Compliance Manager			
Name:	Mandy Biser	Title:	Corr. Classification & Program Manager
Email Address:	mbiser@pa.gov	Telephone Number:	814-643-6520 ext. 73

Facility Health Service Administrator			
Name:	William Dreibelbis	Title:	Corr. Health Care Administrator
Email Address:	wdreibelbi@pa.gov	Telephone Number:	814-643-6520 ext. 74

Facility Characteristics		
Designed facility capacity:	1361	
Current population of facility:	1322	
Age Range	Adults: 20-80	Youthful Residents:
Facility security level/inmate custody levels:	Close 4/ 5, 4, 3, 2	
Number of staff currently employed at the facility who may have contact with inmates:	476	

AGENCY INFORMATION	
Name of agency:	Pennsylvania Department of Corrections
Governing authority or parent agency (if applicable):	
Physical Address:	1920 Technology Parkway, Mechanicsburg, Pennsylvania - 17050
Mailing Address:	
Telephone number:	(717) 728-2573

Agency Chief Executive Officer Information:			
Name:	John Wetzel	Title:	Secretary
Email Address:	██████████	Telephone Number:	██████████

Agency-Wide PREA Coordinator Information

Name:	David Radzewicz	Title:	PREA Coordinator
Email Address:	dradzewicz@pa.gov	Telephone Number:	717-728-4135

AUDIT FINDINGS

Narrative:

The auditor's description of the audit methodology should include a detailed description of the following processes during the pre-audit, on-site audit, and post-audit phases: documents and files reviewed, discussions and types of interviews conducted, number of days spent on-site, observations made during the site-review, and a detailed description of any follow-up work conducted during the post-audit phase. The narrative should describe the techniques the auditor used to sample documentation and select interviewees, and the auditor's process for the site review.

The PREA audit was conducted at State Correctional Institution Smithfield. A maximum security facility within the Pennsylvania Department of Corrections, located at 1120 Pike Street Huntingdon, Pennsylvania was conducted by Maria Silao-Johnson (Lead Auditor) and Brian Miller. Both individuals are trained PREA Auditors and are currently employed by the Wisconsin Department of Corrections. This audit was conducted as a part of an interstate consortium consisting of Wisconsin, Pennsylvania, and Michigan. Auditor PREA Notices were posted in the facility announcing the audit on December 12, 2016. Immediately within days, the lead auditor received correspondence from two inmates. The onsite portion of the audit began on January 25, 2017.

The on-site audit was conducted over a two day period: January 25 and 26, 2017. Auditors utilized the Online Audit System (OAS) developed by the PREA Resource Center. On January 25, 2017, auditors Silao-Johnson and Miller arrived at Smithfield at 8:00am. On the first day, an entrance meeting was conducted with Superintendent Eric Tice, Deputy Superintendent [REDACTED], Deputy Superintendent [REDACTED], PREA Compliance Manager Christian Garman, Major [REDACTED], Captain [REDACTED], Lieutenant [REDACTED], Licensed Psychology Manager [REDACTED], PCM (Huntingdon Mandy Biser, and Administrative Officer (Huntingdon) [REDACTED]. The lead auditor shared the agenda for the two day on-site audit. The auditors were accompanied by the PCM and the PREA Investigator. Both auditors toured the facility together taking notes on pre-printed forms to assist with the continuity of the PREA audit site review.

Auditors were allowed access to every housing unit, restricted housing unit, vocational skills areas, maintenance, laundry, inmate dining areas, food service areas, recreation (inside/outside), canteen, medical and mental health area, intake, program services area, education unit, chapel, visiting room, staff training room, staff dining room, administrative offices, and human resources. The control area included the camera viewing location that was manned by staff 24/7. Smithfield submitted their camera listing which identified 320 cameras.

The PREA audit site review allowed both auditors to observe staffing/inmate ratio, camera placement, blind spots, location of toilets and showers, and PREA information access. The amount of cameras and their location allowed for maximum viewing capacity. There were mirrors placed strategically in the outside building to cover blind spots. SCI-Smithfield policy requires the female staff to make the cross gender announcements upon entering a housing unit. This included the lead auditor during the PREA audit site review. SCI-Smithfield PREA Compliance Manager submitted a photo of one such sign at Smithfield. All of the cells at Smithfield are designated two man cells unless specified for treatment or programming. Most of the general population units were two man cells with a toilet. The cell doors had a window which would allow for a staff member conducting security rounds to observe the occupants but still maintain a sense of privacy for the occupants. Each general population housing unit contained one man shower stalls at the end of each tier (upper and lower) toward the Officer Station. Some of the shower doors were metal mesh with a solid piece covering from shoulder to knees while some of the showers had hanging curtains which would allow for viewing of the calves and feet area only.

Both auditors observed PREA posters (English/Spanish) and PREA Auditor Notice in every inmate common area, housing unit, staff common areas, work stations, lobby, and visiting room. Auditor reviewed the Unannounced Rounds log on the units for compliance, observed camera placements throughout the whole facility, single shower stalls for inmates, and posted signs by the all inmate phones indicating how to make PREA third party reports to include an address and a phone number for access to a victim services advocate.

On January 26, 2017 arrived at Smithfield at 5:00 am. This was to ensure that 3rd shift staff would have the opportunity to be interviewed. Both auditors interviewed staff and inmates separately. The Auditor asked for and was provided from Smithfield a list of all inmates housed at Smithfield for interviews to include disabled or LEP, LGBTI, inmates in segregation, inmates who reported sexual abuse, and inmates who disclosed sexual victimization during risk screening. Also, a list of all staff working the three shifts to include specialized staff identified for interviews. Staff was identified for interviews by classification (teacher, maintenance, food service, etc.) Inmates were identified at random by housing unit if not by specific type needed for interviews. The random selection was based on the last inmate name listed on the second page for each housing unit. Special population inmates were identified from these lists (i.e., LGBT, LEP, and disabled, etc.).

Each auditor was placed into a separate room to conduct their interviews. During this time audit interviews were conducted with facility leadership, staff, and inmates. The requisite interviews (i.e., Superintendent, PREA Coordinator, PREA Compliance Manager, specialized staff, random staff, inmate, etc.) were conducted consistent with DOJ PREA auditing expectations in content and approach. At the close of the interviews 31 staff was interviewed (including leadership) and 13 interviews with inmates were conducted.

On the date of the inmate interviews January 26, 2017 Smithfield inmate population was at 1333. Smithfield does not house youthful inmates under the age of 18, nor does Smithfield house any female inmates.

While at SCI-Smithfield the auditor reviewed staff background check documentation, unannounced rounds log (Administrator Tour Sheets), and additional program information and documents. A sample of staff training records and investigative files were reviewed.

The SCI-Smithfield staff was congenial and very accommodating; no area was restricted to the auditors. Through the PREA audit site review the auditors were able to discuss with multiple staff and inmates their knowledge of PREA and their roles in preventing, responding, and reporting PREA. The overall impression of both auditors was that SCI-Smithfield was orderly and well run.

On the final day of the on-site audit, a close out briefing was held with SCI-Smithfield leadership staff. The purpose of this meeting was to summarize preliminary audit findings. During this process, specific feedback was provided as it related to PREA standards.

Facility Characteristics:

The auditor's description of the audited facility should include details about the type of the facility, demographics and size of the inmate or resident population, numbers and type of staff positions, configuration and layout of the facility, numbers of housing units, description of housing units including any special housing units, a description of programs and services, including food service and recreation.

Facility Information:

Smithfield was named for the township in which it is located. Construction of SCI-Smithfield started in 1984 and was completed in 1988. On November 10, 1988, SCI-Smithfield became the 14th correctional institution under the Pennsylvania Department of Corrections. SCI-Smithfield is a maximum security prison that houses male inmates only. The original design capacity of SCI-Smithfield was for 492 inmates. During 1991, 1994, and 2010 a total of 356 additional cells have been added to accommodate overcrowding.

SCI-Smithfield sits on 61 acres of land; the acreage inside the perimeter is 31 acres. There are 22 buildings on site out of which 11 are housing units. All housing units (except for I Block, as it was built with both single and double bunks) were originally constructed as single-cell housing units; however, additional beds were added over the years to all units thus increasing capacity. At this time, the optimum bed capacity is 1,361, and the maximum bed capacity is 1,380. As of January 26, 2017, the total committed inmate population is 1,333. The age ranges of the offenders are 18 to 65 and over. Staffing is currently at 504.

The facility is surrounded by a fence. 19 buildings are within the fence line. The rest are outside the fence serving an auxiliary purpose (i.e. garage, power plant, and pump house, outside labor, storage shed, bar screen, flume building, and observation tower). The public entrance is through the lobby in the administrative building. The inmates enter through the sally port area and are processed through Intake where they are searched and assessed prior to receiving their housing unit assignments.

SCI Smithfield provides inmate academic education, vocational programs, centralized inmate programs, Social services programs, Correctional Industries program, and community work programs.

SCI Smithfield has a puppy program in conjunction with the Canine Partners for Life. Inmates at SCI Smithfield spend one year with the puppies training basic commands prior to the dogs returning to Canine Partners for Life where the dogs receive specialized training as service dogs for various special needs.

Summary of Audit Findings:

The summary should include the number of standards exceeded, number of standards met, and number of standards not met, along with a list of each of the standards in each category. If relevant, provide a summarized description of the corrective action plan, including deficiencies observed, recommendations made, actions taken by the agency, relevant timelines, and methods used by the auditor to reassess compliance.

Number of standards exceeded:	0
Number of standards met:	38
Number of standards not met:	0
Number of Standards Not Applicable: (The total number of standards that were audited at the agency level)	5

Standards Exceeded: **0**

Standards Met: **38**

Standards Not Met: **0**

Not Applicable: **5**

Standards Exceeded: **0**

Standards Met: **38**

115.11, 115.13, 115.14, 115.15, 115.16, 115.17, 115.18, 115.21, 115.22, 115.31, 115.32, 115.33, 115.34, 115.35, 115.41, 115.42, 115.43, 115.51, 115.52, 115.53, 115.54, 115.61, 115.62, 115.63, 115.64, 115.65, 115.67, 115.68, 115.71, 115.72, 115.73, 115.76, 115.77, 115.78, 115.81, 115.82, 115.83, 115.86

Not Applicable: **5**

115.12 (audited on agency level)

115.66 (audited on agency level)

115.87 (audited on agency level)

115.88 (audited on agency level)

115.89 (audited on agency level)

Standards Not Met: **0**

No corrective action plan is recommended for SCI-Smithfield.

Standards

Auditor Overall Determination Definitions

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

Auditor Discussion Instructions

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

115.11	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
Auditor Overall Determination: Meets Standard	
Auditor Discussion	
<p>Evidence:</p> <p>DC-ADM 008 Policy Statement PA DOC mission statement "Office of Standards, Audits, and Accreditation" DC-ADM 008 Section 2 - Sexual Abuse/Sexual Harassment Prevention and Training DC-ADM 008 Section 7 - Discipline Related to Sexual Abuse, Sexual Harassment, and Retaliation DOC organization chart SMI organization chart Monthly Sexual Abuse Incident Review meeting minutes PREA tracking charts Staff PREA training schedules Unannounced housing unit rounds log book Security Review committee meeting minutes</p> <p>Subsection (a):</p> <p>Agency policy DC-ADM 008 clearly states the expectation of zero tolerance for sexual abuse or sexual harassment of an inmate in any form. DC-ADM 008 Section 2 and section 4 specifically outlines the agency's approach to preventing, detecting, and responding. The agency's mission statement also mirrors this by identifying the PREA Compliance Division as being responsible for enforcing a zero-tolerance standard to eliminate incidences of sexual abuse, sexual harassment, and retaliation.</p> <p>Agency policy DC-ADM 008 Section 2 outlines how it will implement the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment. The Department will take appropriate actions to ensure zero tolerance toward all forms of sexual abuse and sexual harassment in order to promote the safety of inmates.</p> <p>PA DOC Mission Statement states the PREA Compliance Division is responsible for ensuring that the department, including the Bureau of Community Corrections, enforces a zero-tolerance standard to eliminate incidences of sexual abuse, sexual harassment and retaliation while achieving compliance with the standards of the federal Prison Rape Elimination Act (PREA). This effort includes the implementation of policy, prevention training, specialized training and education, knowledge of first responder duties, and data collection – all of which are developed and monitored by the PREA Compliance Division.</p> <p>Agency policy DC-ADM 008 Section 7 includes sanctions for those found to have participated in prohibited behaviors.</p> <p>Subsection (b):</p> <p>The State of Pennsylvania employs one statewide PREA Coordinator, Mr. David Radziewicz. He supervises a central office staff consisting of two subordinates to assist with state and federal PREA compliance. Policy DC-ADM 008 Section 2 states that the PREA Coordinator is responsible for PREA compliance across the Department. Their sole responsibility is to</p>	

develop, implement, and oversee Department efforts to comply with federal PREA Standards in all of the Department's facilities. Mr. Radzewicz stated during his staff interview that he has sufficient time and authority to develop, implement, and oversee agency efforts to comply with PREA standards in all its facilities.

Subsection (c):

SCI-Smithfield has a designated PREA Compliance Manager, Mr. Chris Garman. DC-ADM Section 2 also states the Corrections Classification and Program Manager (CCPM) has been designated as the PCM at each facility and shall be given sufficient time and authority to coordinate the facility's compliance with Department policy and federal PREA standards.

During staff interviews with PCM, Mr. Garman, it was noted that he had recently transferred from another facility and has been in his current position for approximately three weeks prior to the PREA audit site visit. Auditor reviewed Monthly Sexual Abuse Incident Review meeting minutes, PREA tracking charts, Staff PREA training schedules, Unannounced housing unit rounds log book, and Security Review committee meeting minutes which indicated that PCM, Mr. Garman has sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards. Auditor also reviewed SCI-Smithfield Organizational chart that identified the Corrections Classification and Program Manager (CCPM), Mr. Garman reporting directly to the Deputy Superintendent Centralized Services, [REDACTED]

Corrective Action: None

115.12	Contracting with other entities for the confinement of inmates
	Auditor Overall Determination: Audited at Agency Level
	Auditor Discussion
	<p>Evidence: MOU Montgomery County MOU Cambria County MOU Chester County</p> <p>Subsection (a): This standard was audited on the AGENCY level. Smithfield has no responsibility for this standard, separate from the agency’s responsibilities. There are no contracts that have been renewed or entered into since the last facility of the agency was audited on 10/25/16.</p> <p>Subsection (b): The auditor reviewed three active MOUs with Montgomery County (2014), Cambria County (2015), and Chester County (2015) for the confinement of inmates. Page 7, Section 15 (A) states, “Pursuant to federal regulations promulgated under the authority the Prison Rape Elimination Act, the County understands and agrees that it shall adopt and comply with all PREA regulations, including, but not limited to, the standards related to hiring and promotion as set forth in 28 C.F.R. 115.17.” A review of the public website for these three counties indicated that Montgomery County completed their PREA audit in August 2015, Cambria County in July 2015, and Chester County in December 2015.</p> <p>Corrective Action: None</p>

115.13	Supervision and monitoring
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence:</p> <p>DC-ADM 008 Section 2 - Sexual Abuse/Sexual Harassment Prevention and Training 6.3.1, Facility Security Procedures Manual Section 15 – Correctional Officer Staffing System 6.3.1, Facility Security Procedures Manual Section 19 – Managerial Visits and Inspections Smithfield Map Overview Smithfield Population Reports Security Review Committee Meeting Minutes PIDS (Perimeter Intrusion Detection System) Meeting Minutes SMI Staff Plan Review Tour documentation logs (Unannounced Rounds) Smithfield Position Work Sheet Institution listing of camera locations</p> <p>Subsection (a):</p> <p>Agency policy DC-ADM 008 Section 2 requires that the department shall ensure each facility develops, documents, and makes its best efforts to comply on a regular basis with a staffing plan as found in Department policy 6.3.1, Facility Security Procedures Manual Section 15 that provides for adequate levels of staffing and where applicable video monitoring, to protect inmates against sexual abuse. (a) In calculating adequate staffing levels and determining the need for video monitoring facilities shall take into consideration: (1) generally accepted detention and correctional practices; (2) any judicial finding 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 inmates may be isolated); (6) the composition of the inmate population; (7) the number of placement of supervisory staff; (8) facility programs occurring on a particular shift; (9) any applicable State or local laws, regulations, or standards; (10) the prevalence of substantiated and unsubstantiated incidents of sexual abuse and; (11) any other relevant factors.</p> <p>Auditor reviewed the Smithfield Map Overview, Smithfield Population Reports, Security Review Committee Meeting Minutes, PIDS (Perimeter Intrusion Detection System) Meeting Minutes, SCI-Smithfield staff plans review, Smithfield position work sheet, and Institution listing of camera locations. These documents verified that SCI-Smithfield regularly reviews their staffing plans, camera locations, and staff position work sheets to ensure that the ratio of staff and inmates maintains a balance to safely manage the inmate population and to protect inmates against sexual abuse.</p> <p>Subsection (b):</p> <p>SCI-Smithfield ensures in circumstances of non-compliance with the staffing plan, the Facility Manager/designee shall document, in writing and justify all deviations from the plan. This documentation shall be forwarded to the Executive Deputy Secretary, Regional Deputy Secretary, PREA Coordinator, and Central Office Security Major. (c) Whenever necessary, but not less frequently than once a year, each facility shall assess, determine, and document</p>

whether adjustments are needed to (1) the facilities deployment of video monitoring systems and other monitoring technologies; and (2) the resources the facility has available to commit to ensure adherence to the staffing plan. (d) The annual reviews shall be conducted in consultation with the PCM at the facility and the statewide PREA coordinator.

Auditor reviewed SCI-Smithfield staffing plan, staff overtime Reports for a 12 month (1/9/16 through 12/9/16) period and noted that there were no deviations from their staffing plan. This was confirmed during staff interviews with the Superintendent, PREA Coordinator, and PREA Compliance Manager.

Subsection (c):

Agency policy DC-ADM 008, Section 2 requires the PREA Coordinator to with each facility on an annual basis to assess, determine and document whether adjustments are needed to; staffing plan, deployment of video monitoring systems and other monitoring technologies, and the resources the facility has available to commit to ensure adherence to the staffing plan. The statewide PREA coordinator shall also review any documentation for non-compliance with a staffing plan. Staff is mandated to ensure compliance with the staffing plan.

Auditor reviewed the Smithfield Map Overview, Smithfield Population Reports, Security Review Committee Meeting Minutes, PIDS (Perimeter Intrusion Detection System) Meeting Minutes, SCI-Smithfield staff plans review, Smithfield position work sheet, and Institution listing of camera locations. These documents verified that SCI-Smithfield regularly reviews their staffing plans, camera locations, and staff position work sheets to ensure that the ratio of staff and inmates maintains a balance to track and monitor the prevalence of sexual abuse incidents.

Staff interview with the PREA Coordinator confirmed he reviewed the annual staffing plan survey dated 12/22/2016 with the Superintendent and the PCM.

Subsection (d):

SCI-Smithfield policy Facility Security Procedures Manual 6.3.1 Section 19 directs that unannounced PREA compliance inspections shall be conducted and documented to identify and deter staff sexual abuse and sexual harassment. The Facility Manager, DSCS, DSFM/DSIS, Majors, Intelligence Gathering Captain or Security Lieutenant, Corrections Superintendent's Assistant (CSA), and the Corrections Classification Program Manager (CCPM) shall inspect each housing unit once per week, including unoccupied areas. He/she will each inspect all other major areas of the facility at least once per month. These inspections shall be documented utilizing the PREA Administrative Tour documentation Form and PREA inspections should occur in any and all areas of the facility where there could be a potential for inmates to become a victim of sexual abuse. Staff conducting PREA inspections shall pay particular attention to the staff and video monitoring of the facility to detect areas that may need enhancement to ensure the sexual safety of the facility. Staff conducting PREA Inspections shall talk with staff and inquire about any perceived areas of concern related to PREA or relating to any problem inmates relating to PREA.

During the site review the auditor observed that unannounced PREA rounds were documented in each housing unit log. The rounds were conducted on every shift, each day, and the times were varied. Staff completing the rounds were Intermediate-level or higher-level supervisors (i.e. The Facility Manager, DSCS, DSFM/DSIS, Majors, Intelligence Gathering

Captain or Security Lieutenant, Corrections Superintendent's Assistant (CSA), and the Corrections Classification Program Manager (CCPM)).

SCI-Smithfield prohibits staff from alerting other staff of the conduct of such rounds. Facility Security Procedures Manual 6.3.1 Section 19 mandates that staff members will NOT inform anyone that these visits are occurring. Any staff member found to be alerting to other staff or inmates to these unannounced visits will be subject to disciplinary action.

During the site review informal interviews with unit staff confirmed that staff are aware to not alert other staff of the PREA rounds by intermediate-level or higher-level supervisors. Interviews with the Superintendent and the PREA investigator indicated that the staff is compliant with not alerting other staff and also that SCI-Smithfield has not disciplined any staff for this behavior. Staff interviews with the intermediate and higher level facility staff indicated that they participated in conducting the unannounced PREA rounds at least once a week if not every day. They also vary their route through the facility to not be predictable.

Corrective Acton: None

115.14	Youthful inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence: DC-ADM 008 Section 2 - Sexual Abuse/Sexual Harassment Prevention and Training Memo from PCM to Auditor Smithfield Population Report</p> <p>Subsection (a-c): This standard is not applicable to SCI-Smithfield. Auditor received a memo from the PREA Compliance Manager stating that SCI-Smithfield is an adult male facility (18 years and older) and does not house any person under the age of 18.</p> <p>Auditor reviewed the Smithfield Population Report and noted that the average age for inmates was 37.81. There were no inmates younger than 18 years old listed. Staff interviews with the PREA Compliance Manager confirmed that only adult males resided at SCI-Smithfield.</p> <p>Corrective Action: None</p>

115.15	Limits to cross-gender viewing and searches
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence: DC-ADM 008 Section 2 - Sexual Abuse/Sexual Harassment Prevention and Training 6.3.1 Facility Security Procedures Manual Section 30 - Searches Attachment 2-D Cross-Gender Search Validation Form Offender Searches In-Service Training Staff Listing of Contraband and Offender Searches Training Roster</p> <p>Subsection (a): Agency policy DC-ADM 008 Section 2 mandates that staff shall not conduct cross-gender strip searches except in exigent circumstances, in accordance with Department policy 6.3.1, Section 30. (28 C.F.R. §115.15 [a]) (1) All cross-gender strip searches shall be documented on the Cross-Gender Search Validation Form (Attachment 2-D). (28 C.F.R. §115.15[c]) (2) A copy of the Cross-Gender Search Validation Form shall be maintained by the Security Office in an annual file for audit verification purposes in accordance with Section 1 of this procedures manual.... Cavity searches shall only be conducted when performed by a physician, in accordance with Department policy 6.3.1 (28 C.F.R. §115.15[a]).</p> <p>Random staff interviews and documents (i.e. Attachment 2-D Cross-Gender Search Validation Form, Offender Searches In-Service Training, Staff Listing of Contraband and Offender Searches Training Roster) reviewed indicated that staff were trained in cross gender searches and forms were produced to document the cross gender search.</p> <p>Subsection (b): Not applicable to SCI-Smithfield. This subsection does not apply to SCI-Smithfield as female inmates are not housed at this facility.</p> <p>Subsection (c): Not applicable to SCI-Smithfield. This subsection does not apply to SCI-Smithfield as female inmates are not housed at this facility.</p> <p>Subsection (d): Agency policy DC-ADM 008 Section 2 directs that inmates shall be able 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. This limitation not only applies to in-person viewing, but also all forms of remote viewing as well..... staff of the opposite gender shall announce their presence when entering an inmate housing unit in accordance with the following: (28 C.F.R. §115.15[d]) (1) when the status quo of the gender supervision on a housing unit changes from exclusively same gender, to mixed- or cross-gender supervision, the opposite gender staff are required to verbally announce their arrival on the unit.</p> <p>During the site review the auditor observed that the inmate shower areas were located at the ends of the tier adjacent to the officer stations. The showers were single showers and there</p>

were partitions or shower curtains to block areas of the breasts, buttocks, and genitalia from being seen. The auditor also observed posters directing opposite gender staff to announce themselves prior to entering a unit. Staff and inmate interviews indicated that female staff did verbalize when entering a housing unit, "Female on Block."

Subsection (e):

SCI-Smithfield policy 6.3.1, Facility Security Procedures Manual Section 30 mandates that every inmate is subject to search at any time. They will be conducted in a professional manner and tact and proper attitude displayed. At no time will a search or physical examination be conducted for the sole purpose of determining an inmate's genital status.

Inmate interviews verified that they were not searched or physically examined for the sole purpose of determining their genital status. Medical staff interviews confirmed that there were other options available to determine an inmate's genital status. Through conversation with the inmate, medical records review, or as part of a broader medical examination conducted in private by a medical practitioner.

Subsection (f):

Staff interviews and documents (i.e. Offender Searches In-Service Training, Staff Listing of Contraband, Offender Searches Training Roster, and Cross gender strips memo) reviewed verified that all security staff did receive their offender search training and the training roster confirmed their participation. Staff training also included conducting cross-gender pat-down searches and searches of transgender and intersex inmates in a professional and respectful manner, consistent with security needs. This was noted in their training objectives for In-Service training power point.

Corrective Action: None

115.16	Inmates with disabilities and inmates who are limited English proficient
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence: DC-ADM 008 Section 2 - Sexual Abuse/Sexual Harassment Prevention and Training DC-ADM 006 Section 2 - Accommodations DC-ADM 006 Section 3 – Specific Disabilities Language Services Contract PREA Spanish Poster Spanish Handout, Attachment 2-H Sample signed Spanish Handout 2-H Email notification of PREA Education Video in Spanish available from Central Office</p> <p>Subsection (a): Agency policy DC-ADM 006 Section 2 mandates the Department shall ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the Department’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment.... The Department shall take reasonable steps to ensure meaningful access to all aspects of the Department’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide qualified interpreters.</p> <p>During the site review the auditor observed PREA posters in English and Spanish in the staff and inmate common areas. Disabled inmate interviews indicated that inmates with little to no hearing were aware of their PREA reporting options and they received written handouts with instructions on how to report sexual abuse and sexual harassment.</p> <p>Subsection (b): Auditor reviewed documents (i.e. Language Services Contract, PREA Spanish Poster, Spanish Handout, Sample signed Spanish Handout 2-H, and Email notification of PREA Education Video in Spanish available from Central Office to document and demonstrate compliance) which verified that LEP inmates have access to multiple forms of communication options to report PREA. Staff interviews indicated they were aware of the language line but have not had the chance to use it. They prefer to seek out a staff member that can translate for them. A list of staff members that can be used as interpreters is accessible through the PREA Compliance Manager. LEP inmate interviews were conducted utilizing the language line. The agency is contracted with a language line service which allows staff to call in and after providing their access codes are able to select a language they want interpreted. The LEP inmates through the language line interpreter were able to confirm that they knew their rights, how to report sexual abuse and sexual harassment. They also stated that the PREA posters (English and Spanish) on the units and the PREA handouts in Spanish were everywhere.</p> <p>Subsection (c): Agency policy DC-ADM 008 Section 2 requires the Department to not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter would</p>

compromise the inmate's safety, the performance of first response duties under PREA Standard 28 C.F.R. §115.64, or the investigation of the inmate's allegations.

Random staff interviews indicated that staff will contact a supervisor for a staff member to interpret instead of an inmate for any PREA related issues. LEP inmate interviews

Corrective Action: None

115.17	Hiring and promotion decisions
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence:</p> <p>1.1.4 Centralized Clearances Procedures Manual Section 4 - Centralized Clearance Check Procedures</p> <p>4.1.1 HR and Labor Relations Procedures Manual Section 40 – Conducting Pre-Employment Background Investigations on new employee</p> <p>4.1.1 HR and Labor Relations Procedures Manual Section 41 – Employment of Job Applicants Having Prior Adverse Contacts with Criminal Justice Agencies</p> <p>Section 40 Attachment 40C (HR use only)</p> <p>Position Vacancy Interest Form</p> <p>Application for Employment</p> <p>Background Check letter to previous employer (contractor), Attachment 4-A</p> <p>Background Check letter to previous employer (staff), Attachment 4-B</p> <p>Section 40, Attachment 40-C (Checklist for HR only)</p> <p>Email of approved contract service providers</p> <p>Signed Consent to Release Information PREA compliance (vendors)</p> <p>Checklist for Background Check Requests Attachment 38-B</p> <p>Sample Application and Background Check paperwork</p> <p>Email notice of Completed Background Check</p> <p>Seven Contractor Clearance Checks</p> <p>Blank Employee Arrest Report Form</p> <p>Current Employee files</p> <p>New Employee files</p> <p>Subsection (a):</p> <p>Agency policy 1.1.4 Centralized Clearances Procedures Manual Section 4 prohibits hiring or promoting anyone who may have contact with inmates and prohibits enlisting the services of any contractor who may have contact with inmates who: (1) 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); (2) 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; or (3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.</p> <p>4.1.1 HR and Labor Relations Procedures Manual Section 40 mandates prior employment in any type of prison, jail, lockup, community confinement facility, juvenile facility, or other institution will be further investigated to ensure that the candidate has not been found to have any of the following: (1) has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution. (2) has been convicted or 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 if the victim did not consent or was unable to consent or refuse.</p>

Auditor reviewed documents (i.e. Application for Employment, Background Check letter to previous employer (contractor) Attachment 4-A, Background Check letter to previous employer (staff) Attachment 4-B, Section 40 Attachment 40-C (Checklist for HR only), Email of approved contract service providers, Signed Consent to Release Information PREA compliance (vendors), Checklist for Background Check Requests Attachment 38-B, Sample Application and Background Check paperwork) which indicated that any applicant for the agency or staff member promoting is required to complete a background check. The process starts in the application process and tracked by the Human Resources department.

Interviews with the Human Resources staff indicate that the background check process begins in the application phase for an employee or prior to a promotion.

Subsection (b):

The agency does consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates. A review of HR documents (i.e. Application for Employment, Background Check letter to previous employer (contractor) Attachment 4-A, Background Check letter to previous employer (staff) Attachment 4-B, Section 40 Attachment 40-C (Checklist for HR only), Email of approved contract service providers, Signed Consent to Release Information PREA compliance (vendors), Checklist for Background Check Requests Attachment 38-B, Sample Application and Background Check paperwork) indicates that all aspects of the individuals background history is reviewed to ensure that the safety of the inmates is maintained.

Interview with HR staff and an employee file review indicated that the agency conducts checks into applicant criminal histories, prior employers, and allows for applicant to self-report any incidents of sexual harassment.

Subsection (c):

The agency performs criminal background records check and consistent with Federal, State, and local law, makes 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.

During the site review, HR documents (Background Check letter to previous employer (contractor) Attachment 4-A, Background Check letter to previous employer (staff) Attachment 4-B, and Signed Consent to Release Information PREA compliance (vendors) indicated that prior employers were contacted for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

HR staff reported that criminal record checks are conducted on new applicants and for contractors who may have contact with inmates. A review of approved background checks confirmed this practice.

Subsection (d):

The agency has performed a criminal background records check before enlisting the services of any contractor who may have contact with inmates. Auditor reviewed seven criminal background records checks on contracted staff and emails indicating that the background checks were completed. HR staff verified that all contractors who may have contact with

inmates have had background checks.

Subsection (e):

Agency policy 1.1.4 Centralized Clearances Procedures Manual Section 4 mandates conducting criminal history checks on all contractors every two years.

The policy applies specifically to the contractors, not the current employees. Interview with HR staff indicate that there is an HR information system where the employee's social security number is checked on a daily bases by a database (JNET). This is completed through the State Police to check for arrest hits. If there's a hit, it's reported to the facility HR who then reports it to Security for investigation. Due to the daily checks on current employees through their social security numbers, Smithfield has a process and a system for otherwise capturing such information for current employees.

Subsection (f):

The agency ask all applicants and employees who may have contact with inmates directly about previous misconduct in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.

Auditor reviewed staff applications, PREA release forms, previous employer PREA responses, and employee arrest reports, which indicated that applicants and employees have the opportunity to disclose any such misconduct whether on an application or during interviews for hiring or promotions.

HR staff interviewed confirmed that employees are afforded the opportunity to self-report any previous misconduct during the application process and any time after they are hired by the department.

Subsection (g):

Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination. Auditor reviewed an Application of Employment. CRIMINAL HISTORY (page 7, Section 8) Failure to list any conviction will be considered a deliberate falsification and will be grounds for removal from consideration of employment..... OATH and SIGNATURE (page 8) I do solemnly swear (or affirm) that this Application and any attachments contain no misrepresentation or falsification, omission or concealment of material face, and that the information given by me is true and complete to the best of my knowledge and belief. I understand that any material omission or provision of materially false information will be ground for non-selection or discipline, up to and including termination of employment.

Subsection (h):

HR staff interviews indicate that unless prohibited by law the agency shall 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. Documentation reviewed included a release of information form to allow the agency to receive any information on substantiated allegations of sexual abuse or sexual harassment from a previous employer.

	Corrective Action: None
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115.18	Upgrades to facilities and technologies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence: DC-ADM 008 Section 2 – Sexual Abuse/Sexual Harassment Prevention and Training PIDS (Perimeter Intrusion Detection System) Meeting Minutes Security Review Committee Meeting Minutes</p> <p>Subsection (a): Agency policy DC-ADM 008 Section 2 requires when designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the Department shall consider the effect of the design, acquisition, expansion, or modification upon the Department’s ability to protect inmates from sexual abuse. (28 C.F.R. §115.18[a])</p> <p>Interviews with the Superintendent and Agency Head verified that there is no new or substantial expansion or modification to existing facilities since the last PREA audit August 2015.</p> <p>Subsection (b): Staff interviews and documents (i.e. PIDS Meeting Minutes and Security Review Committee Meeting Minutes) indicated that SCI-Smithfield video monitoring system and electronic surveillance system are reviewed monthly by the Security Review Committee to enhance the Department’s ability to protect inmates from sexual abuse. During the site review, no new construction was noted.</p> <p>Corrective Action: None</p>

115.21	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence:</p> <p>DC-ADM 008 Section 4 – Responding to Reports of Sexual Abuse DC-ADM 008 Section 5 – Investigating Allegations of Sexual Abuse/Sexual Harassment Responding to Reports of Sexual Abuse, Attachment 4-A Shift Commanders Checklist Letter of Agreement with Lewistown Hospital Letter of Agreement with Abuse Network Medical testing and billing SANE/SAFE list Clearance Checks for outside organizations Request to staff member (for victim services) Initial Response Checklist, Attachment 4-B Attachment 4-E Instructions for PREA Evidence Retention Sample of PREA monthly report DOC-PSP MOU Final PSP Memo June 2015 PSP Letter July 2015</p> <p>Subsection (a):</p> <p>Agency policy ADM 008, Section 5 mandates to the extent the Department is responsible for investigating allegations of sexual abuse; the Department shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecution. The uniformed evidence protocol as adapted from or otherwise based on the most recent edition of the DOJ’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.</p> <p>DC-ADM 008, Prison Rape Elimination Act (PREA) Procedures manual Section 4 requires Security staff shall take steps to gather and/or preserve direct and circumstantial evidence, including any available physical or DNA evidence and shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.</p> <p>Auditor reviewed documents (i.e., DOC-PSP MOU, Final PSP Memo June 2015, PSP Letter July 2015, Attachment 4-E Instructions for PREA Evidence Retention and Initial Response Checklist) which provide a guideline for staff to collect and preserve evidence for investigation. A letter from the PA state police dated 7/1/15 identifies Pennsylvania State Police as the responsible entity for investigating allegations of sexual crimes that occur within DOC facilities and is familiar with PREA standard 115.21 pertaining to the investigation of sexual assaults, the collection of pertaining evidence and forensic examinations.</p> <p>Random staff interviews confirmed that they were trained and familiar with the uniformed evidence protocol. Staff reported that they carry a pocket guide which takes them step by step</p>

how to collect and preserve evidence for a sexual abuse investigation. Staff was confident that they could respond to a sexual abuse allegation and know what to do to help the victim.

Subsection (b):

This subsection is not applicable to SCI-Smithfield as youthful inmates (under the age of 18) are not housed at the facility.

Subsection (c):

Agency policy DC-ADM 008, Section 4 requires the alleged victim shall be immediately transported to an outside hospital to be examined by a medical professional who is skilled and experienced in the use of a rape kit for the collection of forensic evidence.

Auditor reviewed documents (i.e., Responding to Reports of Sexual Abuse, Attachment 4-A Shift Commanders Checklist, Letter of Agreement with Lewistown Hospital, SANE/SAFE list, Initial Response Checklist, Attachment 4-B, DOC-PSP MOU, Final PSP Memo June 2015, PSP Letter July 2015) which provided a checklist for the shift commander to ensure that all victims of sexual abuse has access to a SAFE/SANE services at Lewistown Hospital and to contact the Abuse Network for victim advocacy services. Forensic medical examinations are offered without financial cost to the victim. Treatment services shall be provided to the alleged victim without financial cost and regardless of whether the alleged victim names the abuser or cooperates with any investigation arising out of the incident.

A telephone interview with the SAFE/SANE staff at Lewistown Hospital confirmed that if a SAFE/SANE was not available, Lewistown would arrange for the alleged victim to be transferred to another site that had a SAFE/SANE available. SAFE/SANE staff at Lewistown stated that they have not had such a case where they could not conduct a SAFE/SANE medical examination.

Subsection (d):

Agency policy DC-ADM 008 Section 4 mandates an inmate shall be offered the opportunity to talk with a victim advocate upon receipt of an allegation and received continued care when they have been a victim of facility sexual abuse, no matter if they reported the facility sexual abuse immediately or made a delayed disclosure. These efforts are documented on the Commanders Checklist. A Letter of Agreement with Abuse Network identifies the expectations of services for victims. Access to a victim advocate can be coordinated through the PREA Compliance Manager (during business hours) or the Shift Commander (after business hours) SCI-Smithfield does not utilize a staff member to fulfill the duties of a rape crisis advocate.

Informal interview with the PREA Compliance Manager verified that the Abuse Network provides the support for inmates if requested for SAFE/SANE. Inmate interviews indicated that ongoing meetings between the victim advocate and the inmate victim can continue after the incident for emotional support.

Subsection (e):

Agency policy DC-ADM 008, Section 4 requires the PREA Compliance Manager will ensure that inmates are offered and provided with access to outside victim advocates or emotional

supportive services related to sexual abuse which has occurred in a confinement setting. During non-working hours, the shift Commander shall be responsible to endure the aforementioned support services. Supportive services may be provided via a variety of methods including in person, during a non-monitored phone call, and/or in writing. The preferred service delivery method is in person in a confidential setting. An inmate shall be offered the opportunity to talk with a victim advocate upon receipt of an allegation and received continued care when they have been a victim of facility sexual abuse, not matter if they reported the facility sexual abuse immediately or made a delayed "disclosure."

Auditor reviewed documents (i.e., Responding to Reports of Sexual Abuse, Attachment 4-A Shift Commanders Checklist, Letter of Agreement with Abuse Network, Clearance Checks for outside organizations, Request to staff member (for victim services), and Sample of PREA monthly report) which verified that victims had a process and access to a victim service provider.

Interview with PREA Compliance Manager and inmates indicated that if requested by the victim, an Abuse Network victim's advocate will accompany and support the victim through the forensic medical examination process at Lewistown Hospital, investigatory interviews, and provide emotional support, crisis intervention, information and referrals. For additional Abuse Network victims services the inmate may request to contact the Abuse Network and the PREA Compliance Manager would coordinate a phone call or a face to face meeting between the inmate and a victim services advocate.

Subsection (f):

SCI-Smithfield is responsible for conducting PREA administrative investigations and the PA State Police is responsible for conducting the Sex Crimes investigations. Auditor reviewed documents (i.e., DOC-PSP MOU, Final PA State Police Memo June 2015, and PA State Police Letter July 2015) which identified PA State Police as the investigative body for sexual abuse investigations. PA State Police letter dated July 2015 confirms that during the sex crimes investigations they will comply with 115.21 (a) through (e).

Subsection (g):

Auditor is not required to audit this provision.

Subsection (h):

A qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general. The Letter of Agreement between SCI-Smithfield and the Abuse Network identifies the expectations of victim services to be provided to a victim. Auditor reviewed the background checks of the staff from the Abuse Network approved to provide services to the inmate victims at SCI-Smithfield.

Staff interview with the service provider verified that the Abuse Network staff would respond to the Lewistown Hospital to provide support services during a SAFE/SANE examination if requested.

Corrective Action: None

115.22	Policies to ensure referrals of allegations for investigations
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Evidence: DC-ADM 008 Section 5 – Investigating Allegation of Sexual Abuse or Sexual Harassment PREA Investigative files PREA Tracking System screen shot PA State Police MOU Response Checklists Email to PA State Police PSP Notification in Summary PA DOC Public Website screen shot Policy on Public Website screen shot</p> <p>Subsection (a): Agency policy DC-ADM 008, Section 5 mandates every report, complaint, or allegation of sexual abuse and sexual harassment, including third party and anonymous reports, shall be investigated promptly, thoroughly, and objectively.</p> <p>Auditor reviewed documents (i.e. PREA Tracking System screen shot, Coversheet & Closing Memo, PSP MOU, Response Checklists, and email to PA State Police, PA State Police Notification in Summary, Email Explaining PA State Police Referral Process, PA DOC Public Website screen shot, and Policy on Public Website screen shot) and agency public website to confirm that investigations are being conducted, completed, and reported. 50 allegations of sexual abuse and sexual harassment were received at SCI-Smithfield in the past 12 months, all were investigated. During the onsite review four investigation files were selected by the auditor and verified to have been prompt, thorough, and objective in their findings.</p> <p>Interview with Agency Head indicated that the agency conducted administrative investigations and PA State Police will conduct the criminal investigations. When an allegation is received outside the 96 hours or does not clearly indicate sexual abuse or sexual harassment, it will be immediately referred to the Security Office for tracking and preliminary inquiry. A tracking number is generated in the tracking system. The preliminary investigation is initiated within 24 hours of the report. For allegations of sexual abuse; a brief interview of the complainant/inmate; document interviews in Office of Special Investigations and Intelligence report format; identify location of incident and compile list of witnesses/subjects. For allegations of sexual harassment; a brief interview of the complainant/inmate; document interviews in Office of Special Investigations and Intelligence report format. Immediately following the preliminary investigation; submit all complaint documentation and tracking number to OSII. Within five working days Office of Special Investigations and Intelligence will generate an Office of Special Investigations and Intelligence case number. Office of Special Investigations and Intelligence will track the start/end date of investigation, assigned investigating agent, victim/abuser, and outcome of the investigation.</p> <p>Subsection (b): Agency policy DC-ADM 008, Section 5 requires if the case is being investigated for criminal</p>

charges, the Department investigators shall suspend the administrative investigation and allow the criminal investigation to take precedence. The Security Office and/or Office of Special Investigations and Intelligence shall coordinate with the criminal investigator/District Attorney's Office (as applicable) to determine when to resume the administrative investigation so as to avoid interference with the criminal investigation.

Auditor reviewed the agency policy regarding the referral of allegations of sexual abuse for criminal investigation on the agency public website. The agency documents all referrals of allegations of sexual abuse for criminal investigation. Auditor reviewed the emails of referral between the agency and PA State Police. Investigative staff were interviewed and reported that when an investigation has been referred to PA State Police, the agency will hold their administrative investigation and assist the PA State Police as needed. The PA State Police will keep the agency apprised of the status of the criminal investigation.

Subsection (c):

PA State Police is responsible for conducting criminal investigations. Auditor reviewed documents (i.e., PA State Police MOU, Response Checklists, Email to PA State Police, PA State Police Notification in Summary, and Email Explaining PSP Referral Process) which describe the responsibilities of PA State Police and PA Department of Corrections. Administrative investigation would be conducted by PA DOC and the Criminal investigations would be referred to the PA State Police. Results of the investigations will be tracked on the public website.

Subsection (d):

Auditor is not required to audit this provision.

Subsection (e):

Auditor is not required to audit this provision.

Corrective Action: None

115.31	Employee training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence: DC-ADM 008 Section 2 – Sexual Abuse/Sexual Harassment Prevention and Training 2015 PREA Lesson Plan 2016 PREA Essentials Training Staff Roster Sample Basic Training Staff Verification form Four sample forms of Training and Understanding Verification form</p> <p>Subsection (a): The agency does train all employees who may have contact with inmates on: (1) Its zero-tolerance policy for sexual abuse and sexual harassment; (2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures; (3) Inmates’ right to be free from sexual abuse and sexual harassment; (4) The right of inmates 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) The common reactions of sexual abuse and sexual harassment victims; (7) How to detect and respond to signs of threatened and actual sexual abuse; (8) How to avoid inappropriate relationships with inmates; (9) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities. The agency trains all employees who may have contact with inmates on the agency's zero-tolerance policy for sexual abuse and sexual harassment.</p> <p>Auditor reviewed documents (i.e. 2015 PREA Lesson Plan, 2016 PREA Essentials Training Staff Roster, Sample Basic Training Staff Verification form, Four sample forms of Training and Understanding Verification form) and verified that the 2015 PREA Lesson Plan included the 10 required training objectives. The 2016 PREA Essentials Training Staff Roster identified who needed the PREA training and who completed the PREA training. The Basic Training Staff Verification form confirmed that staff acknowledged they had completed and understood the PREA training.</p> <p>Random staff interviews confirmed that they received the initial PREA training at the academy and have participated in annual PREA web based training. A majority of the staff received their PREA refresher training within the past 12 months. Staff is aware of the zero tolerance policy for sexual abuse and sexual harassment, their own responsibilities for prevention, reporting, and responding.</p> <p>Subsection (b): SCI-Smithfield PREA training is not tailored to the gender of the inmates at the facility. The PREA training curriculum covers the unique dynamics related to both male and female inmates. Any employee who is reassigned from facilities housing the opposite gender is given additional training and updated training. In the past 12 months SCI-Smithfield has not had a</p>

staff member transfer from a female inmate facility.

Subsection (c):

Agency policy DC-ADM 008, Section 2 requires beginning in 2016, and every even numbered year thereafter, the annual PREA education shall be provided in the form of a refresher of the initial basic staff training information for all staff members. Staff shall be required to verify that they have received the updates and understand the included items on the PREA Training and Understanding Verification Form (Attachment 2-F) to be kept in the staff member's training file in accordance with Section 1 of this procedures manual.... Beginning in 2017 and every odd numbered year thereafter, the annual PREA education shall be provided in the form of an update to this procedures manual for all staff members. Staff shall be required to verify that they have received the information and understand the included items on the PREA Training and Understanding Verification Form. This information shall be kept in the employee's training file.

Staff interviews and documents (i.e. 2015 PREA Lesson Plan, 2016 PREA Essentials Training Staff Roster, Sample Basic Training Staff Verification form, Four sample forms of Training and Understanding Verification form) reviewed verified that 100 percent of the SCI-Smithfield completed their PREA training.

Subsection (d):

The agency documents that employees who may have contact with inmates understand the training they have received through employee signature or electronic verification. Auditor reviewed four Staff Verification Forms of employees acknowledging they understand the training they have received through employee signature or electronic verification.

Corrective Action: None

115.32	Volunteer and contractor training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence: DC-ADM 008 Section 2 – Sexual Abuse/Sexual Harassment Prevention and Training Contractor and Volunteer Training PREA Training and Understanding Verification form samples of Volunteers and Contractors Volunteer PREA Training Checklist</p> <p>Subsection (a): Agency policy DC-ADM 008 Section 2 requires all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency’s policies and procedures regarding sexual abuse and sexual harassment prevention, detection, and response policies and procedures.</p> <p>Staff interview with a contractor indicated that he understood his responsibilities regarding sexual abuse and sexual harassment prevention, detection and response. He was able to identify how he would respond to an allegation of sexual abuse or sexual harassment. Auditor reviewed training records for contractors and volunteers and note they contained signed acknowledgement of their PREA training. Auditor reviewed a pocket guide produced by a contractor that provided a checklist of how to respond to sexual abuse.</p> <p>Subsection (b): Agency policy DC-ADM 008 Section 2 mandates Contractors and volunteers (to include contract service providers, public visitors, or Non-Department Employees) shall receive training on their responsibilities under the Department’s sexual abuse and sexual harassment prevention, detection, and response policies and procedures. They shall be trained during orientation sessions and annual training reflective of the level of contact that they have with inmates. All volunteers and contractors who have contact with inmates have been notified of the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.</p> <p>Staff interview with a contractor indicated that he was aware of the zero tolerance policy from training and from the PREA posters displayed throughout the facility. Initial training was at orientation and soon would be using web based PREA training. The PREA Compliance Manager maintains an electronic list of who’s been trained or needs to be trained in PREA.</p> <p>Subsection (c): Auditor reviewed Contractor and Volunteer tracking spreadsheet confirming that a total of 58 volunteers and contractors completed PREA training. Verification forms signed by the volunteers and contractors confirming the understood the training they received.</p> <p>Corrective Action: None</p>

115.33	Inmate education
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence:</p> <p>DC-ADM 008 Section 2 – Sexual Abuse/Sexual Harassment Prevention and Training PREA Informational Handout (English/Spanish) PREA poster (English/Spanish) Sexual Abuse Awareness pamphlet PREA Inmate Orientation sample list Facilitator’s Guide (PREA) Inmate Video and Radio listing of PREA training schedule Inmate PREA Education Verification form Inmate PREA Training Announcement PREA resource for LEP and disabled email</p> <p>Subsection (a):</p> <p>Agency policy DC-ADM 008 Section 2 mandates each facility shall provide inmate education explaining the zero tolerance policy regarding sexual abuse and sexual harassment, and how to report incidents or suspicions of sexual abuse, sexual harassment or retaliation, and what to do if he/she is the victim of such.</p> <p>Auditor observed PREA posters (English/Spanish) displayed throughout the facility in the inmate and staff common areas. PREA education handouts are stored in the Intake area so that inmates can receive them upon arrival to SCI-Smithfield.</p> <p>Random inmate interviews indicated that the inmates were aware of their reporting options and often referred to the PREA posters and PREA training they received at SCI-Smithfield. PREA handouts were given to them upon arrival in intake about the zero tolerance policy regarding sexual abuse and sexual harassment. Inmates were able to identify atleast one reporting method.</p> <p>Intake staff interviews confirmed that the PREA handouts occurred at intake as well as their PREA screening. Auditor reviewed additional documents (i.e. PREA Informational Handout (English/Spanish), Sexual Abuse Awareness pamphlet, and PREA posters (English/Spanish) verifying that inmates received PREA information in multiple ways.</p> <p>During the site review auditor reviewed a spreadsheet identifying inmates by transfer dates to SCI-Smithfield and if they’ve completed the PREA education.</p> <p>Subsection (b):</p> <p>Within 30 days of intake, SCI-Smithfield inmates were provided comprehensive PREA education to either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.</p> <p>Random inmate interviews verified that they all had the PREA training within 30 days of arrival.</p>

They reported that PREA training started in Intake and a formal training occurred within a couple weeks at being at SCI-Smithfield. Training was offered by video on a regular basis as part of the television programming. They were also able to identify their rights from sexual abuse, sexual harassment, and retaliation for reporting those incidents.

Intake staff interviewed reported that the PREA handouts received by the inmates upon arrival are both in English and Spanish. The formal PREA training took place after they've been processed into SCI-Smithfield within 30 days.

Subsection (c):

SCI-Smithfield inmates have received their PREA training within 30 days of arrival. Auditor reviewed an inmate PREA training spreadsheet indicating that all inmates upon transferring into SCI-Smithfield have completed their PREA training or were scheduled to attend their formal PREA training. Also reviewed were samples of inmate PREA Education Verification forms signed by the inmates acknowledging the PREA training and understanding their rights.

Subsection (d):

Inmate PREA education is available in formats accessible to all inmates, including those who are limited English Proficient. Auditor reviewed PREA education documents (i.e. PREA Informational Handout (English/Spanish), PREA poster (English/Spanish), Sexual Abuse Awareness pamphlet, PREA Inmate Orientation sample list, Facilitator's Guide (PREA), Inmate Video and Radio listing of PREA training schedule, Inmate PREA Education Verification form, and Inmate PREA Training Announcement) which confirmed that inmates had multiple ways of receiving the training. A PREA video in Spanish with sub titles is also available for viewing.

Subsection (e):

The agency maintains documentation of inmate participation in PREA education sessions. Auditor reviewed seven random inmate documentation of their completed PREA education. The PREA Compliance Manager maintains tracking records of inmates that need the PREA education or have completed the PREA education.

Subsection (f):

The agency ensures that key information about the agency's PREA policies is continuously and readily available or visible through posters, inmate handbooks, or other written materials. During the site review the auditor observed the PREA Informational Handout (English/Spanish), PREA poster (English/Spanish), Sexual Abuse Awareness pamphlet, Inmate Video and Radio listing of PREA training schedule. During the audit site review these posters and handouts were viewed by the auditor and easily accessible on every housing unit.

Corrective Action: None

115.34	Specialized training: Investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence: DC-ADM 008 Section 2 – Sexual Abuse/Sexual Harassment Prevention and Training PREA Investigator Training Modules 1 through 5 PREA Investigator Training Transcripts for Smithfield Staff</p> <p>Subsection (a-b): Agency policy DC-ADM 008, Section 2 requires any staff designated to conduct sexual abuse investigations shall receive training in accordance with 28 C.F.R. §115.34[a]..... This specialized training shall include, but is not limited to: interviewing sexual abuse victims, proper use of Miranda warnings, the Garrity warning, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecutorial referral.</p> <p>Auditor reviewed the PREA Investigator Training Modules 1 through 5 and noted the training modules mirror the PREA Resource Center power point on PREA Investigator Training. Two staff investigators interviewed verified that they received additional PREA training to conduct administrative investigations in a confinement setting.</p> <p>Subsection (c): The agency maintains documentation showing that investigators have completed the required training. Auditor reviewed the PREA Investigator training transcripts for Smithfield staff and noted that currently four investigators have completed the required PREA investigators training.</p> <p>Subsection (d): Auditor is not required to audit this provision.</p> <p>Corrective Action: None</p>

115.35	Specialized training: Medical and mental health care
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence:</p> <p>DC-ADM 008 Section 2 – Sexual Abuse/Sexual Harassment Prevention and Training Specialized Medical-Mental Health Power Point Handout 1 – Sexual Abuse and Sexual Harassment Definitions Participant Guide PREA for Med-MH PREA Training and Understanding Verification form MH and Medical Staff Training Log for PREA Specialized Medical and MH Training Mandatory PREA training Notification for Medical and MH Staff MH-Med Specialized Training Verification Forms</p> <p>Subsection (a):</p> <p>Agency policy DC-ADM 008, Section 2 requires any staff providing medical-mental health services, whether on a full or part-time status, shall receive additional training on working with victims of sexual abuse and sexual harassment..... This specialized training shall include, but is not limited to: how to detect and assess signs of sexual abuse and sexual harassment, how to preserve physical evidence of sexual abuse, how to respond effectively and professionally to victims of sexual abuse and sexual harassment, and how and to whom to report allegations or suspicions of sexual abuse and sexual harassment.</p> <p>Staff interviews with the medical-mental health staff verified that they received additional training on working with victims of sexual abuse and sexual harassment..... to include: how to detect and assess signs of sexual abuse and sexual harassment, how to preserve physical evidence of sexual abuse, how to respond effectively and professionally to victims of sexual abuse and sexual harassment, and how and to whom to report allegations or suspicions of sexual abuse and sexual harassment. Medical staff specifically reported that they would be part of the PREA process when an inmate alleges sexual abuse. They would receive the inmate to assess if any emergency medical care is needed for the victim of sexual abuse otherwise, the victim would be transported to a SAFE/SANE nurse at Lewistown Hospital. The mental health staff would be available for inmate risk assessment of the victim and perpetrator after the incident.</p> <p>Auditor reviewed documents (i.e. Specialized Medical-Mental Health Power Point, Handout 1 – Sexual Abuse and Sexual Harassment Definitions, Participant Guide PREA for Medical-Mental Health staff, PREA Training and Understanding Verification form Medical-Mental Health staff, Training Log for PREA Specialized Medical-Mental Health staff Training, Mandatory PREA training Notification for Medical-Mental Health staff, and Medical-Mental Health staff Specialized Training Verification Forms) confirming that the Medical-Mental Health staff received specialized training and did receive additional training working with victims of sexual abuse and sexual harassment. Also reviewed was a spreadsheet noting staff that had completed PREA training and signed acknowledgment forms by medical-mental health staff at SCI-Smithfield confirming they completed and understood their PREA training. They also had in their possession a pocket guide PREA response card listing how to protect a victim alleging sexual abuse, report sexual abuse or harassment, and how to preserve physical evidence.</p>

Subsection (b):

Agency medical staffs at SCI-Smithfield do not conduct forensic medical exams. SAFE/SANE are conducted at Lewistown Hospital per their current MOU.

Subsection (c):

This provision is not applicable to SCI-Smithfield.

Corrective Action: None

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115.41	Screening for risk of victimization and abusiveness
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence: DC-ADM 008 Section 2 – Sexual Abuse/Sexual Harassment Prevention and Training PREA Risk Assessment Tool (PRAT) PRAT User Guide Inmate list of inmate intake for PREA screening 10/14/16 Cover sheet and PRAT</p> <p>Subsection (a): Agency policy DC-ADM 008, Section 2 requires all inmates be assessed during the intake screening process, upon receipt into another facility, whenever an inmate is involved in an incident of sexual abuse and at his/her annual review, for risk of being sexually abused by other inmates or sexually abusive toward other inmates.</p> <p>Interviews with Risk Screeners indicated that inmates are assessed for risk of victimization or risk of abusiveness towards other inmates. The assessment occurs on the date of arrival during the intake process at SCI-Smithfield. Inmates are interviewed in a confidential area of Intake by a counselor. Responses by the inmate are electronically recorded into a database. The information obtained will be used to determine initial housing, programming, and treatment needs.</p> <p>Random inmate interviews indicated that they all participated in the assessment upon arrival. Auditor reviewed documents (i.e. PREA Risk Assessment Tool (PRAT) and list of inmate intake for PREA screening 10/14/16) that indicated inmates arriving at SCI-Smithfield are processed through Intake. When an inmate discloses during his initial assessment he was involved in a past incident of sexual abuse as a victim or abuser, a mental health staff member is scheduled to meet with the inmate for the PRAT and at the inmate’s annual review.</p> <p>Subsection (b): Agency policy DC-ADM 008 Section 2 requires the initial assessment, which is conducted within 72 hours of reception, shall consider prior acts of abuse, prior convictions for violent offenses, and history of prior facility violence or sexual abuse, as known to the Department, in order to assess inmates for the risk of being sexually abusive.</p> <p>Interviews with Risk Screeners and inmate interviews verified that the PREA intake screenings did take place within 72 hours of arrival at SCI-Smithfield utilizing the PRAT. Almost all of the PREA intake screenings took place on the date of intake.</p> <p>Subsection (c-d): Agency policy DC-ADM 008 Section 2 mandates the PREA Risk Assessments shall be conducted utilizing the PRAT. The tool will be an objective instrument that shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization or abusiveness: 1. Whether the inmate has a mental, physical, or developmental disability; 2. The age of the inmate; 3. The physical build of the inmate; 4. Whether the inmate has</p>

previously been incarcerated; 5. Whether the inmate's criminal history is exclusively nonviolent; 6. Whether the inmate has prior convictions for sex offenses against a child or an adult; 7. Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; 8. Whether the inmate has previously experienced sexual victimization; 9. The inmate's own perception of vulnerability; and 10. Whether, the inmate is detained solely for civil immigration purposes.

Documents reviewed by the auditor verified that the PREA assessments were entered into a database only accessible by identified specialized staff (PCM, Medical and Mental Health Staff, Housing unit managers, Majors, and Programming staff for placement determination).

Interviews with Risk Screeners reported they used an objective tool with the following criteria: Whether the inmate has a mental, physical, or developmental disability; The age of the inmate; The physical build of the inmate; Whether the inmate has previously been incarcerated; Whether the inmate's criminal history is exclusively nonviolent; Whether the inmate has prior convictions for sex offenses against a child or an adult; Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; Whether the inmate has previously experienced sexual victimization; The inmate's own perception of vulnerability; and whether the inmate is detained solely for civil immigration purposes.

Subsection (e):

Interviews with Risk Screeners confirmed that the screening considered prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing inmates for risk of being sexually abusive. Auditor reviewed a sample of completed PRAT screenings and an electronic spreadsheets verifying they were completed for all inmates housed at SCI-Smithfield.

Subsection (f):

Agency policy DC-ADM 008, Section 2 requires a reassessment to be conducted between day 20 and 30 of every inmate's arrival in the system or receipt into another facility utilizing the PRAT. Additionally, the counselor shall reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility staff since the intake screening.

Staff interviews with mental health staff confirmed that inmate's PRAT reassessment within 30 days of arrival is based upon any additional, relevant information received by the facility staff since the intake screening. A sample review of the inmate PRAT follow ups verified reassessments were being completed by mental health staff.

Subsection (g):

Agency policy DC-ADM 008, Section 2 mandates an inmate's risk level shall be reassessed by the PREA Compliance Manager, utilizing the PRAT, when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of victimization or abusiveness.

Staff interview with the PREA Compliance Manager verified that an inmate's risk level is reassessed by to a referral, request, incident of sexual abuse, or receipt of additional

information that bears on the inmate's risk of victimization or abusiveness.

Inmates interviewed verified that they received annual reassessments with their counselors or sooner with a mental health staff if an incident occurs prior to their annual reassessments. A review of a sample of risk reassessments confirmed that they were being completed.

Subsection (h):

Agency policy DC-ADM 008, Section 2 requires Inmates shall not be disciplined for refusing to answer, or for not disclosing complete information in response to the questions regarding prior victimization, disabilities, their perception of vulnerability, or their sexual orientation.

Risk screening staff interviewed confirmed inmates were not disciplined for refusal to disclose information to questions or participate in the PRAT assessments. The PREA assessments participation is voluntary.

Subsection (i):

Agency policy DC-ADM 008 Section 5 requires the sensitive information collected through these tools shall be kept as confidential as possible so as not to be used to the inmate's detriment by staff or other inmates.

Staff interviews with PREA Coordinator, PREA Compliance Manager, and Risk screening staff indicated that the confidentiality of the PRAT is maintained due to its limited accessibility.

Auditor noted that once the screening information is entered into the system. It can no longer be viewed or reviewed by anyone other than staff responsible for inmate placement within Smithfield and for reassessment planning as needed. The original PRAT screener does not have access to the screening information once it's entered into the system.

Corrective Action: None

115.42	Use of screening information
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence:</p> <p>DC-ADM 008 Section 2 – Sexual Abuse/Sexual Harassment Prevention and Training DC-ADM 008 Section 9 – Working with Transgender and Intersex Inmates, Attachment 9-A Gender Review Committee Checklist Memo Sexual Predator and Potential Victims Potential Sexual Abuse Victim List Potential Sexual Predator List PRAT notification memo Institutional Sexual Predator list Potential Sexual Abuse Victim list</p> <p>Subsection (a):</p> <p>Agency policy DC-ADM 008, Section 2 requires the information received through the administration of the PRAT questions shall be used to inform housing, bed placement, work, education, and program assignments with the goal of keeping separate those inmates at high risk for being sexually victimized from those at high risk of being sexually abusive.</p> <p>Interviews with the PREA Compliance Manager and Risk Screeners confirmed that information collected from the PRAT is used specifically for housing, bed placement, work, education, and program assignments with the goal of keeping separate those inmates at high risk for being sexually victimized from those at high risk of being sexually abusive.</p> <p>Auditor reviewed documents (i.e. Gender Review Committee Checklist, Memo Sexual Predator and Potential Victims, Potential Sexual Abuse Victim List, Potential Sexual Predator List, PRAT notification memo, Institutional Sexual Predator list, and Potential Sexual Abuse Victim list) verifying SCI-Smithfield has a process in place to separate inmates at high risk for being sexually victimized from those at high risk of being sexually abusive.</p> <p>Subsection (b):</p> <p>Agency policy DC-ADM 008, Section 2 requires the sensitive information collected through these tools shall be kept as confidential as possible so as not to be used to the inmate’s detriment by staff or other inmates.</p> <p>Staff interviews confirm that only a select specialized staffs has access to the PRAT assessment reports once it’s entered into the system. A counselor will conduct the initial PRAT assessment upon arrival.</p> <p>Subsection (c):</p> <p>Agency policy DC-ADM 008, Section 9 mandates every inmate shall be assessed upon reception for potential risk of sexual abuse and victimization in order to identify at-risk inmates and ensure safety and security for all inmates committed to the custody of the Department.</p> <p>SCI-Smithfield makes housing and program assignments for transgender or intersex inmates</p>

in the facility on a case-by-case basis. Auditor noted the PREA Compliance Manager privately meets with the transgender or intersex inmate within five business days to complete the Gender Review Committee check list. A meeting of the GRC will be scheduled within five business days of the check list being completed, whether the inmate participates or not. The GRC determines the appropriate placement of a transgender/intersex inmates based on their responses to the check list. The committee considers inmate gender at birth, gender identification, any medical, legal, safety or security concerns that the inmate may have. The GRC makes a recommendation; the inmate is asked if he concurs with the recommendation and a decision is rendered to include if there is a need to reconvene.

Interviews with Transgender/Intersex inmates indicated that they did participate in a meeting with the GRC to discuss any management or security concerns. They didn't report to have any.

Subsection (d):

Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate. Interviews with PREA Compliance Manager and Mental Health Staff indicated that inmates were reassessed every six months.

Auditor reviewed GRC check list and a sample of a GRC reassessment check list to confirm that the reassessments were being completed.

Subsection (e):

A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration. Auditor reviewed a sample GRC check list and GRC reassessment check list and noted that if the inmate attends the GRC meeting; his feedback is noted on the check list and taken into serious consideration by the GRC. The GRC members are the PREA Compliance Manager, Licensed Psychology Manager/designee, Corrections Health Care Administrator/designee, Deputy Superintendent of Centralized Services/designee, and Deputy Superintendent of Facility Management/designee.

One of the Transgender/Intersex inmates interviewed confirmed that he participated in the GRC and was offered the opportunity to join the LGBT Support Group. He attended one group meeting.

Staff interview with the PREA Compliance Manager and Mental Health Staff verified that they facilitated the LGBT Support Group conference calls with other LGBT inmates at another facility.

Subsection (f):

Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.

During the site review the auditor noted that SCI-Smithfield does not have mass shower areas. Each housing unit has single showers located at the end of each tier closest to the officer station. There are partitions or curtains that provide privacy for the person in the shower.

Subsection (g):

The agency shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such 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 such inmates.

SCI-Smithfield does not have a dedicated unit or wing for LGBT inmates. LGBT Inmate interviews verified that the LGBT inmates were in the general population housing units. During the site review there was not a specific unit designated for LGBT inmates.

Corrective Action: None

115.43	Protective Custody
	<p data-bbox="252 170 896 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="252 248 523 282">Auditor Discussion</p> <p data-bbox="252 327 384 360">Evidence:</p> <p data-bbox="252 371 1353 405">DC-ADM 008 Section 2 – Sexual Abuse/Sexual Harassment Prevention and Training</p> <p data-bbox="252 416 1469 488">DC-ADM 008 Section 4 – Responding to Reports of Sexual Abuse, Attachment 4-B Response checklist Alleged Victim</p> <p data-bbox="252 499 1086 533">DC-ADM 802 Section 1 – Place in Administrative Custody Status</p> <p data-bbox="252 544 895 577">DC-ADM 802 Section 2 – Administrative Hearings</p> <p data-bbox="252 629 448 663">Subsection (a):</p> <p data-bbox="252 674 1477 1003">Agency policy DC-ADM 008, Section 2 mandates that inmates at a high risk for sexual victimization or inmates who have allegedly suffered sexual abuse shall not be placed involuntarily in Administrative Custody (AC) as a means of protection unless an assessment of all available alternatives has been made by Psychology and Security staff in conjunction with the Facility Manager/designee, and a determination has been made that there is no other available alternative means of separation from likely abusers. If the facility cannot conduct the assessment immediately, the facility may hold the inmate in involuntary AC for less than 24 hours while completing the assessment.</p> <p data-bbox="252 1055 1445 1261">Auditor reviewed the Response check list, Attachment 4-B (Section F) The shift commander after consultation with mental health staff, is to determine the most appropriate level of housing (alleged victim should be housed in the RHU only if he/she requests placement or cannot be protected by any other means.) The alleged victim may refuse RHU and sign a waiver indicating the refusal.</p> <p data-bbox="252 1312 1473 1518">Interview with Superintendent verified that if the situation occurs and if the facility cannot conduct the assessment immediately, the facility may hold the inmate in involuntary AC for less than 24 hours while completing the assessment. The shift commander will need to document the reason and notify the PREA Compliance Manager. There were no inmates held in involuntary segregated housing in the past 12 months.</p> <p data-bbox="252 1570 448 1603">Subsection (b):</p> <p data-bbox="252 1615 1473 1821">Agency policy DC-ADM 008, Section 2 requires inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document: (1) The opportunities that have been limited; (2) The duration of the limitation; and (3) The reasons for such limitations.</p> <p data-bbox="252 1872 1473 2078">Interviews with Staff who supervise inmates in segregated housing verified in the past 12 months SCI-Smithfield has not housed an inmate victim of alleged sexual abuse in RHU. RHU staff interviewed stated that if there was absolutely no other choice but to have an inmate victim of sexual abuse in RHU they would document if any opportunity has been limited, how long the limitation lasted and the reason for the limitation.</p> <p data-bbox="252 2130 448 2163">Subsection (c):</p>

SCI-Smithfield shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.

Interviews with the Superintendent and segregation staff who supervise inmates verified in the past 12 months SCI-Smithfield has not housed an inmate victim of alleged sexual abuse in segregation.

Subsection (d):

There were no case files to review during the site visit through Segregation as SCI-Smithfield did not place any inmates at risk of sexual victimization in involuntary segregated housing in the past 12 months.

Subsection (e):

Agency policy DC-ADM 008, Section 2 mandates if an involuntary AC housing assignment is made. The Shift Commander shall clearly document on the DC-141, Part 1, (Other) Report, the following information: (1) the basis for the staff member's concern for the inmate's safety; (2) the other alternative means of separation that were explored; and (3) the reason why no alternative means of separation can be arranged. e. If the Shift Commander assigns an inmate to involuntary AC for the purpose of protection from sexual victimization, access to programs, privileges, education, or work opportunities shall be afforded to that inmate to the extent possible. If the facility restricts access to these opportunities, the facility shall document in the Involuntary Administrative Custody Services Access Restriction Form (Attachment 2-C): (1) the opportunities that have been limited; (2) the duration of the limitation; and (3) the reasons for such limitations. The facility may assign inmates to involuntary AC only until an alternative means of separation from likely abusers can be arranged and such assignment shall not ordinarily exceed 30 days. In accordance with Department policy DC-ADM 802, "Administrative Custody Procedures," at least every 30 days, the Program Review Committee (PRC) shall ensure each inmate is reviewed to determine whether there is a continuing need for separation from the general population. This review shall be documented on the DC-141, Part 1, and (Other) Report.

Segregation Staff interviews indicated that SCI-Smithfield did not have an inmate victim of sexual abuse in RHU in the past 12 months. Segregation staffs interviewed were aware of the less than 30 days of involuntary AC in Segregation.

Corrective Action: None

115.51	Inmate reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence:</p> <p>DC-ADM 008 Section 3 – Reporting Sexual Abuse and Sexual Harassment 11.5.1 Records Office Operations Procedures Manual Section 1 – Processing of Receptions Inmate Handbook Bulletin 05 PREA poster Verbal report Report by mail request slip Grievance Rejection Correspondence</p> <p>Subsection (a):</p> <p>Agency policy DC-ADM 008, Section 3 mandates Methods of reporting sexual abuse include the following: a. verbal report to a staff member; b. submitting a DC-135A, Inmate Request to Staff Member; and/or c. submitting a written report to the Sexual Abuse Reporting Address: BCI/PREA Coordinator, 1800 Elmerton Avenue, Harrisburg, PA 17110. 5. These written reports may be submitted, either as identified above, or through the facility grievance lock-boxes located on every housing unit within the facility. These lock-boxes are accessed only by an approved management staff, and reports shall be forwarded for review and action, as outlined within this policy. Inmates shall utilize the inmate grievance system in accordance with Department policy DC-ADM 804, “Inmate Grievance System,” to report inmate-on-inmate sexual harassment allegations, which include repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, gestures, or actions of a derogatory or offensive sexual nature. 6. Inmates shall not utilize the inmate grievance system to report sexual abuse or sexual harassment by a staff member or inmate-on-inmate sexual abuse, as defined in the Glossary of Terms for this procedures manual. However, if an inmate files a grievance related to staff on inmate sexual abuse/sexual harassment or inmate on inmate sexual abuse, the Facility Grievance Coordinator shall reject the grievance and forward it to the facility Security Office and PREA Compliance Manager (PCM)/designee for tracking and investigation.</p> <p>Random staff interviewed listed the following options for inmates to report; they can write to the address listed on the PREA poster, they can have a friend or family member report for them, and they can call a phone number for victim services. Phone number for victim services was tested by the auditor.</p> <p>Inmate interviews verified that they received PREA handouts upon arrival at SCI-Smithfield listing their options in reporting a sexual abuse, sexual harassment, staff neglect, and retaliation. They also identified that the PREA posters displayed throughout the facility and Abuse Network signs posted by the inmate telephones providing additional methods.</p> <p>Subsection (b):</p> <p>The agency provides at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency. Inmates may submit a written report to the Sexual Abuse Reporting Address: BCI/PREA Coordinator, 1800 Elmerton Avenue, Harrisburg, PA 17110.</p>

Agency policy Records Office Operations Procedures Manual Section 1 mandates The Department does not accept or house inmates that are detained solely for civil immigration purposes.

Staff interview with the PREA Compliance Manager confirmed that inmates are not detained solely for civil immigration purposes. Inmate interviews verified that they were aware of their reporting options and anonymous reports were accepted if they chose to write to the address listed on the PREA posters.

Subsection (c):

Agency policy DC-ADM 008, Section 3 requires Staff to accept and document reports made verbally, in writing, anonymously, and from third parties and promptly forward to the facility's designated investigators.

Auditor reviewed documents (i.e. Inmate Handbook Bulletin 05, sample of PREA allegation verbal report from mail request slips, rejected inmate complaints and DOC website snapshot for PREA reporting options) during the site visit indicate that staff are documenting as required.

Staff interviews indicated that they were required to accept all reports of sexual abuse and sexual harassment from inmates or third parties and notify their shift commander. Random inmate interviews confirmed that were aware of their reporting options.

Subsection (d):

Agency policy DC-ADM 008, Section 3 mandates Methods of Reporting for Staff, Contractors, and Volunteers..... The Sexual Abuse Reporting Address is an option for an employee, contract service provider, or volunteers to privately report an allegation of sexual abuse, sexual harassment, or retaliation. (28 C.F.R. §115.51[d]) The reporting address is: BCI/PREA Coordinator, 1800 Elmerton Avenue, Harrisburg, PA 17110. A writer may choose to include his/her name and contact information, but it is not necessary in making a report, complaints can be made anonymously. Reports can also be submitted online at www.tipsubmit.com.

NOTE: The tracking number generated by PA Crime Stoppers, after a sexual abuse report is made by staff via www.tipsubmit.com, should be kept and presented if or when the staff member is questioned during an investigation.

Random staff interviews indicated they received training of their private reporting options during PREA training (initial/refresher), the PREA posters, and the agency public website.

Corrective Action: None

115.52	Exhaustion of administrative remedies
	<p data-bbox="252 170 896 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="252 248 523 282">Auditor Discussion</p> <p data-bbox="252 327 384 360">Evidence:</p> <p data-bbox="252 371 1219 405">DC-ADM 008 Section 3 - Reporting Sexual Abuse and Sexual Harassment</p> <p data-bbox="252 416 1034 450">DC-ADM 804 Inmate Grievance System Procedures Manual</p> <p data-bbox="252 461 783 495">Grievance rejection and correspondence</p> <p data-bbox="252 506 643 539">Grievance rejection and email</p> <p data-bbox="252 584 451 618">Subsection (a):</p> <p data-bbox="252 629 1422 707">The agency is exempt from this standard as it does not have administrative procedures to address inmate grievances regarding sexual abuse.</p> <p data-bbox="252 752 1461 1043">Agency policy DC-ADM 008, Section 3 mandates Inmates shall not utilize the inmate grievance system to report sexual abuse or sexual harassment by a staff member or inmate-on-inmate sexual abuse..... However, if an inmate files a grievance related to staff on inmate sexual abuse/sexual harassment or inmate on inmate sexual abuse, the Facility Grievance Coordinator shall reject the grievance and forward it to the facility Security Office and PREA Compliance Manager (PCM)/designee for tracking and investigation. The inmate shall be notified of this action.</p> <p data-bbox="252 1099 1461 1424">DC-ADM 804 Grievance System Procedures Manual Section 1 states the Inmate Grievance System is intended to deal with a wide range of issues, procedures, or events that may be of concern to an inmate. It is not meant to address incidents of an urgent or emergency nature including allegations of sexual abuse. Any allegation of a sexual nature (abuse/harassment) against a staff member or inmate-on-inmate sexual abuse must be addressed through Department policy DC-ADM 008, Prison Rape Elimination Act (PREA). When faced with an incident of an urgent or emergency nature, the inmate shall contact the nearest staff member for immediate assistance.</p> <p data-bbox="252 1480 1481 1603">During the site review the auditor reviewed a sample of inmate grievance complaints that were rejected based on policy requirements. It is noted that although the grievance was rejected, the allegations are forwarded to the PREA Compliance Manager for tracking.</p> <p data-bbox="252 1659 560 1693">Corrective Action: None</p>

115.53	Inmate access to outside confidential support services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence:</p> <ul style="list-style-type: none"> Abuse Network visit notification Sexual Abuse Awareness Flyer PREA Handout Attachment 2-H (English/Spanish) Flyer from Outside Services Available Post Sexual Assault Interview Letter of Agreement Abuse Network <p>Subsection (a):</p> <p>SCI-Smithfield provides 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 to the Abuse Network or national victim advocacy or rape crisis organizations. The facility enables reasonable communication between inmates and these organizations and agencies in a confidential a manner as possible.</p> <p>Staff interview with the PREA Compliance Manager indicated that inmates are offered and provided with access to outside victim advocates for emotional supportive services related to sexual abuse which has occurred in a confinement setting. During non-working hours, the Shift Commander is responsible to ensure the aforementioned support services. Supportive services may be provided via a variety of methods including in person, during a non-monitored phone call, and/or in writing. The preferred service delivery method is in person in a confidential setting.</p> <p>Random inmate interviews indicate that they can call the Abuse Network number that is posted by all the inmate phones on the housing units. The PREA posters displayed on the housing units also have an address to send a written report. An interview with an inmate who reported a sexual assault stated he was aware of the phone number to the Abuse Network and has utilized it for support services.</p> <p>SCI-Smithfield does not house inmates for civil immigration purposes. Agency policy 11.5.1 Section 1 states Civil Immigration Cases (115.41(d), 115.51(b), 115.53(a) 1. The Department does not accept or house inmates that are detained solely for civil immigration purposes. 2. Prior to rejecting the reception of an inmate who is detained solely for civil immigration purposes, the Records Office shall contact the Records Administrator/Assistant Records Administrator by telephone for direction before declining the commitment.</p> <p>Subsection (b):</p> <p>SCI-Smithfield PREA Compliance Manager informs 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.</p> <p>During the onsite review auditor noted (i.e., Sexual Abuse Awareness Flyer, PREA Handout Attachment 2-H (English/Spanish), and Flyer from Outside Services Available) posted</p>

information regarding 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.

Subsection (c):

SCI-Smithfield maintains copies of Letter of Agreement with the Abuse Network outlining the expectations and provides inmates with confidential emotional support services related to sexual abuse.

Auditor reviewed documents (i.e., The Abuse Network MOU, Flyer from Outside Services Sexual Abuse Awareness Flyer, and Post Sexual Assault Interview) which indicated that inmates had access to outside victim advocate services. Adjacent to the inmate phones on each housing unit is a poster listing the phone number to the Abuse Network for emotional support regarding sexual abuse.

Auditor conducted a telephone interview with Abuse Network and confirmed that inmates are afforded access to their services for emotional support regarding sexual abuse.

Corrective Action: None

115.54	Third-party reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence: DC-ADM 008 Section 3 – Reporting Sexual Abuse and Sexual Harassment Public Website snapshot of public reporting PREA posters (English and Spanish) Third Party Report Received</p> <p>Subsection (a): Agency policy DC-ADM 008, Section 3 mandates Methods of Reporting for Friends, Family, and the General Public. 1. The Sexual Abuse Reporting Address is an option for the general public to report an allegation of sexual contact. The reporting address is: BCI/PREA Coordinator, 1800 Elmerton Avenue, Harrisburg, PA 17110. 2. A writer may choose to include his/her name and contact information, but it is not necessary in making a report; complaints can be made anonymously. Reports can also be submitted online at www.tipsubmit.com.</p> <p>Auditor reviewed the agency public website www.cor.pa.gov and noted that third party reporting instructions on how to report sexual abuse and sexual harassment on behalf of an inmate were listed. Inmate interviews indicated that they were aware of the third party reporting option. The information is also on the PREA posters displayed throughout the facility.</p> <p>Corrective Action: None</p>

115.61	Staff and agency reporting duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence: DC-ADM 008 Section 3 – Reporting Sexual Abuse and Sexual Harassment SCI PREA Investigation #1, #2, and #3 Staff completed PREA training Signed acknowledgement forms of understanding DC-121 Report of Incident</p> <p>Subsection (a): Agency policy DC-ADM 008 Section 3 requires any staff member, contract service, provider, and volunteer shall immediately report to the shift commander if he/she has knowledge, suspicion, or information regarding any of the following, sexual abuse of an inmate; sexual harassment of an inmate that occurred in a facility; retaliation against inmates or staff who reported such an incident; and/or staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.</p> <p>Staff interviews indicated they would contact the shift commander immediately and start filling out the DC-12 Report of incident. Auditor reviewed documents (i.e. Staff completed PREA training, Signed acknowledgement forms of understanding, and a sample of DC-121 Report of Incident) verified that staff is aware of their responsibilities to report all allegations immediately.</p> <p>Subsection (b): Agency policy DC-ADM 008 Section 3 mandates Extraordinary Occurrence Report shall be filed in every sexual abuse allegation in accordance with Department policy 6.3.1, “Facility Security.” Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse allegation to anyone other than to the extent necessary, to make treatment, investigation, and other security and management decisions, where sexual abuse with an inmate is reported.</p> <p>Staff interviews indicated that they were aware of the sensitive nature of PREA investigations and the importance of maintaining the integrity of the investigative process.</p> <p>Subsection (c): Agency policy DC-ADM 008 Section 3 requires unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse and to inform inmates of the practitioner’s duty to report, and the limitations of confidentiality, at the initiation of services.</p> <p>Interviews with medical and mental health staff verified they inform inmates of their duty to report. Inmates are informed about limitations of confidentiality during their initial intake and during any PRAT reassessments.</p> <p>Subsection (d):</p>

This subsection is not applicable to SCI-Smithfield as they do not house inmates under the age of 18. This was verified by reviewing the population reports and during staff interviews.

Staff interviews with the Superintendent and the PREA Compliance Manager confirmed there are no inmates under the age of 18 at the facility.

Subsection (e):

Agency policy DC-ADM 008, Section 3 requires Staff to accept and document reports made verbally, in writing, anonymously, and from third parties and promptly forward to the facility's designated investigators. (28 C.F.R. §115.51[c]) (28 C.F.R. §115.61[e]) All reports received by the Sexual Abuse Reporting Address, established for the anonymous reporting of sexual abuse or sexual harassment to the Pennsylvania State Police (PSP), shall be handled as follows: (28 C.F.R. §115.51[b]) a. when the PSP receives Prison Rape Elimination Act (PREA)-related complaint correspondence at this address, the letter shall be scanned and emailed to the Department's PREA Notification email address (CR, DOC PREA Notification) for tracking purposes and dissemination to the appropriate facility; b. the PREA Compliance Division (PCD) is responsible to check the email box daily (business days only) for follow-up and referral purposes; and c. this information shall be maintained within the investigative file, in accordance with Section 1 of this procedures manual.

During the site visit three sample investigation files were selected and reviewed by the auditor. The investigation files consisted of a sexual abuse allegation (verbal), sexual harassment allegation (written), and a sexual abuse allegation (occurred in the past) reported by another facility via email. Allegations once received were promptly documented and forwarded to the facility's designated investigators. The investigations were completed within 30 days and tracked electronically in the agency database.

Staff interview with the Superintendent indicated that a PREA allegation from ten years prior was recently received and was immediately referred for investigation.

Corrective Action: None

115.62	Agency protection duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence: DC-ADM 008 Section 4 - Responding to Reports of Sexual Abuse DC-ADM 008 Section 4 - Responding to Reports of Sexual Abuse, Attachment 4-B Pocket guide for PREA Immediate Response Procedures</p> <p>Subsection (a): Agency policy DC-ADM 008, Section 2 requires that when Department staff learns that an inmate is subject to a substantial risk of imminent sexual abuse, appropriate and immediate action shall be taken to protect that inmate.</p> <p>Staff interviews with the Superintendent, Agency Head, and random staff indicate that any inmate in substantial risk of imminent sexual abuse immediate action to separate the inmate from the threat and protect them. In the past 12 months no inmate has been subject to a substantial risk of imminent sexual abuse at SCI-Smithfield. Staff was in possession of a Pocket guide for PREA Immediate Response Procedures which specifically notes to separate the alleged victim from the alleged perpetrator. The shift commanders PREA response checklist also indicates a separation of the alleged victim from the alleged perpetrator of sexual abuse.</p> <p>Corrective Action: None</p>

115.63	Reporting to other confinement facilities
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence: DC-ADM 008 Section 3 – Reporting Sexual Abuse and Sexual Harassment DC-ADM 008 Section 3 – Reporting Sexual Abuse and Sexual Harassment, Attachment 3-B Notification of Sexual Abuse Sexual Harassment allegation to another facility packet Email Notification of Sexual Abuse Allegations to Another facility (Attachment 3-B) Notification and Investigation memo Investigation file</p> <p>Subsection (a): Agency policy DC-ADM 008 Section 3 requires the Facility Manager/designee to notify the head of the facility in which the reported abuse occurred.</p> <p>Auditor reviewed documents (i.e. Notification of PREA allegations to another facility forms) which indicated within the past 12 months, SCI-Smithfield made 2 notifications to other facilities of allegations that an inmate was sexually abused while confined at another facility.</p> <p>Subsection (b-c): Agency policy DC-ADM 008 Section 3 requires Notification must be provided as soon as possible, but no later than 72 hours after receipt of information and documented on the Notification of Sexual Abuse Allegation to Another Facility (Attachment 3-B).</p> <p>Auditor reviewed the Notification of Sexual Abuse Allegations to Another facility (Attachment 3-B) which documented the notification was completed within 24 hours to the other facility.</p> <p>Subsection (d): DC-ADM 008, Section 3 mandates Reports Received from other Confinement Facilities. a. The Facility Manager/designee at the receiving facility shall document the receipt of the allegation on the Notification of Sexual Abuse Allegation to Another Facility. b. The Facility Manager/designee shall immediately notify the Security Office to initiate a PREA investigation. c. The Facility Manager/designee shall send notification and supporting documentation to the facility PREA Compliance Manager within five working days of the receipt of the allegation.</p> <p>Staff Interviews with the Superintendent and the Agency head verified that upon receipt of such notification. Investigations are initiated into the allegations. Auditor reviewed documentation (i.e. Notification of Sexual Abuse Allegation to Another Facility (Attachment 3-B, emails between Facility Managers, Investigation file) indicating SCI-Smithfield documented their initial findings and proceeded with the investigation.</p> <p>Corrective Action: None</p>

115.64	Staff first responder duties
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Evidence: DC-ADM 008 Section 4 - Responding to Reports of Sexual Abuse DC-ADM 008 Section 4 - Responding to Reports of Sexual Abuse, Attachment 4-A through A-E 6.3.1, Facility Security Manual Section 17 – Extraordinary Occurrences, Attachment 17-C Pocket guide for PREA Immediate Response Procedures SCI PREA Investigation #1, #2, and #3 Staff completed PREA training Signed acknowledgement forms of understanding</p> <p>Subsection (a): Agency policy DC-ADM 008, Section 4 requires upon learning of an allegation that an inmate was sexually abused; the first staff member to respond shall follow the procedures below. 1. Security staff shall: a. notify the Shift Commander; b. immediately separate the alleged victim and alleged abuser; c. secure any reported crime scene until appropriate steps can be taken to collect evidence; and d. if the abuse occurred within the last 96 hours that still allows for the collection of physical evidence, request the alleged victim and ensure that the alleged abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.</p> <p>Security staff and Non-security staff first responders were interviewed and verified that the first step is to separate the alleged victim and abuser. Protect the crime scene. If abuse occurred within 96 hours, asks the victim to not wash, brush their teeth, change clothes, urinate, defecate, smoke, drink, or eat. Staff was in possession of a Pocket guide for PREA Immediate Response Procedures outlining a checklist for first responders.</p> <p>Auditor reviewed documents (i.e. Staff completed PREA training, Signed acknowledgement forms of understanding, and Pocket guide for PREA Immediate Response Procedures) which confirmed that staff received initial PREA training and a pocket guide listing the ten steps upon witnessing or report of a sexual abuse.</p> <p>Subsection (b): Agency policy DC-ADM 008, Section 4 requires Non-Security staff shall: a. immediately notify the Shift Commander; and (28 C.F.R. §115.64[b]) b. if the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence.</p> <p>In the past 12 months, Allegations of inmate sexual abuse reported were not within the 96 hour time frame (at another facility, outside of incarceration time) therefore no alleged victims were requested to not take any actions that could destroy physical evidence.</p> <p>Corrective Action: None</p>

115.65	Coordinated response
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Evidence relied upon: DC-ADM 008 Section 4 – Responding to Reports of Sexual Abuse Smithfield Procedures Manual PREA 008 SMI 2 Pocket guide for PREA Immediate Response Procedures</p> <p>Subsection (a): Smithfield Procedures Manual PREA 008 SMI 2 provides designated duties for staff first responder, medical and mental health practitioner, investigators and facility leadership. Specific duties and assignments are designated to the Shift Commander, Emergency Medical and Mental Health Treatment Specialists, Inmate Access to Outside Supportive Services, Continuity of Care, and PREA Evidence Retention.</p> <p>Interview with the Superintendent indicated that the Sexual Abuse Incident Review Team coordinated response plan is active. The SAIR is conducted within 15 working days of the conclusion of the investigation. The goal is to identify any deficiencies and develop a plan of action to mitigate or resolve any issues.</p> <p>Corrective Action: None</p>

115.66	Preservation of ability to protect inmates from contact with abusers
	Auditor Overall Determination: Audited at Agency Level
	Auditor Discussion
	<p>Evidence: DC-ADM 008 Section Union Agreements, MOU, letters</p> <p>Subsection (a): Auditor reviewed 9 active union contracts and 3 Salary letters for review. The agreements do not contain the language "Permit the agency to remove alleged staff sexual abusers from contact with any inmates pending an investigation or a determination of whether and to what extent discipline is warranted." The agreements do not speak to staff suspensions pending investigation, absent the language, Agency policy prevails.</p> <p>Interview with an agency head indicates there are no new collective bargaining agreements entered into since the last PREA audit on August 2015.</p> <p>Subsection (b): Auditor is not required to audit this provision.</p> <p>Corrective Action: None</p>

115.67	Agency protection against retaliation
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence: DC-ADM 008 Section 3 – Reporting Sexual Abuse and Sexual Harassment DC-ADM 008 Section 2 – Sexual Abuse/Sexual Harassment Prevention and Training, Attachment 2-B Recommendation for Separation of inmates PREA Retaliation Monitoring Need for Staff Member Retaliation Monitoring Form</p> <p>Subsection (a): Agency policy DC-ADM 008, Section 3 mandates the Department shall 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.</p> <p>Auditor noted the agency designates staff member(s) or charges department(s) with monitoring for possible retaliation. SCI-Smithfield Corrections Counselors conduct and record retaliation monitoring of offenders. Deputy Superintendent/Centralized Services is responsible for monitoring any staff that needs retaliation monitoring.</p> <p>Subsection (b): Agency policy DC-ADM 008, Section 3 requires the Department to employ multiple protection measures, such as housing changes or transfer for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victim. The Department shall also make available emotional support services for inmates or staff that fear retaliation for reporting sexual abuse or sexual harassment, or for cooperating with investigations.</p> <p>Staff interviews of Superintendent and agency head indicate that SCI-Smithfield has the capability of transferring inmates between housing units to separate the victim from the abuser. They would also ensure emotional support services were available for staff and inmates fearing retaliation. Designated staff responsible for monitoring retaliation stated they would initiate contact with inmates and ensure they knew their options for emotional support and how to access it.</p> <p>Auditor reviewed documents (i.e. DC-ADM 008 Section 2 – Sexual Abuse/Sexual Harassment Prevention and Training, Attachment 2-B. Recommendation for Separation of inmates, PREA Retaliation Monitoring Need for Staff Member, and Retaliation Monitoring Form) which indicate that retaliation monitoring for staff and inmates are being conducted and recorded by identified staff.</p> <p>Subsection (c): Agency policy DC-ADM 008 Section 3 requires for at least 90 days following a report of sexual abuse, the Department shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse or sexual harassment, and of inmates who were reported to have suffered sexual abuse or sexual harassment to see if there are changes that may suggest</p>

possible retaliation by inmates or staff and shall act promptly to remedy such retaliation. Items the Department shall monitor include: a. disciplinary reports; b. housing reports; c. program changes; d. negative performance reviews; and e. reassignments of staff. NOTE: The Department shall continue monitoring beyond 90 days if the initial monitoring indicates a continuing need. (28 C.F.R. §115.67[b][c]) 5. Additionally, if any other individual who cooperates with an investigation expresses fear of retaliation, the Department shall take appropriate measures to protect that individual against retaliation.

Staff interview with the Superintendent and the staff member responsible for monitoring retaliation verified for at least 90 days following a report of sexual abuse the Department shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse or sexual harassment, and of inmates who were reported to have suffered sexual abuse or sexual harassment to see if there are changes that may suggest possible retaliation by inmates or staff and shall act promptly to remedy such retaliation.

During the onsite review Auditor noted zero incidents of retaliation occurred in the past 12 months.

Subsection (d):

In the case of inmates, such monitoring shall also include periodic status checks. Auditor reviewed the Retaliation Monitoring form and noted that periodic status checks are on 15, 30, 60, and 90 days from the date incident was reported.

Staff interview with the staff member responsible for monitoring retaliation confirmed that the periodic status checks are scheduled for 15, 30, 60, and 90 days from the date incident was reported.

Subsection (e):

Agency policy DC-ADM 008 Section 3 requires additionally, if any other individual who cooperates with an investigation expresses fear of retaliation, the Department shall take appropriate measures to protect that individual against retaliation. Retaliation monitoring shall be documented on the Department Retaliation Monitoring Form (refer to Section 2, Attachment 2-B), and maintained in accordance with Section 1 of this procedures manual. The Department shall continue to monitor for retaliation upon inter-facility transfer. The PREA Compliance Manager/designee shall be responsible for forwarding the Department Retaliation Monitoring Form to the receiving facility's PREA Compliance Manager /designee for continuation of the monitoring obligation. The Department's obligation to monitor shall terminate if the inmate is released from custody or the investigation is determined to be unfounded.

Interviews with the Superintendent and agency head confirmed that if any other individual who cooperates with an investigation expresses fear of retaliation, the Department shall take appropriate measures to protect that individual against retaliation. The Department's obligation to monitor shall terminate if the inmate is released from custody or the investigation is determined to be unfounded.

Subsection (f):

Agency policy DC-ADM 008 Section 3 mandates the Department's obligation to monitor shall

terminate if the inmate is released from custody or the investigation is determined to be unfounded.

Corrective Action: None

115.68	Post-allegation protective custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence: DC-ADM 008 Section 4 – Responding to Reports of Sexual Abuse, Attachment 4-A through 4-E</p> <p>Subsection (a): Agency policy DC-ADM 008, Section 2 mandates inmates at a high risk for sexual victimization or inmates who have allegedly suffered sexual abuse shall not be placed involuntarily in Administrative Custody (AC) as a means of protection unless an assessment of all available alternatives has been made by Psychology and Security staff in conjunction with the Facility Manager/designee, and a determination has been made that there is no other available alternative means of separation from likely abusers. If the facility cannot conduct the assessment immediately, the facility may hold the inmate in involuntary AC for less than 24 hours while completing the assessment.</p> <p>Staff interviews with the Superintendent and staff who supervise inmates in segregated housing verified that in the past 12 months no inmates have been placed into segregation for protection. The Superintendent did note that if there was no other alternative, the facility may hold the inmate in involuntary AC for less than 24 hours while completing the assessment.</p> <p>Corrective Action: None</p>

115.71	Criminal and administrative agency investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence: DC-ADM 008 Section 5 – Investigating Allegations of Sexual Abuse Sexual Harassment Smithfield PREA investigations #1, #2, and #3 PREA Investigator Training Transcripts SMI coversheet with PSP notification</p> <p>Subsection (a): Agency policy ADM 008, Section 5 requires every report, complaint, or allegation of sexual abuse and sexual harassment, including third party and anonymous reports, shall be investigated promptly, thoroughly, and objectively.</p> <p>Interviews with investigative staff indicated that their investigations are initiated immediately upon assignment. Anonymous or third-party reports of sexual abuse or sexual harassment are investigated as if they were first party reports. Auditor reviewed three sample investigation files for timeliness, thoroughness, and objectivity.</p> <p>Subsection (b): Agency policy DC-ADM 008 Section 5 mandates Where sexual abuse is alleged, the Department shall use investigators who have received specialized training in sexual abuse investigations pursuant to Prison Rape Elimination Act (PREA) Standards 28 C.F.R. §115.34[a] and 28 C.F.R. §115.71[b].</p> <p>Interviews with Investigative staff verified they completed special training in sexual abuse investigations. The training consisted of prevention, detection, reporting, evidence collection, and documentation requirements. Auditor reviewed their training record and noted SCI-Smithfield has four current employees trained as PREA investigators.</p> <p>Subsection (c): Agency policy DC-ADM 008 Section 5 requires Investigators shall gather and/or preserve direct and circumstantial evidence, including any available physical, DNA, and electronic monitoring data; interview alleged victims, suspected abusers, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected abusers.</p> <p>Interviews with investigative staff confirmed that they are responsible for evidence collection and preservation, interviewing alleged victims, suspected abusers, and witnesses. They are also responsible for reviewing any prior complaints and reports of sexual abuse involving the suspected abusers. Auditor reviewed three sample investigation files and noted their investigative reports documented the evidence collected.</p> <p>Subsection (d): Agency policy DC-ADM 008 Section 5 requires when the quality of evidence appears to support criminal prosecution, the Department shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for</p>

subsequent criminal prosecution.

Interviews with investigative staff verified the Department shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

Subsection (e):

Agency policy DC-ADM 008 Section 5 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 an inmate or staff. The Department shall NOT require an inmate who alleges unwanted or forced sexual abuse to submit to a polygraph examination or other truth telling device as a condition of proceeding with the investigation of such an allegation.

Interviews with investigative staff verified that the credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis not by their status as an inmate or staff. They would not be required to submit to a polygraph examination or other truth telling device as a condition of proceeding with the investigation of such an allegation.

Subsection (f):

DC-ADM 008 Section 5 requires the investigator shall complete the following procedures: make an effort to determine whether staff actions or failures to act contributed to the abuse specifically as it applies to administrative investigations..... For administrative investigations, the report shall include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

Interviews with investigative staff indicate they include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. The information is documented in their investigative report. Auditor reviewed three investigative file samples and noted they contained the information needed to complete the investigation.

Subsection (g):

Agency policy DC-ADM 008 Section 5 mandates investigators shall gather and/or preserve direct and circumstantial evidence, including any available physical, DNA, and electronic monitoring data; interview alleged victims, suspected abusers, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected abusers..... To the extent the Department is responsible for investigating allegations of sexual abuse, the Department shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions, in accordance with the Shift Commander Checklist (refer to Attachment 4-A); Initial Response Checklist – Alleged Victim (refer to Attachment 4-B); Initial Response Checklist – Alleged Abuser (refer to Attachment 4-C); Initial Response Checklist –Alleged Victim of Non-Contact Abuse (refer to Attachment 4-D), and the Instructions for PREA Evidence Retention (refer to Attachment 4-E); and as well as Department policy 6.3.1, "Facility Security," Section 15.

Interviews with investigative staff indicate that criminal investigations are conducted by the Pennsylvania State Police. Auditor reviewed the MOU between the agency and the Pennsylvania State Police noting that each entity has their own responsibilities for the criminal

investigation. SCI-Smithfield will assist the Pennsylvania State Police as needed.

Subsection (h):

Agency policy DC-ADM 008, Section 5 mandates if the case is being investigated for criminal charges, the Department investigators shall suspend the administrative investigation and allow the criminal investigation to take precedence. The Security Office and/or Office of Special Investigations and Intelligence (OSII) shall coordinate with the criminal investigator/District Attorney's Office (as applicable) to determine when to resume the administrative investigation so as to avoid interference with the criminal investigation.

Interviews with investigative staff indicate that when a substantiated allegation of conduct appears to be criminal, it is referred for prosecution. There were no substantiated allegations of conduct that appear to be criminal referred for prosecution since the last audit August 2015.

Subsection (i):

Agency policy DC-ADM 008, Section 5 requires all investigative information shall be retained by the facility Security Office in a secure location for as long as the alleged abuser is incarcerated or employed by the Department plus five years in accordance with Section 1 of this procedures manual. (28 C.F.R. §115.71[i])

Auditor reviewed samples of investigation reports that were retained at SCI-Smithfield security office until the alleged abuser is released plus five years. The investigative files have been on site since the facility opened.

Subsection (j):

Agency policy DC-ADM 008 Section 5 requires the departure of the alleged victim or abuser from the employment or control of the facility or Department shall not provide a basis for terminating an investigation. (28 C.F.R. §115.71[j])

Interviews with investigative staff indicate that the departure of the alleged victim or abuser from the employment or control of the facility or Department does not stop the investigation. The investigation continues until its conclusion. The investigative files will be retained at SCI-Smithfield.

Subsection (k):

Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements. Auditor not required to audit this provision.

Subsection (l):

Agency policy DC-ADM 008 Section 5 mandates when a complaint is investigated by the Pennsylvania State Police or other outside law enforcement agency, the facility Security Office shall be responsible for the following: Ensuring follow-up communication with the investigating agency for updates to the investigative process; Request a copy of the investigative information to be included in the Department Investigative file; Request notification of the outcome of the investigation in order to notify the inmate; Submission of an investigative summary, along with the Pennsylvania State Police investigative report, to the OSII for review; and ensure the PREA Tracking System is updated with the status of investigative outcome.

Staff interviews with the Superintendent, PREA Coordinator, PREA Compliance Manager, and Investigative staff confirm that any investigation by the Pennsylvania State Police or other outside law enforcement agency will receive assistance from SCI-Smithfield. The SCI-Smithfield security office will ensure that the progress of the law enforcement investigation is tracked and shared with the Superintendent, PREA Coordinator, and PREA Compliance Manager.

Corrective Action: None

115.72	Evidentiary standard for administrative investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence: DC-ADM 008 Section 5 – Investigating Allegations of Sexual Abuse and/or Sexual Harassment SCI PREA Investigation #1, #2, and #3</p> <p>Subsection (a): Agency policy DC-ADM 008, Section 5 requires in administrative investigations, the Department shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.</p> <p>Interviews with investigative staff verified the Department shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. Auditor reviewed investigative files and noted administrative findings were based on preponderance of the evidence (more likely than not) the incident occurred or not occurred.</p> <p>Corrective Action: None</p>

115.73	Reporting to inmates
	<p data-bbox="252 170 898 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="252 248 523 282">Auditor Discussion</p> <p data-bbox="252 327 384 360">Evidence:</p> <p data-bbox="252 371 1477 405">DC-ADM 008 Section 5 - Investigating Allegations of Sexual Abuse and/or Sexual Harassment</p> <p data-bbox="252 416 855 450">DC-ADM 008 Section 8 Notification of Inmates</p> <p data-bbox="252 461 842 495">(5) Inmate Notification forms, Attachment 8-A</p> <p data-bbox="252 506 842 539">PREA Unsubstantiated P-050 dated 2/2/2016</p> <p data-bbox="252 584 451 618">Subsection (a):</p> <p data-bbox="252 629 1477 875">Agency policy DC-ADM 8 Section 8 requires following the investigation into an inmate’s allegation of sexual abuse in a facility within the Department, the Prison Rape Elimination Act (PREA) Compliance Manager (PCM) at the facility where the inmate is housed shall inform the inmate, in writing within five business days of the closure of the investigation on the PREA Investigation – Inmate Notification Form (Attachment 8-A) as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.</p> <p data-bbox="252 931 1477 1088">Staff interviews with the Superintendent and investigative staff indicated that it was standard practice at SCI-Smithfield to provide inmates with letters notifying them of the outcome of their PREA investigation. Auditor reviewed sample of notification letters of investigations determined to be substantiated, unsubstantiated, or unfounded.</p> <p data-bbox="252 1144 451 1178">Subsection (b):</p> <p data-bbox="252 1189 1461 1301">Agency policy DC-ADM Section 8 mandates if another agency conducts the investigation, the PREA Compliance Manager shall request the relevant information from the investigative agency in order to inform the inmate within ten business days of receipt of this information.</p> <p data-bbox="252 1357 1461 1424">In the past 12 months there has not been another agency conducting an investigation at SCI-Smithfield.</p> <p data-bbox="252 1480 451 1514">Subsection (c):</p> <p data-bbox="252 1525 1477 1816">Agency policy DC-ADM 008, Section 8 requires following an inmate’s allegation that a staff member has committed sexual abuse against the inmate, the PREA Compliance Manager shall subsequently inform the inmate when any of the following occurs: the staff member is no longer posted within the inmate’s unit; the staff member is no longer employed at the facility; the Department learns that the staff member has been criminally charged related to sexual abuse within the facility; or the Department learns that the staff member has been convicted on a charge related to sexual abuse within the facility.</p> <p data-bbox="252 1872 1342 1939">Auditor reviewed a Sexual Abuse Investigative Summary dated which concluded the allegations as unsubstantiated.</p> <p data-bbox="252 1995 1461 2152">SCI-Smithfield has not had any movement or terminations of staff pursuant to this standard. Smithfield has not had any staff members indicted on a charge related to sexual abuse within the facility or convicted on a charge related to sexual abuse within the facility. The Sexual Abuse Investigative Summary provided the allegations to be unsubstantiated. Therefore an</p>

inmate notification of the staff member's status is not applicable to this provision.

Subsection (d)

Agency policy DC-ADM 008, Section 8 requires following an inmate's allegation that he/she has been sexually abused by another inmate, the PREA Compliance Manager shall subsequently inform the alleged victim whenever: the Department learns that the alleged abuser has been criminally charged related to sexual abuse within the facility; the Department learns that the abuser has been convicted on a charge related to sexual abuse within the facility.

Auditor noted in the past 12 months there has not been any inmates indicted on a charge related to sexual abuse within the facility or convicted on a charge related to sexual abuse within the facility.

Subsection (e):

Agency policy DC-ADM 008, Section 8 requires the PREA Compliance Manager to document all notifications on the PREA Investigation – Inmate Notification Form which shall be placed in the appropriate investigation file maintained in the facility Security Office in accordance with Section 1 of this procedures manual. All notifications must occur even in instances where an inmate has been transferred to another facility within the Department. In instances where the alleged victim has been transferred to another facility within the Department, the PREA Compliance Manager at the investigating facility shall coordinate notification with the PREA Compliance Manager at the facility where the inmate is currently housed to obtain the inmate's signature on the PREA Investigation – Inmate Notification Form. The Department's obligation to report the results of the investigation under this policy shall terminate if the alleged inmate victim is released from the Department's custody.

During the site review auditor reviewed seven notifications that were documented.

Corrective Action: None

115.76	Disciplinary sanctions for staff
	<p data-bbox="248 168 898 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="248 248 523 284">Auditor Discussion</p> <p data-bbox="248 329 384 365">Evidence:</p> <p data-bbox="248 371 515 407">04.01 01-01 Bulletin</p> <p data-bbox="248 414 1374 490">DC-ADM 008 Section 7 – Discipline Related to Sexual Abuse, Sexual Harassment and Retaliation</p> <p data-bbox="248 497 1422 573">Smithfield staff discipline investigation (Sexual Harassment Investigative Summary 216-P-1732)</p> <p data-bbox="248 624 451 660">Subsection (a):</p> <p data-bbox="248 667 1485 960">Agency policy DC-ADM 008, Section 7 requires any employee who violates the Department’s zero tolerance policy by engaging in, failing to report, or knowingly condoning sexual abuse or sexual harassment of an inmate shall be subject to appropriate disciplinary or administrative action up to and including termination. 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 not clearly criminal, and to any relevant licensing bodies.</p> <p data-bbox="248 1012 451 1048">Subsection (b):</p> <p data-bbox="248 1055 1485 1348">Auditor reviewed an investigation file where a staff member didn’t report an inmate’s allegation of possible sexual harassment that occurred in the inmate’s past. The staff member received immediate remedial PREA training and counseling. Auditor interviewed the staff member who mistakenly assumed that there was no need to report an incident that occurred prior to the inmate’s incarceration. The staff member did state he has since been corrected and will not make the same mistake again. He also reported that he received additional PREA training as a result of the incident.</p> <p data-bbox="248 1400 1485 1818">Agency Bulletin: Human Resources and Labor Relations Section 7 – Standardization of Pre-Disciplinary Conferences (Subsections F. 10 and F.11) shall now read: 10. Inmate Sexual Abuse: In accordance with the Prison Rape Elimination Act of 2003, Standard §115.76 (b), termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse. 11. In accordance with the Prison Rape Elimination Act of 1993, Standard §115.76 (c), disciplinary sanctions for violations of agency policies related to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall 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 (Effective date 1/22/15).</p> <p data-bbox="248 1870 1445 1946">In the past 12 months, zero staff from the facility have been terminated (or resigned prior to termination) for violating agency sexual abuse or sexual harassment policies.</p> <p data-bbox="248 1998 451 2033">Subsection (c):</p> <p data-bbox="248 2040 1485 2157">In the past 12 months, 1 staff from Smithfield who have been disciplined, short of termination, for violation of agency sexual abuse or sexual harassment policies (other than actually engaging in sexual abuse): Auditor reviewed Staff Discipline Investigation “Sexual Harassment</p>

Investigative Summary” and the Sexual Harassment Investigative Summary 216-P-1732.

Subsection (d):

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, are reported to law enforcement agencies (unless the activity was clearly not criminal) and to any relevant licensing bodies. DC-ADM 008, Section 7 – Discipline Related to Sexual Abuse, Sexual Harassment, and Retaliation (A) states “Staff Discipline. 1. Any employee who violates the Department’s zero tolerance policy by engaging in, failing to report or knowingly condoning sexual abuse or sexual harassment of an inmate shall be subject to appropriate disciplinary or administrative action up to and including termination. 2. 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 not clearly criminal, and to any relevant licensing bodies.

In the past 12 months, zero staff from Smithfield has been reported to law enforcement or licensing boards following their termination (or resignation prior to termination) for violating agency sexual abuse or sexual harassment policies.

Corrective Action: None

115.77	Corrective action for contractors and volunteers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence: DC-ADM 008 Section 7 – Discipline Related to Sexual Abuse, Sexual Harassment and Retaliation Smithfield staff discipline investigation (Sexual Harassment Investigative Summary 216-P-1732)</p> <p>Subsection (a): Agency policy DC-ADM 008, Section 7 mandates when an allegation is made involving a contractor or volunteer, this person shall be removed from contact with the alleged victim until the conclusion of this investigation; if a contractor or volunteer violates this procedures manual, other than by engaging in sexual abuse, the facility shall take appropriate remedial measures and shall consider whether to prohibit further contact with inmates and any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates, and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.</p> <p>In the past 12 months, zero contractors or volunteers have been reported to law enforcement agencies and relevant licensing bodies for engaging in sexual abuse of inmates.</p> <p>Subsection (b): Agency policy DC-ADM 008, Section 7 mandates if a contractor or volunteer violates this procedures manual, other than by engaging in sexual abuse, the facility shall take appropriate remedial measures and shall consider whether to prohibit further contact with inmates.</p> <p>Auditor reviewed a staff discipline investigation (Sexual Harassment Investigative Summary 216-P-1732) and noted that the staff member was temporarily prohibited from further contact with the inmate until the investigation was completed. Contact was reinstated at the conclusion of the investigation.</p> <p>Corrective Action: None</p>

115.78	Disciplinary sanctions for inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence: DC-ADM 008 Section 7 – Discipline Related to Sexual Abuse, Sexual Harassment and Retaliation 801 Section 01 Misconducts, Misconduct Charges Attachment 1-A 7.2.1 Counseling Services Manual, Section 4 Correctional Plan, Attachment 4-E</p> <p>Subsection (a): Agency policy DC-ADM 008 Section 7 requires inmates shall be subject to disciplinary sanctions pursuant to the formal disciplinary process, following an administrative finding that the inmate engaged in inmate on inmate sexual abuse or following a criminal finding of guilt for inmate on inmate sexual abuse..... Sanctions shall be 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.</p> <p>Auditor noted in the past 12 months, zero number of administrative findings or criminal findings of guilt for inmate-on-inmate sexual abuse.</p> <p>Subsection (b): Agency policy DC-ADM 008 Section 7 mandates Sanctions shall be 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.</p> <p>Staff interview with the Superintendent indicated the allegations of sexual abuse would be investigated. He has the ability to suspend staff until the investigation is completed. He’d ensure counselling and mental health services to the victim. Notifications would be made to the Office of Special Investigations. There would be a separation of the alleged victim and alleged abuser until the conclusion of the investigation.</p> <p>Subsection (c): Agency policy DC-ADM 008 Section 7 requires the disciplinary process shall consider whether an inmate’s mental disabilities or mental illness contributed to his/her behavior when determining what type of sanction, if any, should be imposed.</p> <p>Staff interview with the Superintendent indicated that an inmate can use the appeal process if they believe the sanction is excessive to the Program Review Committee. The second level of the appeal process is to the Superintendent and then to Central Office. Mental health of the inmate is always a considered when determining the type of sanction, if any should be imposed.</p> <p>Subsection (d): Agency policy DC-ADM 008, Section 7 requires when an inmate is found guilty of a Class 1 Misconduct related to sexual abuse, the Unit Manager shall refer the inmate to the Sex Offender Treatment Program for evaluation to determine whether or not the inmate is</p>

appropriate for the program, and if the inmate will be required to complete the program as part of the sanctions or as a condition to access programming or other benefits.

Interviews with mental health staff indicated SCI-Smithfield offers therapy, counseling, and other interventions designed to address and correct the underlying reasons or motivations for abuse, the facility considers whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits. Smithfield provides a Sex Offender Treatment.

Auditor reviewed Section 4 Correctional Plan, Attachment 4-E used by mental health staff to document the services offered to the inmate.

Subsection (e):

Agency policy DC-ADM 008, Section 7 states a facility may discipline an inmate for sexual contact with staff only if it is substantiated that the staff member did not consent to such contact.

During the past 12 months no inmate was disciplined for sexual contact with a staff member.

Subsection (f):

Agency policy DC-ADM 008, Section 7 mandates for the purpose of disciplinary action, a report of sexual abuse made in good faith, based upon a reasonable belief that the alleged conduct occurred, shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

Subsection (g):

Agency policy ADM 008, Section 7 mandates the Department prohibits all sexual activity between inmates and may discipline inmates for such activity. The Department shall not deem such activity to constitute sexual abuse if the Department, through the investigative process, determines that the activity is not coerced or forced.

During the past 12 months no inmate was disciplined for sexual abuse against another inmate.

Corrective Action: None

115.81	Medical and mental health screenings; history of sexual abuse
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence:</p> <p>DC-ADM 008 Section 2 - Sexual Abuse/Sexual Harassment Prevention and Training DC-ADM 008 Section 4 - Responding to Reports of Sexual Abuse DC-ADM 008 Section 4 - Responding to Reports of Sexual Abuse, Attachment 4-E Mental Health Referral Form Mental Health Contact Form 13.8.1 Access to Mental Health Care Procedures Manual Section 1 Psychological Services, Attachment 1-A and 1-G Mental Health Informed Consent Form DC-121 Employee Report of Incident 13.8.1 Access to Mental Health Procedures Manual Section 2 – Delivery of Mental Health Services, Attachment 2-K</p> <p>Subsection (a):</p> <p>Agency policy DC-ADM 008, Section 2 require both medical and mental health practitioners shall ask inmates, during the intake screening, about any history of victimization or perpetration of sexual abuse, either in a correctional setting or in the community. If the screening pursuant to PREA Standard 28 C.F.R. §115.41 indicates that a prison or jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening or sooner, if clinically indicated.</p> <p>In the past 12 months, zero inmates who disclosed prior victimization during screening who were offered a follow-up meeting with a medical or mental health practitioner:</p> <p>Interviews with staff responsible for risk screening indicated that all inmates who have disclosed any prior sexual victimization during a PRAT screening are referred to a follow-up meeting with a mental health practitioner.</p> <p>Subsection (b):</p> <p>Agency policy DC-ADM 008, Section 2 mandates if the screening pursuant to PREA Standard 28 C.F.R. §115.41 indicates that a prison or jail inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening, or sooner, if clinically indicated. In addition, when information becomes available relating to perpetration of inmate-on-inmate sexual abuse history, a mental health evaluation shall be conducted on these abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.</p> <p>In the past 12 months no inmate reported a previously perpetrated sexual abuse whether it occurred in an institutional setting or in the community.</p> <p>Auditor reviewed documentation (i.e., Psychological Services, Attachment 1-A and 1-G, Mental</p>

Health Informed Consent Form, DC-121 Employee Report of Incident, and Delivery of Mental Health Services, Attachment 2-K) which indicated that mental health staff would with inmates within the 14 days of intake screening. A mental health informed consent form is offered to the inmate consenting disclosure about any history of victimization or perpetration of sexual abuse, either in a correctional setting or in the community. The meeting between the mental health staff and the inmate is documented on Delivery of Mental Health Services, Attachment 2-K.

Subsection (d):

Agency policy DC-ADM 008, Section 2 requires any information related to sexual victimization or abusiveness occurring in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans, security and management decisions, including housing, bed placement, work, education, and program assignments, or otherwise required by Federal, State, or local law.

During the onsite review discussions with housing unit staff revealed that any information related to sexual victimization or abusiveness occurring in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans, security and management decisions, including housing, bed placement, work, education, and program assignments, or otherwise required by Federal, State, or local law.

Subsection (e):

Agency policy DC-ADM 008, Section 2 requires medical and mental health practitioners to 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. The DC-484, Mental Health Informed Consent Form shall be used for this purpose in accordance with Department policy 13.8.1, Access to Mental Health Care. If the inmate refuses to sign, it shall be noted on the DC-484 and signed by the witness and maintained in the medical record. Auditor reviewed a Mental Health Informed Consent Form and Delivery of Mental Health Services, Attachment 2-K.

Staff interviews with medical and mental health staff indicated that they obtain DC-484, Mental Health Informed Consent Form from the inmate before reporting information about prior sexual victimization that did not occur in an institutional setting, unless inmate s under the age of 18.

Corrective Action: None

115.82	Access to emergency medical and mental health services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence:</p> <p>DC-ADM 008 Section 2 - Sexual Abuse/Sexual Harassment Prevention and Training DC-ADM 008 Section 4 - Responding to Reports of Sexual Abuse DC-97, Mental Health Referral form DC-457 Medical Incident/Injury Report DC-ADM 008 Section 4 – Attachment 4-E Mental Health Informed Consent Form 13.8.1. Access to Mental Health Care Procedures Manual – Section 1 Psychological Service, Attachment 1-F</p> <p>Subsection (a):</p> <p>Agency policy DC-ADM 008, Section 4 require alleged inmate victims of sexual abuse to receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.</p> <p>Interviews with medical and mental health staff verified that an alleged inmate victim of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services (The Abuse Network), the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. Auditor reviewed documentation (i.e., DC-457 Medical Incident/Injury Report, DC-ADM 008 Section 4 – Attachment 4-E, and Mental Health Informed Consent Form) used by medical and mental health staff to track access to emergency medical treatment and crisis intervention services that were provided.</p> <p>Agency policy DC-ADM 008, Section 4 requires the facility physician/PA/NP to determine the need for antivirals. This decision shall be based on the type and risk of Human Immunodeficiency Virus (HIV) exposure, if either inmate is known to be positive or negative and has been taking antivirals in the past, in accordance with Department policy 13.1.1, Section 5. The facility physician/PA/NP may consult the National Post-Exposure Prophylaxis (PEP) Line (1-888-448-4911) and determine the need for antiviral medications. Auditor reviewed DC-457, Medical and Psych forms used for documentation.</p> <p>Subsection (b):</p> <p>Interviews with security staff and non-security staff first responders verified they would separate the alleged victim from the abuser, preserve and protect the crime scene and evidence, ask the victim to not wash, brush their teeth, change clothes, urinate, defecate, smoke, drink or eat if alleged abuse occurred within 96 hours allowing for collection of evidence. Immediately notify medical and mental health practitioners. Security and staff and non-security staff had in their possession a pocket guide to PREA first responder which provided a check list of what to do when sexual abuse is alleged.</p>

Subsection (c):

Agency policy DC-ADM 008, Section 4 mandates the alleged victim of sexual abuse be 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.

Auditor interviewed medical and mental health staff who verified the alleged victim of sexual abuse is offered timely information and access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. All are offered at the Lewistown hospital. SCI-Smithfield physician will provide the information and access to sexually transmitted infections prophylaxis if abuse is outside of 96 hours of occurrence. The alleged victim shall be referred to the facility Licensed psychology Manager (LPM) for assessment, counseling, and/or treatment, as appropriate via the DC-97, Mental Health Referral form.

Subsection (d):

Agency policy DC-ADM 008, Section 4 requires treatment services to be provided to the alleged victim without financial cost and regardless of whether the alleged victim names the abuser or cooperates with any investigation arising out of the incident.

During the onsite reviewed auditor conducted informal interview with medical staff and confirmed that a victim would not incur the financial cost any emergency medical treatment or crisis intervention services whether the alleged victim names the abuser or cooperates with any investigation arising out of the incident

Corrective Action: None

115.83	Ongoing medical and mental health care for sexual abuse victims and abusers
	<p data-bbox="248 168 898 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="248 248 523 284">Auditor Discussion</p> <p data-bbox="248 329 1102 443">Evidence: DC-ADM 008 Section 4 - Responding to Reports of Sexual Abuse Medical file</p> <p data-bbox="248 499 1473 658">Subsection (a): Agency policy DC-ADM 008 Section 4 requires the facility shall offer medical health evaluation and as appropriate, treatment to all inmates who have allegedly been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.</p> <p data-bbox="248 714 1445 788">During the site review informal interviews with medical staff revealed that inmates victimized by sexual abuse are transported to Lewistown Hospital for SAFE/SANE processing.</p> <p data-bbox="248 844 1401 1043">Subsection (b): Agency policy DC-ADM 008 Section 4 mandates the evaluation and treatment of alleged 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 form custody.</p> <p data-bbox="248 1099 1481 1258">Interviews with medical and mental health staff indicated they would evaluate the inmate, send the alleged victim of sexual abuse to the hospital (SAFE/SANE), upon return to SCI-Smithfield refer to the mental health, conduct a medical follow up and inform the PREA Compliance Manager.</p> <p data-bbox="248 1314 1406 1429">Subsection (c): Agency policy DC-ADM 008 Section 4 requires all facilities to provide alleged victims with medical and mental health services consistent with the community level of care.</p> <p data-bbox="248 1485 1481 1644">Interviews with medical and mental health staff verified they do provide alleged victims with medical and mental health services consistent with the community level of care. SCI-Smithfield provides this service faster than the community due to the longer wait lists for outside service providers.</p> <p data-bbox="248 1700 1477 1814">Subsection (d): This subsection does not apply to SCI-Smithfield as it is an adult male facility. Female inmates are not housed at the facility.</p> <p data-bbox="248 1870 1477 1984">Subsection (e): This subsection does not apply to SCI-Smithfield as it is an adult male facility. Female inmates are not housed at the facility.</p> <p data-bbox="248 2040 1481 2154">Subsection (f): Agency policy DC-ADM 008 Section 4 mandates alleged inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections, as medically appropriate.</p>

Auditor reviewed medical records that indicated an inmate received medication for an STD he acquired from a past sexual abuse incident.

Subsection (g):

Agency policy DC-ADM 008 Section 4 requires treatment services shall be provided to the alleged victim without financial cost and regardless of whether the alleged victim names the abuser or cooperates with any investigation arising out of the incident.

Subsection (h):

Interview with medical and mental health staff indicate that they conduct a mental health evaluation of all known inmate on inmate abusers within 30 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. This exceeds the standard 60 days.

Corrective Action: None

115.86	Sexual abuse incident reviews
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence: DC-ADM 008 Section 6 – Sexual Abuse Incident Review DC-ADM 008 Section 6 – Sexual Abuse Incident Review, Attachment 6-A DC-ADM 008 Section 6 – Sexual Abuse Incident Review, Attachment 6-B PREA SAIR Plan of Action form DC-121, Part 2, Extraordinary Occurrence Reports 2 Samples of SAIR packet from Smithfield</p> <p>Subsection (a): Agency policy DC-ADM 008, Section 6 mandates each facility shall conduct a Sexual Abuse Incident Review (SAIR) at the conclusion of every sexual abuse investigation where the allegation was substantiated or unsubstantiated whether the investigation was conducted by the facility Security Office or by the Office of Special Investigations and Intelligence (OSII). No review will be conducted if the allegation has been determined to be unfounded.</p> <p>In the past 12 months, 5 criminal and/or administrative investigations of alleged sexual abuse completed at the facility, excluding only "unfounded" incidents. An additional 2 were still pending as OSII had not responded back to SCI-Smithfield prior to the PREA audit site review.</p> <p>Subsection (b): Agency policy DC-ADM 008, Section 6 requires each facility shall conduct a Sexual Abuse Incident Review (SAIR) at the conclusion of every sexual abuse investigation where the allegation was substantiated or unsubstantiated whether the investigation was conducted by the facility Security Office or by the Office of Special Investigations and Intelligence (OSII). No review will be conducted if the allegation has been determined to be unfounded. The review shall occur within 15 working days of the receipt of the notification from OSII that the investigation was deemed satisfactory. The SAIR taking place within 15 days exceeds the standard time line. A review of a sample of SAIR indicated that they were within the 15 day timeline from the conclusion of the investigation.</p> <p>In the past 12 months, 5 criminal and/or administrative investigations of alleged sexual abuse completed at the facility that were followed by a sexual abuse incident review within 30 days, excluding only "unfounded" incidents. Auditor reviewed two SAIR packets of investigations that were unsubstantiated.</p> <p>Subsection (c): Agency policy DC-ADM 008, Section 6 mandates the Prison Rape Elimination Act (PREA) Compliance Manager shall chair the SAIR Committee. The PREA Compliance Manager, in collaboration with the Facility Manager, shall determine the exact composition of the committee based on the nature of the incident. At a minimum, the SAIR Committee shall consist of the following: Deputy Superintendent for Centralized Services (DSCS); Deputy Superintendent for Facilities Management (DSFM); Licensed Psychology Manager (LPM)/designee; Corrections Health Care Administrator (CHCA)/designee; Security Office representative; and Major of Unit Management or Major of the Guard.</p>

Interview with the Superintendent verified that SCI-Smithfield has a Sexual Abuse Incident Review Team consisting of line supervisors, investigators, and medical or mental health practitioners. Auditor reviewed SAIR team results indicating that input was provided from the different members of the SAIR team to identify any deficiencies and seek resolutions.

Subsection (d):

Agency policy DC-ADM 008, Section 6 requires the committee to carefully review the documentation surrounding the incident. The review shall focus upon the events associated with the incident. At a minimum, the committee shall consider the items outlined in the PREA Sexual Abuse Incident Review (Attachment 6-A) as well as the following information: consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; consider whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender or intersex identification, status or perceived status, gang affiliation, or was motivated or otherwise caused by other group dynamics at the facility; examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; assess the adequacy of staffing levels in that area during different shifts; assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; consider information such as housing assignment, measures taken as a result of the allegation, need for follow-up for the inmate victim, etc.; and gather information that can help to sensitize staff to possible clues and situations that are present before such incidents may occur.

Interviews with Superintendent, PREA Compliance Manager, and SAIR team member, verified that their purpose for the SAIR is to review best practices, document deficiencies and seek a resolution, to be progressive, to be transparent, to identify issues and fix them. The documentation is forwarded to central office and best practice notices are the result of the reviews. Camera locations and viewing ability is reviewed. Review of any physical barriers preventing line of sight from the cameras. Staffing coverage and scheduling in the affected area of the incident is reviewed. Feedback solicited from the SAIR members during the team meetings.

Subsection (e):

Agency policy DC-ADM 008, Section 6 mandates the facility will implement the recommendations for improvement or shall document its reason for not doing so on the PREA Sexual Abuse Incident Review Plan of Action provided by the Central Office PREA ARC (Administrative Review Committee). The completed PREA Sexual Abuse Incident Review Plan of Action shall be forwarded from the PREA Compliance Manager to the DOC PREA Reports email address, Executive Deputy Secretary, and Regional Deputy Secretary along with recommendations concerning the incident.

Interview with the Superintendent confirmed that any recommendations for improvement on the SAIR plan of action is a priority to ensure deficiencies are corrected.

Corrective Action: None

115.87	Data collection
	Auditor Overall Determination: Audited at Agency Level
	Auditor Discussion

115.88	Data review for corrective action
	Auditor Overall Determination: Audited at Agency Level
	Auditor Discussion

115.89	Data storage, publication, and destruction
	Auditor Overall Determination: Audited at Agency Level
	Auditor Discussion

115.401	Frequency and scope of audits
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>115.401 (h) The Smithfield PREA audit site review included all of the following areas: the intake/reception/ screening area. All inmate housing units, restrictive housing units, food service, maintenance, health care services, mental health services, recreation areas (inside and outside), inmate cafeteria, work areas, programming areas (vocational, education, visiting rooms), lobby area, administrative areas, staff dining room, warehouse, auto shop and chapel.</p> <p>115.401 (i) Smithfield was able to provide the auditors, when requested with three random samples of PREA investigations within the past 12 months. Smithfield was also able to provide auditors, when requested with copies of the shift schedules and lists of inmates housed at the facility. The auditors were able to observe the electronic posting of the Auditor's PREA notice on the Smithfield closed circuit television.</p> <p>115.401 (m) The auditor conducted private interviews with 13 Smithfield inmates. The interviews were conducted in a conference room located in the program services department area. The auditor was able to speak with random inmates and identified inmates without interruption. During the Smithfield PREA audit site review, discussions with random inmates on the housing units and at their job assignments indicated that the inmates were aware of the confidentiality of information and documentation between the auditor and the inmates.</p> <p>115.401 (n) Six weeks prior to the auditors arriving on site at Smithfield. The Auditor's notice was posted on December 12th, 2017. The auditor received letters from Smithfield inmates during that same week indicating that the notices were posted. The auditor's PREA notice specifically stated in English and Spanish, "Correspondence: All correspondence sent from a resident shall be treated as legal correspondence/ Toda la correspondencia enviada por un residente será tratada como correspondencia legal."</p>

115.403	Audit contents and findings
	Auditor Overall Determination: Audited at Agency Level
	Auditor Discussion

Appendix: Provision Findings

115.11 (a)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment?	yes
	Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment?	yes

115.11 (c)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.)	yes
	Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.)	yes

115.12 (a)	Contracting with other entities for the confinement of inmates	
	If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	yes

115.12 (b)	Contracting with other entities for the confinement of inmates	
	Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates OR the response to 115.12(a)-1 is "NO".)	yes

115.13 (a)	Supervision and monitoring	
	Does the agency ensure that each facility has developed a staffing plan that provides for adequate levels of staffing and, where applicable, video	yes

	monitoring, to protect inmates against sexual abuse?	
	Does the agency ensure that each facility has documented a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the generally accepted detention and correctional practices in calculating adequate staffing levels and determining the need for video monitoring?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration any judicial findings of inadequacy in calculating adequate staffing levels and determining the need for video monitoring?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration any findings of inadequacy from Federal investigative agencies in calculating adequate staffing levels and determining the need for video monitoring?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration any findings of inadequacy from internal or external oversight bodies in calculating adequate staffing levels and determining the need for video monitoring?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration all components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated) in calculating adequate staffing levels and determining the need for video monitoring?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the composition of the inmate population in calculating adequate staffing levels and determining the need for video monitoring?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the number and placement of supervisory staff in calculating adequate staffing levels and determining the need for video monitoring?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the institution programs occurring on a particular shift in calculating adequate staffing levels and determining the need for video monitoring?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration any applicable State or local laws, regulations, or standards in calculating adequate staffing levels and determining the need for video monitoring?	yes

	Does the agency ensure that each facility's staffing plan takes into consideration the prevalence of substantiated and unsubstantiated incidents of sexual abuse in calculating adequate staffing levels and determining the need for video monitoring?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration any other relevant factors in calculating adequate staffing levels and determining the need for video monitoring ?	yes

115.13 (b)	Supervision and monitoring	
	In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.)	na

115.13 (c)	Supervision and monitoring	
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan?	yes

115.13 (d)	Supervision and monitoring	
	Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment?	yes
	Is this policy and practice implemented for night shifts as well as day shifts?	yes
	Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility?	yes

115.14 (a)	Youthful inmates	
	Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na

115.14 (b)	Youthful inmates	
	In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na

115.14 (c)	Youthful inmates	
	Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na

115.15 (a)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?	yes

115.15 (b)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting cross-gender pat-down searches of female inmates in non-exigent circumstances? (N/A here for facilities with less than 50 inmates before August 20,2017.)	na
	Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A here for facilities with less than 50 inmates before August 20,2017.)	na

115.15 (c)	Limits to cross-gender viewing and searches	
	Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?	yes
	Does the facility document all cross-gender pat-down searches of female inmates?	yes

115.15 (d)	Limits to cross-gender viewing and searches	
	Does the facility implement a policy and practice that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit?	yes

115.15 (e)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status?	yes
	If an inmate's genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner?	yes

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

115.16 (a)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all	yes

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

115.16 (b)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient?	yes
	Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes

115.16 (c)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations?	yes

115.17 (a)	Hiring and promotion decisions	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes

115.17 (b)	Hiring and promotion decisions	
	Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates?	yes

115.17 (c)	Hiring and promotion decisions	
	Before hiring new employees who may have contact with inmates, does the agency: perform a criminal background records check?	yes
	Before hiring new employees who may have contact with inmates, does the agency: consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse?	yes

115.17 (d)	Hiring and promotion decisions	
	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates?	yes

115.17 (e)	Hiring and promotion decisions	
	Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees?	yes

115.17 (f)	Hiring and promotion decisions	
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions?	yes
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees?	yes
	Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?	yes

115.17 (g)	Hiring and promotion decisions	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes

115.17 (h)	Hiring and promotion decisions	
	Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.)	yes

115.18 (a)	Upgrades to facilities and technologies	
	If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)	na

115.18 (b)	Upgrades to facilities and technologies	
	If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)	na

115.21 (a)	Evidence protocol and forensic medical examinations	
	If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes

115.21 (b)	Evidence protocol and forensic medical examinations	
	Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	na
	Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice’s Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents,” or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes

115.21 (c)	Evidence protocol and forensic medical examinations	
	Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate?	yes
	Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?	yes
	If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?	yes
	Has the agency documented its efforts to provide SAFEs or SANEs?	yes

115.21 (d)	Evidence protocol and forensic medical examinations	
	Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?	yes
	If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member?	yes
	Has the agency documented its efforts to secure services from rape crisis centers?	yes

115.21 (e)	Evidence protocol and forensic medical examinations	
	As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews?	yes
	As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?	yes

115.21 (f)	Evidence protocol and forensic medical examinations	
	If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating entity 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

115.21 (h)	Evidence protocol and forensic medical examinations	
	If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency attempts to make a victim advocate from a rape crisis center available to victims per 115.21(d) above.)	yes

115.22 (a)	Policies to ensure referrals of allegations for investigations	
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse?	yes
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment?	yes

115.22 (b)	Policies to ensure referrals of allegations for investigations	
	Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior?	yes
	Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?	yes
	Does the agency document all such referrals?	yes

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

115.31 (a)	Employee training	
	Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?	yes
	Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?	yes
	Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims?	yes
	Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse?	yes
	Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?	yes

115.31 (b)	Employee training	
	Is such training tailored to the gender of the inmates at the employee's facility?	yes
	Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa?	yes

115.31 (c)	Employee training	
	Have all current employees who may have contact with inmates received such training?	yes
	Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures?	yes
	In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies?	yes

115.31 (d)	Employee training	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes

115.32 (a)	Volunteer and contractor training	
	Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes

115.32 (b)	Volunteer and contractor training	
	Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)?	yes

115.32 (c)	Volunteer and contractor training	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes

115.33 (a)	Inmate education	
	During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes

115.33 (b)	Inmate education	
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents?	yes

115.33 (c)	Inmate education	
	Have all inmates received such education?	yes
	Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility?	yes

115.33 (d)	Inmate education	
	Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are deaf?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills?	yes

115.33 (e)	Inmate education	
	Does the agency maintain documentation of inmate participation in these education sessions?	yes

115.33 (f)	Inmate education	
	In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats?	yes

115.34 (a)	Specialized training: Investigations	
	In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes

115.34 (b)	Specialized training: Investigations	
	Does this specialized training include techniques for interviewing sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include proper use of Miranda and Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes

115.34 (c)	Specialized training: Investigations	
	Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes

115.35 (a)	Specialized training: Medical and mental health care	
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment?	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?	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?	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?	yes

115.35 (b)	Specialized training: Medical and mental health care	
	If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams.)	na

115.35 (c)	Specialized training: Medical and mental health care	
	Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere?	yes

115.35 (d)	Specialized training: Medical and mental health care	
	Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31?	yes
	Do medical and mental health care practitioners contracted by and volunteering for the agency also receive training mandated for contractors and volunteers by §115.32?	yes

115.41 (a)	Screening for risk of victimization and abusiveness	
	Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
	Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes

115.41 (b)	Screening for risk of victimization and abusiveness	
	Do intake screenings ordinarily take place within 72 hours of arrival at the facility?	yes

115.41 (c)	Screening for risk of victimization and abusiveness	
	Are all PREA screening assessments conducted using an objective screening instrument?	yes

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

115.41 (e)	Screening for risk of victimization and abusiveness	
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, when 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, when 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, when known to the agency: history of prior institutional violence or sexual abuse?	yes

115.41 (f)	Screening for risk of victimization and abusiveness	
	Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening?	yes

115.41 (g)	Screening for risk of victimization and abusiveness	
	Does the facility reassess an inmate's risk level when warranted due to a: Referral?	yes
	Does the facility reassess an inmate's risk level when warranted due to a: Request?	yes
	Does the facility reassess an inmate's risk level when warranted due to a: Incident of sexual abuse?	yes
	Does the facility reassess an inmate's risk level when warranted due to a: Receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness?	yes

115.41 (h)	Screening for risk of victimization and abusiveness	
	Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section?	yes

115.41 (i)	Screening for risk of victimization and abusiveness	
	Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates?	yes

115.42 (a)	Use of screening information	
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments?	yes

115.42 (b)	Use of screening information	
	Does the agency make individualized determinations about how to ensure the safety of each inmate?	yes

115.42 (c)	Use of screening information	
	When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)?	yes
	When making housing or other program assignments for transgender or intersex inmates, does the agency consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems?	yes

115.42 (d)	Use of screening information	
	Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate?	yes

115.42 (e)	Use of screening information	
	Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments?	yes

115.42 (f)	Use of screening information	
	Are transgender and intersex inmates given the opportunity to shower separately from other inmates?	yes

115.42 (g)	Use of screening information	
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status?	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?	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?	yes

115.43 (a)	Protective Custody	
	Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers?	yes
	If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment?	yes

115.43 (b)	Protective Custody	
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible?	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The opportunities that have been limited?	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The duration of the limitation?	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The reasons for such limitations?	yes

115.43 (c)	Protective Custody	
	Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged?	yes
	Does such an assignment not ordinarily exceed a period of 30 days?	yes

115.43 (d)	Protective Custody	
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The basis for the facility's concern for the inmate's safety?	yes
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged?	yes

115.43 (e)	Protective Custody	
	In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS?	yes

115.51 (a)	Inmate reporting	
	Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?	yes

115.51 (b)	Inmate reporting	
	Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?	yes
	Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the inmate to remain anonymous upon request?	yes
	Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security?	yes

115.51 (c)	Inmate reporting	
	Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Does staff promptly document any verbal reports of sexual abuse and sexual harassment?	yes

115.51 (d)	Inmate reporting	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?	yes

115.52 (a)	Exhaustion of administrative remedies	
	Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse.	yes

115.52 (b)	Exhaustion of administrative remedies	
	Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)	na
	Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.)	na

115.52 (c)	Exhaustion of administrative remedies	
	Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	na
	Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	na

115.52 (d)	Exhaustion of administrative remedies	
	Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)	na
	If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)	na
	At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)	na

115.52 (e)	Exhaustion of administrative remedies	
	Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)	na
	Are those third parties also permitted to file such requests on behalf of inmates? (If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.)	na
	If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)	na

115.52 (f)	Exhaustion of administrative remedies	
	Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	na
	After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.)	na
	After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.)	na
	After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)	na
	Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	na
	Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	na
	Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	na

115.52 (g)	Exhaustion of administrative remedies	
	If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.)	na

115.53 (a)	Inmate access to outside confidential support services	
	Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations?	yes
	Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies?	no
	Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible?	yes

115.53 (b)	Inmate access to outside confidential support services	
	Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws?	yes

115.53 (c)	Inmate access to outside confidential support services	
	Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse?	yes
	Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements?	yes

115.54 (a)	Third-party reporting	
	Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment?	yes
	Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate?	yes

115.61 (a)	Staff and agency reporting duties	
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation?	yes

115.61 (b)	Staff and agency reporting duties	
	Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions?	yes

115.61 (c)	Staff and agency reporting duties	
	Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section?	yes
	Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services?	yes

115.61 (d)	Staff and agency reporting duties	
	If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws?	yes

115.61 (e)	Staff and agency reporting duties	
	Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators?	yes

115.62 (a)	Agency protection duties	
	When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate?	yes

115.63 (a)	Reporting to other confinement facilities	
	Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred?	yes

115.63 (b)	Reporting to other confinement facilities	
	Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?	yes

115.63 (c)	Reporting to other confinement facilities	
	Does the agency document that it has provided such notification?	yes

115.63 (d)	Reporting to other confinement facilities	
	Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?	yes

115.64 (a)	Staff first responder duties	
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes

115.64 (b)	Staff first responder duties	
	If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff?	yes

115.65 (a)	Coordinated response	
	Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse?	yes

115.66 (a)	Preservation of ability to protect inmates from contact with abusers	
	Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes

115.67 (a)	Agency protection against retaliation	
	Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff?	yes
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes

115.67 (b)	Agency protection against retaliation	
	Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations?	yes

115.67 (c)	Agency protection against retaliation	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of residents or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff?	yes
	Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?	yes

115.67 (d)	Agency protection against retaliation	
	In the case of inmates, does such monitoring also include periodic status checks?	yes

115.67 (e)	Agency protection against retaliation	
	If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?	yes

115.68 (a)	Post-allegation protective custody	
	Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43?	yes

115.71 (a)	Criminal and administrative agency investigations	
	When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
	Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes

115.71 (b)	Criminal and administrative agency investigations	
	Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34?	yes

115.71 (c)	Criminal and administrative agency investigations	
	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
	Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
	Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes

115.71 (d)	Criminal and administrative agency investigations	
	When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?	yes

115.71 (e)	Criminal and administrative agency investigations	
	Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes

115.71 (f)	Criminal and administrative agency investigations	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes
	Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?	yes

115.71 (g)	Criminal and administrative agency investigations	
	Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?	yes

115.71 (h)	Criminal and administrative agency investigations	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes

115.71 (i)	Criminal and administrative agency investigations	
	Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	yes

115.71 (j)	Criminal and administrative agency investigations	
	Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?	yes

115.71 (l)	Criminal and administrative agency investigations	
	When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).)	yes

115.72 (a)	Evidentiary standard for administrative investigations	
	Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?	yes

115.73 (a)	Reporting to inmates	
	Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	yes

115.73 (b)	Reporting to inmates	
	If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)	yes

115.73 (c)	Reporting to inmates	
	Following a 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 posted within the inmate's unit?	yes
	Following a 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 a 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 a inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility?	yes

115.73 (d)	Reporting to inmates	
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility?	yes
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?	yes

115.73 (e)	Reporting to inmates	
	Does the agency document all such notifications or attempted notifications?	yes

115.76 (a)	Disciplinary sanctions for staff	
	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes

115.76 (b)	Disciplinary sanctions for staff	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes

115.76 (c)	Disciplinary sanctions for staff	
	Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories?	yes

115.76 (d)	Disciplinary sanctions for staff	
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies(unless the activity was clearly not criminal)?	yes
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?	yes

115.77 (a)	Corrective action for contractors and volunteers	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?	yes

115.77 (b)	Corrective action for contractors and volunteers	
	In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates?	yes

115.78 (a)	Disciplinary sanctions for inmates	
	Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process?	yes

115.78 (b)	Disciplinary sanctions for inmates	
	Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories?	yes

115.78 (c)	Disciplinary sanctions for inmates	
	When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior?	yes

115.78 (d)	Disciplinary sanctions for inmates	
	If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits?	yes

115.78 (e)	Disciplinary sanctions for inmates	
	Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact?	yes

115.78 (f)	Disciplinary sanctions for inmates	
	For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation?	yes

115.78 (g)	Disciplinary sanctions for inmates	
	Does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.)	yes

115.81 (a)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening?	yes

115.81 (b)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)	yes

115.81 (c)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening?	yes

115.81 (d)	Medical and mental health screenings; history of sexual abuse	
	Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?	yes

115.81 (e)	Medical and mental health screenings; history of sexual abuse	
	Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	yes

115.82 (a)	Access to emergency medical and mental health services	
	Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?	yes

115.82 (b)	Access to emergency medical and mental health services	
	If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62?	yes
	Do security staff first responders immediately notify the appropriate medical and mental health practitioners?	yes

115.82 (c)	Access to emergency medical and mental health services	
	Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate?	yes

115.82 (d)	Access to emergency medical and mental health services	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes

115.83 (a)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?	yes

115.83 (b)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody?	yes

115.83 (c)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility provide such victims with medical and mental health services consistent with the community level of care?	yes

115.83 (d)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if all-male facility.)	na

115.83 (e)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if all-male facility.)	na

115.83 (f)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes

115.83 (g)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes

115.83 (h)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)	yes

115.86 (a)	Sexual abuse incident reviews	
	Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded?	yes

115.86 (b)	Sexual abuse incident reviews	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes

115.86 (c)	Sexual abuse incident reviews	
	Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?	yes

115.86 (d)	Sexual abuse incident reviews	
	Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?	yes
	Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility?	yes
	Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?	yes
	Does the review team: Assess the adequacy of staffing levels in that area during different shifts?	yes
	Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?	yes
	Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?	yes

115.86 (e)	Sexual abuse incident reviews	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes

115.401 (h)	Frequency and scope of audits	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes

115.401 (i)	Frequency and scope of audits	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes

115.401 (m)	Frequency and scope of audits	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes

115.401 (n)	Frequency and scope of audits	
	Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes