

PREA Facility Audit Report: Final

Name of Facility: Marion Correctional Institution

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 03/10/2022

| Auditor Certification | |
|---|--------------------------------------|
| The contents of this report are accurate to the best of my knowledge. | <input checked="" type="checkbox"/> |
| No conflict of interest exists with respect to my ability to conduct an audit of the agency under review. | <input checked="" type="checkbox"/> |
| I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template. | <input checked="" type="checkbox"/> |
| Auditor Full Name as Signed: Brian Sutherland | Date of Signature: 03/10/2022 |

| AUDITOR INFORMATION | |
|-------------------------------------|--------------------|
| Auditor name: | Sutherland, Brian |
| Email: | bcsuther@gmail.com |
| Start Date of On-Site Audit: | 12/07/2021 |
| End Date of On-Site Audit: | 12/09/2021 |

| FACILITY INFORMATION | |
|-----------------------------------|---|
| Facility name: | Marion Correctional Institution |
| Facility physical address: | 355 Old Glenwood Rd, Marion, North Carolina - 28752 |
| Facility Phone | |
| Facility mailing address: | |

| Primary Contact | |
|--------------------------|---------------------------|
| Name: | Capt. Jeffery Brendle |
| Email Address: | jeffrey.brendle@ncdps.gov |
| Telephone Number: | 828-659-8527 |

| Warden/Jail Administrator/Sheriff/Director | |
|--|---------------------------|
| Name: | Benjamin Carver |
| Email Address: | benjamin.carver@ncdps.gov |
| Telephone Number: | 828-659-8770 |

| Facility PREA Compliance Manager | |
|----------------------------------|---------------------------|
| Name: | Jeffrey Brendle |
| Email Address: | jeffrey.brendle@ncdps.gov |
| Telephone Number: | O: 919-710-6636 |

| Facility Health Service Administrator On-site | |
|---|-----------------------------|
| Name: | Elizabeth Wiseman |
| Email Address: | elizabeth.wiseman@ncdps.gov |
| Telephone Number: | 828-659-7810 |

| Facility Characteristics | |
|--|-------|
| Designed facility capacity: | 691 |
| Current population of facility: | 558 |
| Average daily population for the past 12 months: | 613 |
| Has the facility been over capacity at any point in the past 12 months? | No |
| Which population(s) does the facility hold? | Males |
| Age range of population: | 21+ |
| Facility security levels/inmate custody levels: | Close |
| Does the facility hold youthful inmates? | No |
| Number of staff currently employed at the facility who may have contact with inmates: | 396 |
| Number of individual contractors who have contact with inmates, currently authorized to enter the facility: | 0 |
| Number of volunteers who have contact with inmates, currently authorized to enter the facility: | 0 |

| AGENCY INFORMATION | |
|--|---|
| Name of agency: | North Carolina Department of Public Safety |
| Governing authority or parent agency (if applicable): | |
| Physical Address: | 512 North Salisbury Street, Raleigh, North Carolina - 27604 |
| Mailing Address: | |
| Telephone number: | 9197332126 |

| Agency Chief Executive Officer Information: | |
|---|--|
| Name: | |
| Email Address: | |
| Telephone Number: | |

| Agency-Wide PREA Coordinator Information | | | |
|--|--------------------|-----------------------|------------------------------|
| Name: | Charlotte Williams | Email Address: | charlotte.williams@ncdps.gov |

| SUMMARY OF AUDIT FINDINGS | |
|--|--|
| <p>The OAS automatically populates the number and list of Standards exceeded, the number of Standards met, and the number and list of Standards not met.</p> <p>Auditor Note: In general, no standards should be found to be "Not Applicable" or "NA." A compliance determination must be made for each standard. In rare instances where an auditor determines that a standard is not applicable, the auditor should select "Meets Standard" and include a comprehensive discussion as to why the standard is not applicable to the facility being audited.</p> | |
| Number of standards exceeded: | |
| 0 | |
| Number of standards met: | |
| 45 | |
| Number of standards not met: | |
| 0 | |

POST-AUDIT REPORTING INFORMATION

GENERAL AUDIT INFORMATION

On-site Audit Dates

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| 1. Start date of the onsite portion of the audit: | 2021-12-07 |
| 2. End date of the onsite portion of the audit: | 2021-12-09 |

Outreach

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| 10. Did you attempt to communicate with community-based organization(s) or victim advocates who provide services to this facility and/or who may have insight into relevant conditions in the facility? | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| a. Identify the community-based organization(s) or victim advocates with whom you communicated: | New Hope of McDowell County |

AUDITED FACILITY INFORMATION

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| 14. Designated facility capacity: | 691 |
| 15. Average daily population for the past 12 months: | 613 |
| 16. Number of inmate/resident/detainee housing units: | 24 |
| 17. Does the facility ever hold youthful inmates or youthful/juvenile detainees? | <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Not Applicable for the facility type audited (i.e., Community Confinement Facility or Juvenile Facility) |

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

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

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| 36. Enter the total number of inmates/residents/detainees in the facility as of the first day of onsite portion of the audit: | 634 |
| 38. Enter the total number of inmates/residents/detainees with a physical disability in the facility as of the first day of the onsite portion of the audit: | 1 |
| 39. Enter the total number of inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) in the facility as of the first day of the onsite portion of the audit: | 1 |
| 40. Enter the total number of inmates/residents/detainees who are Blind or have low vision (visually impaired) in the facility as of the first day of the onsite portion of the audit: | 0 |

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| 41. Enter the total number of inmates/residents/detainees who are Deaf or hard-of-hearing in the facility as of the first day of the onsite portion of the audit: | 1 |
| 42. Enter the total number of inmates/residents/detainees who are Limited English Proficient (LEP) in the facility as of the first day of the onsite portion of the audit: | 0 |
| 43. Enter the total number of inmates/residents/detainees who identify as lesbian, gay, or bisexual in the facility as of the first day of the onsite portion of the audit: | 0 |
| 44. Enter the total number of inmates/residents/detainees who identify as transgender or intersex in the facility as of the first day of the onsite portion of the audit: | 1 |
| 45. Enter the total number of inmates/residents/detainees who reported sexual abuse in the facility as of the first day of the onsite portion of the audit: | 9 |
| 46. Enter the total number of inmates/residents/detainees who disclosed prior sexual victimization during risk screening in the facility as of the first day of the onsite portion of the audit: | 3 |
| 47. Enter the total number of inmates/residents/detainees who were ever placed in segregated housing/isolation for risk of sexual victimization in the facility as of the first day of the onsite portion of the audit: | 0 |
| 48. Provide any additional comments regarding the population characteristics of inmates/residents/detainees in the facility as of the first day of the onsite portion of the audit (e.g., groups not tracked, issues with identifying certain populations): | The facility houses a male close custody to minimum population offenders, ages 21 and over, in 24 single cell housing units. There is a total of 96 segregation cells and no youthful offenders were reported during the past 12 months. The population reported on the first day of the on-site review was 634 offenders. |
| Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit | |
| 49. Enter the total number of STAFF, including both full- and part-time staff, employed by the facility as of the first day of the onsite portion of the audit: | 413 |
| 50. Enter the total number of VOLUNTEERS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees: | 0 |
| 51. Enter the total number of CONTRACTORS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees: | 12 |
| 52. Provide any additional comments regarding the population characteristics of staff, volunteers, and contractors who were in the facility as of the first day of the onsite portion of the audit: | The staff count on the first day of the audit was 413 and 12 contractors. No volunteers have been authorized to enter the facility in the past 12 months due to the COVID-19 Virus. The facility reported a staff vacancy of 53 and 10 on-site medical staff are present at the facility. |
| INTERVIEWS | |
| Inmate/Resident/Detainee Interviews | |
| Random Inmate/Resident/Detainee Interviews | |

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| 53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed: | 15 |
| 54. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply) | <input checked="" type="checkbox"/> Age <input checked="" type="checkbox"/> Race <input checked="" type="checkbox"/> Ethnicity (e.g., Hispanic, Non-Hispanic) <input checked="" type="checkbox"/> Length of time in the facility <input checked="" type="checkbox"/> Housing assignment <input checked="" type="checkbox"/> Gender <input checked="" type="checkbox"/> Other <input type="checkbox"/> None |
| If "Other," describe: | Requested at random the fifth offender on the housing roster based on the selected criteria and include offenders from all housing units. |
| 55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse? | The auditor attempted to select offenders from each housing unit to ensure the sample size demonstrated a diverse mix of the population. |
| 56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews? | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| 57. Provide any additional comments regarding selecting or interviewing random inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation): | The auditor was able to interview a sample of offenders from all housing units as the facility was not experiencing a quarantine because of the COVID-19 Virus. |
| Targeted Inmate/Resident/Detainee Interviews | |
| 58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed: | 15 |
| <p>As stated in the PREA Auditor Handbook, the breakdown of targeted interviews is intended to guide auditors in interviewing the appropriate cross-section of inmates/residents/detainees who are the most vulnerable to sexual abuse and sexual harassment. When completing questions regarding targeted inmate/resident/detainee interviews below, remember that an interview with one inmate/resident/detainee may satisfy multiple targeted interview requirements. These questions are asking about the number of interviews conducted using the targeted inmate/resident/detainee protocols. For example, if an auditor interviews an inmate who has a physical disability, is being held in segregated housing due to risk of sexual victimization, and disclosed prior sexual victimization, that interview would be included in the totals for each of those questions. Therefore, in most cases, the sum of all the following responses to the targeted inmate/resident/detainee interview categories will exceed the total number of targeted inmates/residents/detainees who were interviewed. If a particular targeted population is not applicable in the audited facility, enter "0".</p> | |
| 60. Enter the total number of interviews conducted with inmates/residents/detainees with a physical disability using the "Disabled and Limited English Proficient Inmates" protocol: | 1 |

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| <p>61. Enter the total number of interviews conducted with inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) using the "Disabled and Limited English Proficient Inmates" protocol:</p> | <p>1</p> |
| <p>62. Enter the total number of interviews conducted with inmates/residents/detainees who are Blind or have low vision (i.e., visually impaired) using the "Disabled and Limited English Proficient Inmates" protocol:</p> | <p>0</p> |
| <p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p> | <p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p> |
| <p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p> | <p>The interview with the medical staff, facility staff, and offender population did not indicate any reference to offenders that may be blind or having low vision. The PREA Compliance Manager could not produce an offender for interview within this category.</p> |
| <p>63. Enter the total number of interviews conducted with inmates/residents/detainees who are Deaf or hard-of-hearing using the "Disabled and Limited English Proficient Inmates" protocol:</p> | <p>1</p> |
| <p>64. Enter the total number of interviews conducted with inmates/residents/detainees who are Limited English Proficient (LEP) using the "Disabled and Limited English Proficient Inmates" protocol:</p> | <p>0</p> |
| <p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p> | <p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p> |
| <p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p> | <p>The interview with the medical staff, facility staff, and offender population did not indicate any reference to offenders that may be limited English proficient. The PREA Compliance Manager could not produce an offender for interview within this category.</p> |
| <p>65. Enter the total number of interviews conducted with inmates/residents/detainees who identify as lesbian, gay, or bisexual using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</p> | <p>0</p> |

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| <p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p> | <p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p> |
| <p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p> | <p>The interview with the medical staff, facility staff that conduct risk screenings, and offender population did not indicate any reference to offenders that may identify as lesbian, gay, or bisexual. The PREA Compliance Manager could not produce an inmate for interview within this category.</p> |
| <p>66. Enter the total number of interviews conducted with inmates/residents/detainees who identify as transgender or intersex using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</p> | <p>2</p> |
| <p>67. Enter the total number of interviews conducted with inmates/residents/detainees who reported sexual abuse in this facility using the "Inmates who Reported a Sexual Abuse" protocol:</p> | <p>9</p> |
| <p>68. Enter the total number of interviews conducted with inmates/residents/detainees who disclosed prior sexual victimization during risk screening using the "Inmates who Disclosed Sexual Victimization during Risk Screening" protocol:</p> | <p>3</p> |
| <p>69. Enter the total number of interviews conducted with inmates/residents/detainees who are or were ever placed in segregated housing/isolation for risk of sexual victimization using the "Inmates Placed in Segregated Housing (for Risk of Sexual Victimization/Who Allege to have Suffered Sexual Abuse)" protocol:</p> | <p>0</p> |
| <p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p> | <p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p> |
| <p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p> | <p>The auditor conducted interviews with the staff that supervise segregated housing, the facility PREA Compliance Manager, and facility Warden and all confirmed no offenders have been housed in segregation for high-risk victimization in the past 12 months. During the on-site review the auditor spoke with offenders in segregated housing, reviewed samples of segregation forms, and did not identify any offenders under this category.</p> |
| <p>70. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):</p> | <p>All interviews were conducted using COVID-19 safety protocols such as social distancing, both the auditor and interviewees wearing masks, and safety barriers.</p> |

Staff, Volunteer, and Contractor Interviews

Random Staff Interviews

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| 71. Enter the total number of RANDOM STAFF who were interviewed: | 12 |
| 72. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply) | <input checked="" type="checkbox"/> Length of tenure in the facility <input checked="" type="checkbox"/> Shift assignment <input checked="" type="checkbox"/> Work assignment <input checked="" type="checkbox"/> Rank (or equivalent) <input type="checkbox"/> Other (e.g., gender, race, ethnicity, languages spoken) <input type="checkbox"/> None |
| 73. Were you able to conduct the minimum number of RANDOM STAFF interviews? | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| 74. Provide any additional comments regarding selecting or interviewing random staff (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation): | The random sample of staff included selecting the fifth staff member on the daily duty roster, utilizing staff availability, minimizing scheduling conflicts, and ensuring the samples were selected from all shifts. |
| Specialized Staff, Volunteers, and Contractor Interviews | |
| Staff in some facilities may be responsible for more than one of the specialized staff duties. Therefore, more than one interview protocol may apply to an interview with a single staff member and that information would satisfy multiple specialized staff interview requirements. | |
| 75. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors): | 17 |
| 76. Were you able to interview the Agency Head? | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| 77. Were you able to interview the Warden/Facility Director/Superintendent or their designee? | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| 78. Were you able to interview the PREA Coordinator? | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| 79. Were you able to interview the PREA Compliance Manager? | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if the agency is a single facility agency or is otherwise not required to have a PREA Compliance Manager per the Standards) |

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| <p>80. Select which SPECIALIZED STAFF roles were interviewed as part of this audit from the list below: (select all that apply)</p> | <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Agency contract administrator <input checked="" type="checkbox"/> Intermediate or higher-level facility staff responsible for conducting and documenting unannounced rounds to identify and deter staff sexual abuse and sexual harassment <input type="checkbox"/> Line staff who supervise youthful inmates (if applicable) <input type="checkbox"/> Education and program staff who work with youthful inmates (if applicable) <input checked="" type="checkbox"/> Medical staff <input checked="" type="checkbox"/> Mental health staff <input type="checkbox"/> Non-medical staff involved in cross-gender strip or visual searches <input checked="" type="checkbox"/> Administrative (human resources) staff <input type="checkbox"/> Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) staff <input checked="" type="checkbox"/> Investigative staff responsible for conducting administrative investigations <input type="checkbox"/> Investigative staff responsible for conducting criminal investigations <input checked="" type="checkbox"/> Staff who perform screening for risk of victimization and abusiveness <input checked="" type="checkbox"/> Staff who supervise inmates in segregated housing/residents in isolation <input checked="" type="checkbox"/> Staff on the sexual abuse incident review team <input checked="" type="checkbox"/> Designated staff member charged with monitoring retaliation <input checked="" type="checkbox"/> First responders, both security and non-security staff <input checked="" type="checkbox"/> Intake staff <input type="checkbox"/> Other |
| <p>81. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?</p> | <p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> |
| <p>82. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility?</p> | <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> |
| <p>a. Enter the total number of CONTRACTORS who were interviewed:</p> | <p>1</p> |

| | |
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| <p>b. Select which specialized CONTRACTOR role(s) were interviewed as part of this audit from the list below: (select all that apply)</p> | <p><input type="checkbox"/> Security/detention</p> <p><input type="checkbox"/> Education/programming</p> <p><input checked="" type="checkbox"/> Medical/dental</p> <p><input type="checkbox"/> Food service</p> <p><input type="checkbox"/> Maintenance/construction</p> <p><input type="checkbox"/> Other</p> |
| <p>83. Provide any additional comments regarding selecting or interviewing specialized staff.</p> | <p>The interviews with the specialized staff attempted to assist the auditor to determine whether roles and responsibilities are being completed. No interviews were conducted with volunteers during the on-site review. The facility is prohibiting access for volunteers into the facility because of the COVID-19 Virus. Once the agency has lifted the restriction on access for volunteers to the facility, all volunteers will have to complete the biometric clearance process and PREA training before being allowed authorization into the facility.</p> |

SITE REVIEW AND DOCUMENTATION SAMPLING

Site Review

PREA Standard 115.401 (h) states, "The auditor shall have access to, and shall observe, all areas of the audited facilities." In order to meet the requirements in this Standard, the site review portion of the onsite audit must include a thorough examination of the entire facility. The site review is not a casual tour of the facility. It is an active, inquiring process that includes talking with staff and inmates to determine whether, and the extent to which, the audited facility's practices demonstrate compliance with the Standards. Note: discussions related to testing critical functions are expected to be included in the relevant Standard-specific overall determination narratives.

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|---|---|
| <p>84. Did you have access to all areas of the facility?</p> | <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> |
|---|---|

Was the site review an active, inquiring process that included the following:

| | |
|--|---|
| <p>85. Reviewing/examining all areas of the facility in accordance with the site review component of the audit instrument?</p> | <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> |
| <p>86. Testing and/or observing all critical functions in the facility in accordance with the site review component of the audit instrument (e.g., intake process, risk screening process, PREA education)?</p> | <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> |
| <p>87. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)?</p> | <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> |
| <p>88. Informal conversations with staff during the site review (encouraged, not required)?</p> | <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> |

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| <p>89. Provide any additional comments regarding the site review (e.g., access to areas in the facility, observations, tests of critical functions, or informal conversations).</p> | <p>During the site review, the auditor verified the cross-gender presence of staff as announcements were made while entering the housing units. The auditor verified the use of the language line services, tested the outside reporting mechanisms, identified areas of signage that may need to be posted, and inspected all areas for blind spots and cross-gender viewing capabilities.</p> |
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Documentation Sampling

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

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| <p>90. In addition to the proof documentation selected by the agency or facility and provided to you, did you also conduct an auditor-selected sampling of documentation?</p> | <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> |
|---|--|

| | |
|--|---|
| <p>91. Provide any additional comments regarding selecting additional documentation (e.g., any documentation you oversampled, barriers to selecting additional documentation, etc.).</p> | <p>During the on-site review the auditor reviewed 20 employee files for PREA questions, criminal history checks, and reference checks. The auditor reviewed 20 employee training files for initial and annual PREA training. The auditor reviewed 12 investigative files, and 20 inmate files for initial intake screenings, 30-day reassessments, initial PREA information, and 30-day comprehensive PREA education.</p> |
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SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS AND INVESTIGATIONS IN THIS FACILITY

Sexual Abuse and Sexual Harassment Allegations and Investigations Overview

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

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

| | # of sexual abuse allegations | # of criminal investigations | # of administrative investigations | # of allegations that had both criminal and administrative investigations |
|-------------------------------|-------------------------------|------------------------------|------------------------------------|---|
| Inmate-on-inmate sexual abuse | 5 | 0 | 5 | 0 |
| Staff-on-inmate sexual abuse | 40 | 0 | 40 | 0 |
| Total | 45 | 0 | 45 | 0 |

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

| | # of sexual harassment allegations | # of criminal investigations | # of administrative investigations | # of allegations that had both criminal and administrative investigations |
|---|------------------------------------|------------------------------|------------------------------------|---|
| Inmate-on-inmate sexual harassment | 3 | 0 | 3 | 0 |
| Staff-on-inmate sexual harassment | 9 | 0 | 9 | 0 |
| Total | 12 | 0 | 12 | 0 |

Sexual Abuse and Sexual Harassment Investigation Outcomes

Sexual Abuse Investigation Outcomes

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

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

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

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

| | Ongoing | Unfounded | Unsubstantiated | Substantiated |
|--------------------------------------|---------|-----------|-----------------|---------------|
| Inmate-on-inmate sexual abuse | 0 | 0 | 5 | 0 |
| Staff-on-inmate sexual abuse | 6 | 19 | 15 | 0 |
| Total | 6 | 19 | 20 | 0 |

Sexual Harassment Investigation Outcomes

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

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

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

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

| | Ongoing | Unfounded | Unsubstantiated | Substantiated |
|------------------------------------|---------|-----------|-----------------|---------------|
| Inmate-on-inmate sexual harassment | 0 | 1 | 2 | 0 |
| Staff-on-inmate sexual harassment | 0 | 9 | 0 | 0 |
| Total | 0 | 10 | 2 | 0 |

Sexual Abuse and Sexual Harassment Investigation Files Selected for Review

Sexual Abuse Investigation Files Selected for Review

| | |
|---|---|
| 98. Enter the total number of SEXUAL ABUSE investigation files reviewed/sampled: | 12 |
| 99. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes? | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any sexual abuse investigation files) |

Inmate-on-inmate sexual abuse investigation files

| | |
|--|--|
| 100. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled: | 2 |
| 101. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations? | <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files) |
| 102. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations? | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files) |

Staff-on-inmate sexual abuse investigation files

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| 103. Enter the total number of STAFF-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled: | 8 |
| 104. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations? | <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files) |
| 105. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations? | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files) |
| Sexual Harassment Investigation Files Selected for Review | |
| 106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled: | 2 |
| 107. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes? | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any sexual harassment investigation files) |
| Inmate-on-inmate sexual harassment investigation files | |
| 108. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled: | 2 |
| 109. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations? | <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files) |
| 110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations? | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files) |
| Staff-on-inmate sexual harassment investigation files | |
| 111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled: | 0 |

| | |
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| <p>112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?</p> | <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input checked="" type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)</p> |
| <p>113. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p> | <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input checked="" type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)</p> |
| <p>114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.</p> | <p>The facility reported no substantiated allegations of sexual abuse or sexual harassment in the past 12 months.</p> |

SUPPORT STAFF INFORMATION

DOJ-certified PREA Auditors Support Staff

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| <p>115. Did you receive assistance from any DOJ-CERTIFIED PREA AUDITORS at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.</p> | <p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> |
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Non-certified Support Staff

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| <p>116. Did you receive assistance from any NON-CERTIFIED SUPPORT STAFF at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.</p> | <p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> |
|--|---|

AUDITING ARRANGEMENTS AND COMPENSATION

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

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.

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| 115.11 | Zero tolerance of sexual abuse and sexual harassment; PREA coordinator |
| | Auditor Overall Determination: Meets Standard |
| | <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 504 297">Standard 115.11 Analysis</p> <p data-bbox="240 387 999 414">The following evidence was analyzed in making compliance determinations:</p> <p data-bbox="240 504 363 530">Documents:</p> <ol data-bbox="240 560 1181 757" style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire responses 2. Agency Policy 3400, Offender Sexual Abuse and Sexual Harassment 3. Reviewed the Agency Website, https://www.ncdps.gov, Organizational Chart, June 7, 2021 4. Facility Policy .3200, Offender Sexual Harassment and Abuse, pages 1-33, March 25, 2019 <p data-bbox="240 846 352 873">Interviews:</p> <ol data-bbox="240 902 552 987" style="list-style-type: none"> 1. PREA Coordinator 2. PREA Compliance Manager <p data-bbox="240 1077 509 1104">Site Review Observations:</p> <ol data-bbox="240 1133 1075 1330" style="list-style-type: none"> 1. Staff performing cross-gender announcements upon entry to all housing units. 2. Supervisory staff documenting unannounced security rounds in the post logs. 3. Signs and posters indicating zero tolerance posted throughout the facility. 4. Reviewed the facility training materials, power point, and lesson plan information. <p data-bbox="240 1420 483 1447">Findings (By Provision):</p> <p data-bbox="240 1476 1461 1738">115.11 (a) - Agency policy 3400, page 5 mandates a zero tolerance toward all forms of sexual abuse, sexual assault, staff sexual misconduct, and sexual harassment. The agency policy 3400 describes the approach toward prevention, detection, reporting, and response to all forms of sexual abuse and sexual harassment. This includes facility preventive measures necessary to reduce and prevent sexual abuse and sexual harassment of offenders such as: architectural design, security supervision, video monitoring equipment, offender orientation procedures, medical screening within 24 hours of arrival, housing considerations, separate showers, classification screenings, 30-day reassessments, facility staffing plan, staff referrals, supervisory notifications, mental health screenings, unannounced supervisory rounds, opposite gender housing announcements, community corrections procedures, and training.</p> <p data-bbox="240 1769 1485 1995">During the on-site review, the auditor identified staff performing opposite gender housing announcements when entering all housing units, and unannounced supervisory rounds. The rounds were documented as unannounced in the unit logbooks, and the cross-gender announcements were made verbally by staff entering the units and announced over the loudspeaker during shift changes. The auditor noted postings throughout the facility indicating zero tolerance toward all forms of sexual abuse, sexual assault, and sexual harassment. The policy includes definitions of prohibited behaviors in policy 3400, Section Definitions, pages 1-4, and these definitions include sexual abuse, sexual assault, staff sexual misconduct, and sexual harassment. There is a total of 5 pages included within this policy as a complete glossary of terms.</p> <p data-bbox="240 2027 1477 2152">Policy 3400, Section H, Disciplinary Sanctions, pages 29-31 explain the presumptive approach toward staff, volunteers, and contractors who engage in sexual abuse will be termination and prosecution referral. Policy 3400, Section H, page 30 describes the sanctions for contractors, volunteers, and referrals to law enforcement. Agency policy 3400, Section H, page 30 includes disciplinary sanctions for offenders found to have participated in all forms of sexual abuse, sexual harassment,</p> |

and inappropriate physical contact. "Offenders shall be subject to disciplinary sanctions pursuant to formal disciplinary process following an administrative finding that the offender engaged in offender-on-offender sexual abuse or following a criminal finding of guilt for offender-on-offender sexual abuse."

Training is provided for all offenders, staff, volunteers, and contractors for the education of the duties and responsibilities toward prevention, detection, reporting, and response procedures. The auditor reviewed the facility training plan, and power point presentations that described the facility methods toward prevention, detection, reporting, and response procedures. The training materials also provided information relating to performing cross gender strip searches, body cavity searches, and pat-down searches. The training provided information relating to avoiding inappropriate relationships and communicating effectively with special populations. Agency policy 3400, Section Training, pages 5-10 provide information relating to employee, volunteer, contractor, and offender training regarding zero tolerance for sexual abuse and sexual harassment. This policy also informs the staff how to fulfill their responsibilities toward prevention, detection, reporting, and response procedures. This information was also confirmed in the facility policy .3200 pages 1-33.

115.11 (b) – Agency policy 3400, explains the agency employs an upper-level, agency wide PREA Coordinator and designates a PREA Compliance Manager for each facility. The PREA Coordinator position reports directly to the Chief Deputy Secretary of Professional Standards, Policy and Planning, and this position is documented in the agency organizational chart as an upper level PREA Director position. The interview with the PREA Coordinator indicated enough time and authority to develop, implement, and oversee efforts to comply with the PREA Standards. The PREA Coordinator explained the duties and responsibilities associated with the position, direct communication with leadership staff, and confirmed the agency support toward improving the sexual safety of the facility.

115.11 (c) - The PREA Compliance Manager reports directly to the facility Warden and communicates with the agency wide PREA Coordinator. This position is in the facility organizational chart as the Correctional Captain. There is a total of 1 agency wide PREA Coordinator that reports to the agency Chief Deputy Secretary of Professional Standards, Policy and Planning, and 55 agencies wide PREA Compliance Managers. The interview with the PREA Compliance Manager indicated enough time and authority to develop, implement, and oversee efforts to comply with the PREA Standards. The PREA Compliance Manager explained the duties and responsibilities associated with the position, direct communication with leadership staff, and confirmed the agency support toward improving the sexual safety of the facility.

Conclusion: Interviews conducted with the PREA Coordinator and the PREA Compliance Manager confirmed enough time and authority to develop, implement, and oversee the efforts toward PREA compliance. Communication between this auditor, PREA Coordinator, and the PREA Compliance Manager was professional, timely, and deeply knowledgeable. Interviews conducted with staff, offenders, volunteers, and contractors indicated knowledge regarding the facilities zero tolerance policy toward all forms of sexual abuse and sexual harassment. The PREA Coordinator and the PREA Compliance Manager were always accessible throughout the auditing process, responded to emails and phone calls immediately, and provided adequate responses during the on-site review. The auditor confirmed an agency policy mandating zero tolerance of all forms of sexual abuse and sexual harassment. The facility has a documented implementation plan outlining the facilities approach to preventing, detecting, and responding to sexual abuse and sexual harassment. The Marion Correctional Center is fully compliant with this standard.

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| 115.12 | Contracting with other entities for the confinement of inmates |
| | <p data-bbox="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="242 210 451 239">Auditor Discussion</p> <p data-bbox="242 271 504 300">Standard 115.12 Analysis</p> <p data-bbox="242 385 999 414">The following evidence was analyzed in making compliance determinations:</p> <p data-bbox="242 499 365 528">Documents:</p> <ol data-bbox="242 557 790 701" style="list-style-type: none"> <li data-bbox="242 557 724 586">1. Marion CI Pre-Audit Questionnaire responses <li data-bbox="242 613 790 642">2. Marion CI, PREA Audit Report, September 25, 2016 <li data-bbox="242 669 660 698">3. Agency website https://www.ncdps.gov <p data-bbox="242 786 352 815">Interviews:</p> <ol data-bbox="242 844 576 987" style="list-style-type: none"> <li data-bbox="242 844 576 873">1. Agency Contract Administrator <li data-bbox="242 900 536 929">2. Agency PREA Coordinator <li data-bbox="242 956 424 985">3. Facility Warden <p data-bbox="242 1075 1469 1270">115.12 (a-b) The Marion Correctional Institution does not contract with other entities for the confinement of offenders. The auditor confirmed this statement during the facility Warden interview. This statement was also confirmed during the 2016 PREA audit report. Marion CI does not have any responsibility, separate from that on the Agency level, to enter or maintain contracts for confinement of offenders with other agencies or jurisdictions. This statement was confirmed during the PREA Coordinator interview. The auditor was not able to interview the Agency Contract Administrator as these interviews were conducted on an agency level by certified auditor Ms. Dorothy Xanos.</p> <p data-bbox="242 1299 1477 1391">Conclusion: Based upon the review and analysis of all evidence provided, the auditor has determined standard 115.12 does not apply to Marion CI and this standard is not applicable. The Marion Correctional Institution has not entered any contracts in the last 12 months for the confinement of offenders.</p> |

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| 115.13 | Supervision and monitoring |
| | Auditor Overall Determination: Meets Standard |
| | <p>Auditor Discussion</p> <p>Standard 115.13 Analysis</p> <p>The following evidence was analyzed in making the compliance determination:</p> <p>Documents :</p> <ol style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire responses 2. Facility Staffing Analysis Report 3. Policy 1600, Chapter F, Management of Security Posts, August 12, 2019, pages 1-3 4. Policy 143B-709, Security Staffing, page 1 5. Facility Logbook entries 6. Policy 1607, Post Chart, Pull Post Listings, pages 13-14 7. Policy 1600, Unannounced Rounds, page 3 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Facility Warden 2. Intermediate and Higher-Level Facility Staff 3. Agency PREA Coordinator 4. Facility PREA Compliance Manager 5. 4 Informal Staff Interviews 6. 12 Random Staff Interviews <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Viewed video camera footage, monitors, and storage 2. Inspected facility identified blind spots for locking devices, staff patrols, and log entries <p>Findings (By Provision):</p> <p>115.13 (a) - The facility employees 460 total staff. The staffing plan is within accepted guidelines and is reviewed annually by Marion CI staff and the administrative leadership. Overtime is used to fill mandatory posts, if needed, and a preferred staffing level is mandated and monitored by the Marion CI Associate Warden. The Marion CI also indicates 4 contractors and 0 volunteers processed in the last 12 months facility wide. There were no volunteer services offered during the past 12 months because of the COVID-19 virus. The facility reports 12 specialized PREA investigators are employed by the facility who are responsible for conducting administrative investigations into allegations of sexual abuse or sexual harassment. The health care services are provided by Marion CI full-time staff, and contract medical positions. The facility Warden advised a total of 413 staff were present on day one of the on-site review and the facility reported 53 vacant positions.</p> <p>The institutional staffing plan is reviewed on a regular basis by the facility PREA Compliance Manager, and the staffing plan is reviewed annually by the agency PREA Coordinator. This is a very thorough process described in policy 1600, chapter F, page 6 that includes the following: A Division Operations Manager, reporting to the Deputy Director will be responsible for</p> |

conducting on site post reviews of each prison at least once every three years, conducting regular reviews of post charts through the automated post-audit system, and conducting other staffing reviews, as necessary. The Operations Manager will be responsible for tracking changes made in post charts, tracking identified staffing deficits, and training of all Facility Heads and Assistant Wardens in security staffing practices and concepts. The Operations Manager will maintain an automated post staffing chart on each facility. This will include ensuring that the number of Officer positions assigned to a prison is consistent with the number of positions identified in BEACON.

The facility utilizes video monitoring equipment, positioned in specific locations for the operators to view. The video monitoring is recorded with digital video recording and network video recording. Each camera has its own specific DVR and the retention rate for each camera recording is 30 days. The facility has 190 cameras that are monitored by duty post staff, controlled, and accessed by investigators and supervisors as needed. These cameras monitor the perimeter and key areas of the facility. There are interior cameras that are also Pan – Tilt - Zoom and fixed devices that are monitored from the Control Room. The Marion CI camera coverage is monitored twenty-four hours-a-day by a dedicated officer located in the control center and the onsite review did not indicate any concerns with cross gender monitoring. The current staffing plan and video monitoring system is adequate for the protection of Offenders from sexual abuse. The facility has identified blind spot areas throughout the facility where enhanced camera coverage will eliminate potential soft spots, including the outer perimeter. The facility has implemented preventive measures until the installation of the cameras can be fulfilled and that is additional unannounced security rounds documented within these areas.

The auditor confirmed the security levels for each shift, support staff, administrative staff, maintenance staff, and management by comparing the staff assigned to the daily duty rosters. The facility Warden interview indicated the factors considered in the development of this staffing plan includes, accepted detention and correctional practices, and no judicial findings of inadequacy from Federal, internal, or external bodies. The composition of the Offender population averaged 613 Offenders and the facility staffing plan predicated to include 691 Offenders. Correctional officers and supervisors monitor each housing unit conduct unannounced rounds throughout the day. All programming activities are during dayshift hours and the facility provides additional staff to accommodate these needs with the addition of staff to monitor these areas. This auditor verified this process during the site inspection as the staffing levels were consistent with the daily roster report. The elements of State, Local Laws, Regulations, Standards, and other relevant factors are considered when developing the staffing plan. There were 1 substantiated allegation of sexual and 64 total incidents considered prior to the review of the current staffing plan.

115.13 (b) - The facility provided information during the Pre-Audit Questionnaire process indicating 0 deviations within the staffing plan in the last 12 months. The agency policy 1607, pages 13-14 explain the post chart, pull post, and relief factor evaluations designed to enhance staffing efforts within the facility.

Post Charts - A central automated post chart on each facility detailing identified posts by name, number of hours of operation, and applied a relief factor for each post will be maintained at the division level on a Web-based computer program. Management of Security Posts and the current approved post chart for each facility will be available to all Region Directors and Facility Heads. Annual reviews of the post charts will be conducted by the Facility Head and submitted to the Prisons Operations Manager via their Regional Director. Recommended Post Changes will be documented on the Recommend Post Modification Form. The annual review of all post charts and a report of changes to security staffing will be conducted by the Division Operations Manager.

Pull Posts – Are posts to provide coverage elsewhere in the facility, reduce overtime, or designated as a first responders. Pulling (Level I) posts should still allow for full delivery of services, programs, and facility operations. Overtime is normally never authorized to fill these posts. A (Level II) post is the second priority post to be pulled if coverage is needed in another area. The facility should be able to maintain minimal normal operations. Programs, education, and work activities may be scaled back as necessary. Post assignments should be prioritized with overtime authorized based on population requirements and duration of reduced staff availability. This post should only be pulled in emergency situations. Pull posts (Level III) are considered critical posts and are almost never pulled unless there is a riot or emergency. Pulling a (Level III) post would normally require minimal or no program activities and restrictive/lockdown status to enhance custody and control, staff and offender safety, and public protection requirements. Overtime for Level III posts will normally be authorized. These posts are considered critical to the safety and welfare of the public, staff, and offenders. The most common overtime needs consisted of FMLA status, sick leave, annual leave, and training. The facility Warden indicated in the formal interview there are mandates within the policy that require every post to be filled. The auditor reviewed a list of current staff documented on the overtime list.

Post Relief Factor - A standard division wide security staffing relief factor formula is the calculated numerical multiplier applied to the number of posts identified to produce the numbers of staff needed to ensure coverage. The relief factor is a formula based on staff absences for vacations, holidays, personal days, sick leave, workers' compensation leave, training days, military leave, and other factors. The relief factor formula shall be updated at least every three years. All post charts will clearly state the relief factor for each designated post, determined by the number of hours per day, the number of days per week, and the actual need to replace the post when the assigned Officer is unavailable. All deviations from the post chart are documented in an incident report. In circumstances of non-compliance with the staffing plan, the facility Shift Commander

shall document, in writing, and justify all deviations from the plan. This documentation shall be forwarded to the facility Warden for review. The auditor reviewed 0 incident reports indicating deviations within the staffing plan. The facility reported all post assignments are filled with overtime hiring or pull posts.

115.13 (c) - Agency policy 1600, page 2, includes the specific requirement regarding an annual review of the facility staffing plan by the PREA Coordinator and the facility Warden. The PREA Coordinator and the facility Warden interviews confirmed the staffing plan is discussed numerous times throughout the year and changes are necessitated as required. The Warden confirmed no litigation, and no federal mandates are currently present that may affect the sexual safety of the facility. The interview indicated full compliance with the provisions of this standard.

115.13 (d) - Agency policy 1600, page 3, informs staff regarding supervisor unannounced rounds must be made throughout the facility to deter sexual abuse or sexual harassment on each shift. Agency policy 1600, page 3 also includes staff are prohibited from alerting other staff members regarding the supervisor rounds and disciplinary action is the standard result of these actions. The on-site review indicated the supervisory rounds are being conducted and documented on the unit logs. The auditor reviewed documented supervisory logs and these documents indicated rounds being conducted during day and night shift activities and at random intervals by upper-level supervisors. The logs did not indicate a distinct pattern as all rounds were conducted at various times and on different shifts. The facility organizational chart indicates higher level supervisors as Lieutenant and above. All rounds were conducted at random intervals, on multiple shifts, and no distinct pattern was identified. The auditor conducted an interview with a Lieutenant and the interview indicated conducting unannounced rounds, documenting the rounds on the supervisory logs, and attempting to conduct the rounds without staff notifications. The interview indicated the supervisor will enter the facility at random locations, double back on security rounds, and monitor the radio traffic regarding supervisory notifications. All staff interviewed indicated disciplinary action as the result of any infractions regarding unannounced rounds throughout their tours. The auditor conducted 4 informal staff and 2 informal Offender interviews, and these interviews indicated higher level staff are present throughout the units on both day and night shifts. The informal staff interviews indicated supervisors are always walking through the units and documenting their presence. The informal Offender interviews indicated supervisory presence within the units.

Conclusion: Based upon the review and analysis of all evidence provided, the auditor has determined that the facility is fully compliant with this standard requiring the development and review of a facility staffing plan, intermediate or higher-level supervisors conducting documented unannounced rounds, and the facility has developed a policy that prohibits staff from alerting other staff of the rounds occurring.

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| 115.14 | Youthful inmates |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |

Standard 115.14 Analysis

The following evidence was analyzed in making the compliance determination:

Documents :

1. Marion CI Pre-Audit Questionnaire responses
2. Facility Population Analysis of Age Ranges Document - (12 Months)
3. Agency Website
4. Facility PREA audit September 25, 2016
5. Policy 2400, Section F, Offender Sexual Abuse and Sexual Harassment, 08-12-19, page 16

Interviews:

1. 0- Line Staff Who Supervise Youthful Offenders
2. 0 - Youthful Offenders
3. Education and Program Staff
4. PREA Compliance Manager

Site Review Observations:

1. Reviewed the daily Offender rosters and housing reports
2. Reviewed the facility intake process and classification questionnaire
3. Reviewed the Agency Web Site

Findings (By Provision):

115.14 (a-c) - The Marion CI has not housed any youthful offenders in the last 12 months. Agency policy 3400, Section F, Offender Sexual Abuse and Sexual Harassment, page 16 describes the considerations for a youthful offender to be housed in the North Carolina facilities. The policy states, "A youthful offender shall not be placed in a housing unit in which the youthful offender will have sight, sound, or physical contact with any adult offender through use of a shared dayroom or other common space, shower area, or sleeping quarters. In areas outside of housing units, the facility shall either maintain sight and sound separation between youthful offenders and adult offenders or provide direct staff supervision when youthful offenders and adult offenders have sight, sound, or physical contact. The agency shall make best efforts to avoid placing youthful offenders in isolation to comply with this provision. Absent exigent circumstances, agencies shall not deny youthful offenders daily large-muscle exercise and any legally required special education services to comply with this provision. Youthful offenders shall also have access to other programs and work opportunities to the extent possible." Marion CI does not house youthful offenders in the facility and this practice was confirmed during the interview process and verified by the facility population analysis of age ranges for the past 12 months. The facility PREA Compliance Manager interview confirmed this during the on-site review. The auditor reviewed the September 25, 2016, facility PREA audit report and confirmed no youthful offenders were authorized during the time of the audit.

Conclusion: Based upon the review and analysis of all evidence provided, the auditor has determined that the facility is fully compliant with this standard requiring the youthful offender to be housed separate from sight, sound, and physical contact with any adult Offenders through use of a shared dayroom or other common space, shower area, or sleeping quarters. As Marion CI does not house youthful offenders and no further action is required within this standard.

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| 115.15 | Limits to cross-gender viewing and searches |
| | Auditor Overall Determination: Meets Standard |
| | <p>Auditor Discussion</p> <p>Standard 115.15 Analysis</p> <p>The following evidence was analyzed in making the compliance determination:</p> <p>Documents :</p> <ol style="list-style-type: none"> 1. Marion CI Responses to the Pre-Audit Questionnaire 2. Policy 100, Chapter F, Operational Searches, 08-12-19, pages 1-6 3. Cross Gender Notification Poster, (Spanish and English) 4. Cross Gender Acknowledgement Signature and Witness Statement, 04-19-13 5. "Safe Search Practices", Training Lesson Plan, pages 1-19, Revised 07-01-19 6. Policy 700, Chapter A, Operational Searches, pages 1-8, 08-15-19 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Non-Medical Staff Involved in Strip Searches = 0 2. 12 Random Staff 3. 4 Informal Staff, and 2 Informal Offenders interviewed 4. 2 Transgender/Intersex population 5. 15 Random Offender Interviews <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Confirmation of gender specific posts compared to the daily duty rosters. 2. Intake Risk Screening and Classification Review. 3. Transgender Offenders observed during the on-site review. 4. Opposite gender announcement entering housing units. <p>Findings (By Provision):</p> <p>115.15 (a) – Policy 100, Chapter F, Operational Searches, pages 1-6 indicate the facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches except in exigent circumstances or when performed by medical practitioners. The Marion CI reported no cross-gender strip or visual body cavity searches conducted in the last 12 months. This includes no searches that involved exigent circumstances or performed by nonmedical staff. This was confirmed through 12 random interviews with staff. As all 12 staff interviews advised the facility does not perform cross-gender strip or visual body cavity searches. The auditor conducted 15 random interviews with Offenders and several interviews indicated no cross gender strip or visual body cavity searches have been performed. The Offender population advised strip searches are always conducted by the same gender. This information was also confirmed during 4 informal interviews with staff, and 2 informal Offender interviews as the interviews confirmed the female staff are only allowed to perform pat searches of male Offenders and all strip searches are conducted by the same gender. During the on-site review, the auditor received notice of 2 Offenders currently housed at Marion CI that identified as transgender. No non-medical staff involved in cross-gender searches were available for interview due to the facility reporting 0 cross-gender searches. Policy 100, Chapter F, page 2</p> |

indicates when an exigent circumstance exists regarding a cross-gender search, all searches will be documented on an incident report and forwarded to the Shift Commander, and the PREA Compliance Manager.

115.15 (b) - The Marion CI houses male Offenders; however, the auditor did observe Offenders classified as transgender as reported by the facility. The facility reported Offenders that identify as transgender population. The facility Warden confirmed this statement during the onsite review. The agency website indicated the facility houses male populations. The PREA Compliance Manager interview indicated the Marion CI does not conduct cross gender strip searches of offenders. The auditor reviewed housing unit logs indicating no cross gender listings for the population cited in the past 12 months.

115.15 (c) – Policy 100, page 2 requires the facility shall document all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat down searches of Offenders. The facility Warden confirmed this statement during the on-site review. No cross-gender searches of Offenders were observed by the auditor during the on-site review. Interviews with 15 random Offenders and 12 random staff did not indicate any concerns with cross-gender searches.

115.15 (d) - Agency policy 100 addendum, page 2 explains Offenders 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 policy mandates gender specific staff are assigned to special housing units, Transport Officers, Search Team Officers, Visiting Room Search Officer, Intake Officer, Sally Port, and Specialized Treatment Units will be considerate of gender specific posts. The auditor reviewed the daily post assignments during the on-site review and compared the gender assigned with the posted memo requirements. The facility offers Offender shower curtains that do not create blind spots, half walls to protect from viewing during restroom functions, and mirrors that do not affect privacy.

Housing unit post orders indicate a procedure for staff of the opposite gender to announce their presence when entering an Offender housing unit. This practice was observed throughout the facility site review as staff announced their presence and documented this action in the unit logbooks. The Marion CI provides signage at the door of each unit requiring this announcement. The auditor reviewed the Marion CI method of notifying the hearing-impaired Offenders when a female staff member is on the unit. As this information is provided over the loudspeaker, staff announce their presence, and the facility performs a formal announcement over the intercom system during each shift change.

115.15 (e) - Agency policy 100, Operational Searches, forbids staff to examine Offenders for the sole purpose of determining the Offender's genital status. This policy includes transgender and intersex Offenders, and if the genital status is unknown, the information will be obtained during the Offender conversations, medical records, or by performing a broader examination conducted by a medical practitioner. The Health Services Administrator confirmed this through random staff and Offender interviews. The PREA Compliance Manager interview and the PREA Coordinator interviews confirmed all Offender information is utilized to ensure this process is adhered too. The agency Safe Search Practices lesson plan explains the departments approach to working with transgender and intersex Offenders. Importantly, this training plan explains the classification process and ensures the staff effectively interact professionally and respectfully toward this specialized population.

The facility is required to develop a Plan of Action to prepare for reception and housing of transgender and intersex populations. The daily process was described to the auditor during the on-site review to include the following: caution is utilized to measure the proper placement toward housing, security, programming, and other needs. The following methods of interaction are described within this policy: Reception and Classification, Prison Rape Elimination Act (PREA) Risk Assessment Tool, Mental Health Referral Form, Access to Health Care Procedures, Committee Review, Transfers, Case Management, Searches, Commissary, and Special Accommodations. Each Offender is considered on a case-by-case basis and the final determination is mandated by the Warden as recommended by the Administrative PREA Committee. A total of 2 Offenders at Marion CI identifies as transgender, and the auditor was able to interview 2 Offenders from this population. The Offenders indicated satisfaction with current housing considerations, the facility authorizes female products to be ordered from the commissary, and the facility utilizes input from the Offenders to determine housing and search preferences to staff.

115.15 (f) – Policy 100, page 2 indicates all sworn staff are trained to conduct proper pat down searches on Offenders to include cross-gender searches. Marion CI policy 700 describes the methods to conducting clothed searches, strip searches, and body cavity searches. The training curriculum consists of a Lesson Plan titled, "Safe Search Practices." Interviews with 12 random staff and 4 informal staff did not indicate any concerns regarding transgender and intersex strip searches. The training curriculum described proper conduct as utilizing the back of the hand to conduct the pat-down search, maintaining strict professionalism, utilizing correct terminology, providing a private area for the search, limited cross-gender viewing, and being respectful toward population needs.

Conclusion: Based upon the review and analysis of all the available evidence, interviews, onsite observations, policy, corrections during the post audit phase, procedure and practice considerations, the auditor has determined that the facility is fully compliant with this standard. No corrective action is required.

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| 115.16 | Inmates with disabilities and inmates who are limited English proficient |
| | Auditor Overall Determination: Meets Standard |
| | <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 504 297">Standard 115.16 Analysis</p> <p data-bbox="240 387 999 414">The following evidence was analyzed in making compliance determinations:</p> <p data-bbox="240 504 371 530">Documents :</p> <ol data-bbox="240 560 1469 1021" style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire responses 2. Agency Policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, page 10, 08-12-19 3. Agency Policy 2600, Chapter E, Reasonable Accommodations for Offenders with Disabilities, pages 1-15, 09-05-13 4. Policy TX VII-1, Section: Care and Treatment of Patient Disabilities, Developmental Disabilities, pages 1-7, August 2007. 5. Policy TX VII-2, Section: Care and treatment of Patient Disabilities, Physical, Mental, or Cognitive Disabilities, pages 1-3, August 2009. 6. Policy 1800, Chapter E, Non-English-Speaking Offender Program, pages 1-4, 02-05-18 7. Language Resource Center Memo Document, page 1 8. Spanish Offender PREA Brochure, 02-04-14 <p data-bbox="240 1111 352 1137">Interviews:</p> <ol data-bbox="240 1167 775 1597" style="list-style-type: none"> 1. Agency Head 2. 1 - Offender with a Physical Disability 3. 0 - Offender with a Vision Disability 4. 0 - Offender with Limited English Proficiency (LEP) 5. 1 - Offender with Cognitive Disabilities 6. 12 Random Staff Interviews 7. 4 Informal Staff Interviews 8. 1 – Offender with Hearing Disabilities <p data-bbox="240 1686 509 1713">Site Review Observations:</p> <ol data-bbox="240 1742 1244 2000" style="list-style-type: none"> 1. Signs and posters indicating zero tolerance posted throughout the facility English/Spanish formats 2. The unit phones are available with a TTY service and Spanish options 3. Opposite Gender Announcements in the housing units 4. Written materials in multiple language formats 5. Staff interpreters on-site and available during interviews <p data-bbox="240 2089 464 2116">Findings by Provision:</p> |

115.16 (a) Agency Policy 2600, Chapter E, Reasonable accommodations for Offenders with Disabilities, pages 1-15 explain the agency has established procedures to provide disabled Offenders equal opportunity to participate in or benefit from all aspects of the efforts to prevent, detect, and respond to sexual abuse and sexual harassment. The policy includes language associated with deaf or hard of hearing Offenders, blind or having low vision, Offenders who have intellectual disabilities, psychiatric disabilities, speech disabilities, and limited English proficiency. The facility did not provide an offender with a Limited English Proficiency disability, but the facility Warden interview indicated the facility has a contract to provide language line services, is required to post materials in both English and Spanish formats, there are options for the blind, a contract for language services, staff listed as interpreters, and all PREA related materials are available in multiple languages. The auditor inspected the Offender phone systems, and the TTY options are available for hard of hearing populations, and the voice recorded options are available in Spanish formats.

115.16 (b) The Offender PREA handouts are written in both English and Spanish format. The PREA and Americans with Disabilities Act provisions are documented in policy 1800, Non-English Speaking Offender Program, and indicate the following resources are available for the Offenders: closed captioning, large print material, reading of materials to Offenders by staff, department translator lists, and the language line services. Offenders are provided the PREA education pamphlet in their primary language upon request and the auditor reviewed the intake process. The auditor observed the closed captioning included within the television viewing, and the intake staff reading the PREA pamphlet to the Offenders. Agency policy 1800 explains the Non-English-Speaking Offender Program as the following, "The Director of Prisons will designate certain facilities to be housing locations for those offenders unable to speak or understand English. All non-English speaking offenders are assigned to these facilities unless the designated facilities cannot satisfy the security, treatment, or other needs of the non-English speaking offender. Classification action will document the reasons for the assignment to an alternate facility if the non-English speaking offender is transferred from the designated facility." The policy further explains the programming provided to the offenders designated to participate in this program. The programs offered are English as a Second Language (ESL), and dedicated case managers.

115.16 (c) The facility provides interpreter services with a language line service known as Language Solutions. This company also requires its interpreters to undergo a medical interpreter credentialing process. A helpline number is available on the Offender phone lines to report abuse. This service is available for Offenders with limited reading skills in both English and Spanish. The auditor evaluated the number during the on-site review and an immediate response was provided. Email notifications were also received by the PREA Compliance Manager, and this auditor reviewed the confirmations. Posters and signs are available throughout the facility in both English and Spanish relating to reporting mechanisms, and prevention techniques. Staff training files reviewed indicated training received for managing Offenders at risk of sexual abuse and identified the policy against using Offender interpreters. The auditor interviewed 12 random staff and conducted 4 informal staff interviews indicating no concerns regarding offender interpreters and knowledge regarding the facility language line services. The staff identified several options to provide interpreting services and advised Offenders are not to be used to interpret. Interviews conducted with Offenders included an Offender with a documented hearing disability, and a cognitive disability that did not reveal concerns regarding this standard.

Conclusion: The evidence reviewed by the auditor reveals a significant level of facility importance regarding Offenders with disabilities or Offenders with limited English proficiency having the ability to communicate effectively with staff. This includes efforts to prevent, detect, and respond to sexual abuse and sexual harassment. The agency has met the requirements to accommodate steps to communicate effectively with Offenders who are deaf or hard of hearing, have speech disabilities, are blind or low vision, intellectual disabilities, limited reading skills, psychiatric disabilities, or limited English proficient. This includes a language line contract, and staff interpreters. The agency has established dedicated housing for limited English proficiency and utilizes case workers and a testing process to enhance the communication efforts for all. The agency has a policy in a written format and the review of the training materials indicated the information aligns with the written policy. The Warden interview indicated a strong knowledge base and the expected communication results designed within the intent of the policy. The evidence provided supports an overall auditor determination of meets expectations at this time and no further action is required.

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| 115.17 | Hiring and promotion decisions |
| | <p data-bbox="240 147 740 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 273 504 300">Standard 115.17 Analysis</p> <p data-bbox="240 385 999 412">The following evidence was analyzed in making compliance determinations:</p> <p data-bbox="240 501 371 528">Documents :</p> <ol data-bbox="240 560 1469 1218" style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire responses 2. Administrative Memorandum 10-2013, PREA Hiring and Promotion Prohibition, pages 1-3, August 30, 2013 3. 20 Random Staff Personnel Files 4. Addendum to Administrative Memorandum 10-2013, PREA Hiring and Promotion Prohibitions, page 1, October 11, 2013 5. Disqualifying Factors – Misdemeanor Offenses, pages 1-3, Revised May 24, 2010 6. NC Department of Public Safety, HR008 Professional Reference Check Form, pages 1-2 7. Random Volunteer Files 8. Random Contractor Files 9. NC Department of Public Safety, Employment with the Department of Public Safety form, pages 1-4, June 17, 2015 10. PREA Notice and Information Collection for Current Employees Statement Form, pages 1-2 11. NCDPS, HR 013 DPS Employment Statements Form, pages 1-2 12. NCDPS, HR005 Applicant Verification Form, page 1, September 2013 <p data-bbox="240 1308 352 1335">Interviews:</p> <ol data-bbox="240 1361 579 1733" style="list-style-type: none"> 1. Human Resource Staff 2. PREA Compliance Manager 3. 4 Informal Interviews with Staff 4. 1 Contract Staff Interviews 5. 0 - Volunteer Interviews 6. 12 Random Staff 7. Investigators <p data-bbox="240 1823 512 1850">Site Review Observations:</p> <ol data-bbox="240 1877 778 2024" style="list-style-type: none"> 1. 20 Random Staff Personnel Files 2. New Employee Background Screenings Confirmed 3. Contractor Background Screenings Confirmed <p data-bbox="240 2114 467 2141">Findings by Provision:</p> |

115.17 (a) The agency prohibits hiring or promoting anyone who may have contact with Offenders and prohibits enlisting the services of any contractor who may have contact with Offenders who has engaged in, been convicted of, or civilly/administratively adjudicated in sexual abuse in a prison, jail, lockup, community confinement facility, or other institution. This was confirmed during the interview with the Human Resource staff member. Each staff member must provide responses to specific questions relative to PREA during the submission of the application. A background questionnaire form is completed authorizing the facility to conduct a background screening. The auditor reviewed 20 staff personnel files that indicated a response to these PREA related questions.

115.17 (b) The North Carolina Department of Public Safety requires the facility to 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 Offenders. This was confirmed during the interview with a Human Resource staff member. The auditor reviewed 20 staff personnel files indicating their signatures on the background release forms. None of the 20 staff personnel files indicated concerns regarding this provision.

115.17 (c) The agency conducts Pre-Employment Background Investigations indicating a screening is required by law prior to hiring. This includes the following: employment history checks, criminal history checks, and the National Sex Offender Registry screenings. These checks are completed prior to hiring new employees who may have contact with Offenders. Criminal background records check and 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 is completed. The auditor spoke with the Investigator and determined 30 criminal background checks were completed in the past 12 months. These record checks were through the National Crime Information Network, and all current staff background checks are performed prior to employment. The background checks include the following: biometric information, driving records, investigation files, licensure, military records, and drug related convictions.

115.17 (d) The preaudit questionnaire indicated 12 background checks were completed for staff covered under contracts for services that may have contact with Offenders. The background checks would be completed prior to approving access to the facility. This information was confirmed during the investigator interview. The auditor reviewed the agency Professional Reference Check forms, regarding the provision of this standard that documents background checks are conducted for all applicants and employees. No new contractors or volunteers have entered the facility in 2021 because of a global pandemic (COVID-19).

115.17 (e) The North Carolina Department of Public Safety Employment Form indicates criminal background checks are conducted on all current employees, volunteers, and contractors, at least every 5 years. This is dependent upon what type of clearance badge you were awarded at the time of employment or admission into the agency. This was confirmed during the human resource staff interviews. This is captured within the agency reporting mechanism and discussed during the human resource interview. The system that captures this information is the National Crime Information Center, North Carolina Crime Information Network, and the North Carolina Department of Motor Vehicles. A centralized clearance check form is submitted, and the system consistently captures clearance information that includes driver license information, North Carolina rap sheets, Interstate Identification Rap Sheets, and prior employment information.

115.17 (f) All applicants and employees, who may have contact with Offenders, will be asked about previous misconduct in all written applications, interviews for hiring or promotion, or during written evaluations. This was confirmed during the review and interview with the human resource staff members.

115.17 (g) Employees must disclose all misconduct allegations and any material omission or false information regarding misconduct will be grounds for termination. The agency HR005 Applicant Verification Form explains failure to report criminal charges and convictions may result in disciplinary action, demotion, and termination. The auditor reviewed an automatic disqualifier list of misdemeanor offenses. In addition, 20 staff personnel files were reviewed, and no issues determined regarding this practice.

115.17 (h) The facility tracking mechanism is documented on the applicant summary form and includes a criminal records check, valid driver's license, personal interview, proper documentation provided, Local Offender Data System review, social security number compliance, certification verification, correctional reference checks to include prior employers, resignations, and substantiated allegations. The Human Resource Staff interview provided documentation demonstrating a criminal history and driver history inspection was previously conducted for staff. The Human Resource Staff interview confirmed a criminal background check is conducted prior to offering promotional opportunities and the auditor verified this process during the employee file review. The HR013, DPS Employment Statement Form, provides this question on page 1 and the auditor reviewed this form during the on-site review.

Conclusion: Based on the evidence reviewed by the auditor to include spreadsheet reviews, 20 staff personnel files, volunteer files, interviews with human resource staff, agency and facility policy, contractor reviews, 12 random staff interviews, and 4 informal staff interviews, the auditor finds no discrepancies within this standard required for corrective action.

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

Standard 115.18 Analysis

The following evidence was analyzed in making compliance determinations:

Documents :

1. Marion CI Pre-Audit Questionnaire responses
2. Policy 1600, Chapter F, Management of Security Posts, page 2, August 12, 2019

Interviews:

1. Facility Warden
2. PREA Compliance Manager
3. Agency Head
4. PREA Coordinator

Site Review Observations:

1. Camera and monitor placement throughout the facility
2. Video and storage areas and camera footage
3. Gender Specific post assignments
4. Cross-gender viewing on video monitoring equipment

Findings by Provision:

115.18 (a) The agency policy 1600, Management of Security Posts indicates when designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the agency shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect Offenders from sexual abuse. The facility Warden confirmed no expansions were performed to the Marion CI facility within the last 12 months. The interview with the Warden indicated the safety and privacy needs for Offenders is always considered when plans are being developed. The analysis that would be performed includes the idea of creating areas of safety and eliminating blind spots throughout the facility. The camera committees are in place at all levels, attempting to ensure when tours are made, the camera placements and electronic monitoring data are all factors to consider in the development of the budget. The auditor verified this number during the on-site review and explored the monitoring technology and DVR playback availability.

115.18 (b) The agency policy regarding PREA indicates when installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect Offenders from sexual abuse. The facility has not performed modifications and upgrades to the video monitoring equipment within the last 12 months. A total of 190 cameras are currently at the facility and no new additions were added in the past 12 months. The auditor reviewed the video footage during the on-site review in correlation with the previously documented gender specific post assignments. There were no immediate concerns identified regarding cross-gender viewing of the video monitoring equipment.

Conclusion: The facility has implemented a policy and a program to monitor the effects of upgrades, camera placement, and video monitoring equipment throughout their facility. Each camera has a full DVR recording support, and all modern additions were provided to assist in preventing, detecting, and responding to sexual abuse and sexual harassment allegations. The efforts provided by the facility meets the requirements of this standard. The Warden advised the PREA Coordinator participates in the discussions regarding video monitoring equipment and future expansion.

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| 115.21 | Evidence protocol and forensic medical examinations |
| | Auditor Overall Determination: Meets Standard |
| | <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 504 297">Standard 115.21 Analysis</p> <p data-bbox="240 387 999 414">The following evidence was analyzed in making compliance determinations:</p> <p data-bbox="240 504 371 530">Documents :</p> <ol data-bbox="240 560 1477 1249" style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire responses 2. Agency Policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment, pages 14-15, August 12, 2019 3. NCDPS Memorandum to Local Law Enforcement Agencies and Sheriff's, PREA Investigations and Compliance, pages 1-2, March 15, 2016 4. Form OPA-I20, Incident Scene Tracking Log, Revised January 27, 2010. 5. Reviewed 0 investigations involving a Sexual Assault Nurse Exam Referral 6. Policy CP-18, Section: Clinical Practice Guidelines, Sexual Abuse, pages 1-5, February 25, 2014 7. Policy 143B-1200, Part 1, Assistance Program for Victims of Rape and Sex Offenses, page 1 8. Reviewed 0 SANE Evaluations from Grace Hospital 9. Policy OPA-I21, PREA Evidence Chain of Custody form, page 1, March 26, 2013 10. Memorandum of Understanding (MOU), New Hope of McDowell County, February 11, 2022 11. NCDPS, PREA Support Person Role and Responsibilities Document 12. PREA Support Training, 7 Hours, On-line curriculum-based learning <p data-bbox="240 1339 352 1366">Interviews:</p> <ol data-bbox="240 1395 679 1709" style="list-style-type: none"> 1. 12 Random Staff 2. 0 Sexual Assault Nurse Examiner 3. PREA Compliance Manager 4. 9 Offenders who Reported Sexual Abuse 5. Non-Security First Responder 6. 4 Informal Staff Interviews <p data-bbox="240 1798 512 1825">Site Review Observations:</p> <ol data-bbox="240 1854 1078 1944" style="list-style-type: none"> 1. Victim Advocate Toll-Free Number posted in all Living Units 2. PREA Signs and Posters posted in all living units in English and Spanish formats. <p data-bbox="240 2033 464 2060">Findings by Provision:</p> <p data-bbox="240 2089 1493 2145">115.21 (a) The Marion CI utilizes the agency investigators for conducting administrative sexual abuse and sexual harassment investigations, and the Marion Police Department has the responsibility for conducting criminal abuse investigations. The</p> |

North Carolina Department of Public Safety utilizes a uniform evidence protocol when conducting sexual assault investigations and forensic medical examinations. The agency Sexual Abuse policy CP-18, pages 1-5 describe the uniform evidence protocol required by the facility. The auditor interviewed 12 random staff and all interviews indicated securing the scene and the Marion Police Department would be responsible for collecting the evidence at the scene.

115.21 (b) The Marion CI does not house youthful offenders, and this was confirmed by the agency website, onsite interviews conducted with staff, and the population statistical data. Agency PREA policy 3400 explains the protocol established for evidentiary purposes shall be developmentally appropriate for youth. This policy was adapted in correlation with the National Protocol for Sexual Assault Medical Forensic Exams, Adult/Adolescents.

115.21 (c) The facility offers all Offenders who experience sexual abuse access to forensic medical examinations and without financial cost to the victim. The agency Assistance Program for Victims of Rape and Sex Offenses policy 143B-1200 advises the facility shall offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without cost, where evidentiary or medically appropriate. The Marion CI utilizes Grace Hospital as an off-site medical emergency room and for SANE evaluations. A total of 0 forensic medical exams were performed by a Sexual Assault Nurse Examiner (SANE) during the past 12 months. The number performed by a SANE was 0, and the number performed by a qualified medical practitioner was 0. This auditor was unable to speak with the SANE nurse during the onsite review. The staff indicated they would provide the necessary support at the Grace Hospital during the sexual assault exam. This was also confirmed by the PREA Compliance Manager and the Health Services Administrator during the onsite review. The Health Services Administrator confirmed all medical procedures will be performed to the victim at no cost. Marion CI also provides on-site mental health treatment through their crisis stabilization and transitional care units, and mental health services are provided on-site to the offenders.

115.21 (d) The Marion CI medical staff complete the National Institute of Corrections training curriculum regarding PREA: Medical Health Care for Sexual Assault Victims in a Confinement Setting, and PREA: Behavioral Health Care for Sexual Assault victims in a Confinement Setting. Training documents were reviewed for medical staff and all training was verified. The auditor reviewed the Memorandum of Understanding (MOU) with the New Hope of McDowell County for confidential support services. The auditor identified the poster in all housing units, intake, and medical sections of the facility. The poster identified the 24- hour services offered by the agency, advocacy and case management, and hospital accompaniment. The poster offers an address for Offenders to write directly to the agency and the toll-free phone number for them to call. The information provided to the Offenders in intake includes a facility sexual abuse awareness pamphlet and the address for the victim advocate is included within the pamphlet. The auditor observed this pamphlet being provided to the Offenders during the intake processes. All Offenders are required to sign for receipt of the PREA pamphlet.

115.21 (e) The facility reported 0 incident reports involving the need for a sexual assault exam. Policy 143B-1200 explains any Offender who alleges sexual abuse or sexual battery shall be given a copy of the notification of rights to have crisis intervention services. The auditor interviewed Offenders that had previously reported an allegation of sexual abuse. The Offender advised they were aware of the program but had not spoken with the volunteer that reports to the facility. They indicated knowledge of how to report an allegation and request for services in the future.

115.21 (f) The Marion CI utilizes the agency investigators for conducting administrative sexual abuse and sexual harassment investigations, and the Marion Police Department has the responsibility for conducting criminal abuse investigations. This was confirmed during the PREA Compliance Manager, Investigative staff interviews, and 4 informal staff interviews were able to identify the PREA Compliance Manager as the point of contact for facility investigations.

115.21 (g) N/A

115.21 (h) The PREA Compliance Manager verified the facility will always utilize the advocate to offer emotional support, crisis intervention, information, and referrals. However, Marion CI does utilize staff as representatives for the emotional support services. These staff are selected by Administration as the PREA Support Person. The PREA Support Person receives 7 hours of dedicated on-line training efforts to ensure proper placement, empathic responses, and documentation efforts.

Conclusion: The facility has in place a policy reflecting the efforts toward providing investigations, victim support, evidence protocol, and forensic medical examinations. The auditor reviewed a contract for the provisions required and all facility efforts are documented in writing. All provisions were met within standard 115.21 and no further corrective action required.

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| 115.22 | Policies to ensure referrals of allegations for investigations |
| | Auditor Overall Determination: Meets Standard |
| | <p>Auditor Discussion</p> <p>Standard 115.22 Analysis</p> <p>The following evidence was analyzed in making compliance determinations:</p> <p>Documents :</p> <ol style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire responses 2. Agency Policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment, pages 25-28, August 24, 2015 3. NCDPS Memorandum to Local Law Enforcement Agencies and Sheriff's, PREA Investigations and Compliance, pages 1-2, March 15, 2016 4. Form OPA-I20, Incident Scene Tracking Log, Revised January 27, 2010. 5. Reviewed 0 investigations involving a Sexual Assault Nurse Exam Referral 6. Policy CP-18, Section: Clinical Practice Guidelines, Sexual Abuse, pages 1-5, February 25, 2014 7. Policy 143B-1200, Part 1, Assistance Program for Victims of Rape and Sex Offenses, page 1 8. Reviewed 0 SANE Evaluations from Grace Hospital 9. Policy OPA-I21, PREA Evidence Chain of Custody form, page 1, March 26, 2013 10. Memorandum of Understanding (MOU), New Hope of McDowell County, February 11, 2022 11. NCDPS, PREA Support Person Role and Responsibilities Document 12. PREA Support Training, 7 Hours, On-line curriculum-based learning. <p>Interviews:</p> <ol style="list-style-type: none"> 1. Facility Warden 2. Facility Investigator 3. PREA Compliance Manager 4. PREA Coordinator <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Reviewed the facility website for Investigative information 2. Reviewed 12 Investigative Files 3. Case Management Log Entry System <p>Findings by Provision:</p> <p>115.22 (a) The Marion Correctional Institution Pre-Audit Questionnaire listed 57 allegations of sexual abuse and sexual harassment in the past 12 months. This resulted in 57 administrative investigations and no allegations referred for criminal investigation. The Marion CI recognizes the grievance system as a method of reporting allegations of sexual abuse and 37 grievances were submitted within the last 12 months regarding allegations of sexual abuse, and 9 grievances received</p> |

regarding allegations of sexual harassment.

When a grievance form is received indicating an allegation of sexual abuse or sexual harassment, the grievance is forwarded immediately to the PREA Compliance Manager for investigation. The Marion CI provides a helpline number as a method of reporting sexual abuse or sexual harassment. The Marion CI has entered a Memorandum of Understanding (MOU) for emotional support services to victims of sexual abuse with the New Hope of McDowell County. The agency also provides a facility PREA Support Person to assist victims of sexual abuse and sexual harassment.

Administrative investigations are conducted for all allegations of abuse or harassment and criminal investigations will be conducted upon referral. There were no allegations referred to a criminal case that are still pending. There are currently 6 sexual abuse administrative cases still pending, and 39 closed cases. There are 0 sexual harassment cases still pending and 13 closed cases. The interview with the facility Warden explained the investigations are referred to the facility PREA investigators immediately upon notification. Allegations involving staff shall be reported to the Office of Special Investigations in accordance with the DPS-SI100 OSI Authority to Conduct Investigations policy. All criminal investigations are referred to the Marion Police Department. The Special Investigations Unit facility investigators will ensure that all cases are completed and documented with complete investigative summaries and the Warden is informed of the outcomes.

The PREA investigation shall be completed and decided upon (approved) by the Region Director within 30 days of the initial PREA report. An extension of an additional 30 day maximum may be given by the Region Director in instances where the investigation requires additional time for the collection of evidence or determination of validity. Any PREA investigation that extends beyond the 60 maximum days must have prior approval by the Director of Prisons. Determination regarding administrative investigations and if staff actions contributed to the incident is provided during the final decision.

115.22(b) The Agency policy 3400 requires all allegations of sexual abuse and sexual harassment to be investigated and referred for administrative review or criminal prosecution. Policy 3400 ensures the allegation of sexual abuse or sexual harassment is referred to an agency with the legal authority to conduct criminal investigations. The Marion Police Department shall be responsible for criminal investigations in matters relating to sexual abuse. This notification policy is posted on the agency website and the procedures for reporting allegations are found in the agency policy 3400. This auditor reviewed documentation indicating all 57 allegations were entered into the agency incident database. This information was provided and explained by the PREA Compliance Manager. The facility investigator interview confirmed this process. The facility investigative staff interview indicated the burden of proof for administrative investigations to be the preponderance of the evidence. The PREA Compliance Manager confirmed the policy is posted on the facility website and this was included in the facility Pre-Audit Questionnaire.

115.22 (c) Agency policy 3400 indicates an outside agency with legal authority to conduct investigations will conduct all criminal investigations of sexual abuse. The information provided by the agency and facility indicates compliance with this standard. The auditor received no referrals provided by the facility to the Marion Police Department for investigation in the past 12 months. The auditor confirmed 6 allegations are still pending for review.

115.22 (d) N/A

115.22 (e) N/A

Conclusion: Based on the evidence provided by the facility, the agency has a policy governing the investigations of allegations of sexual abuse and sexual harassment. The facility has a documented investigative policy and documents all reports of sexual abuse and sexual harassment. The facility provided the auditor with documentation of the investigations, including full investigative reports with findings. This auditor reviewed 12 investigative reports and determined no findings. The agency posts the policy on the website, and it describes the investigative responsibilities of both the agency and the separate entity that conducts the criminal investigations on its behalf. The facility meets the provisions of this standard.

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| 115.31 | Employee training |
| | Auditor Overall Determination: Meets Standard |
| | <p data-bbox="242 210 451 237">Auditor Discussion</p> <p data-bbox="242 271 502 297">Standard 115.31 Analysis</p> <p data-bbox="242 387 999 414">The following evidence was analyzed in making compliance determinations:</p> <p data-bbox="242 504 371 530">Documents :</p> <ol data-bbox="242 560 1426 873" style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire responses 2. Agency policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, pages 5-6, August 12, 2019 3. PREA: Sexual Abuse and Sexual Harassment (101), Lesson Plan, pages 1-29, July 1, 2021 4. PREA: Sexual Abuse and Sexual Harassment (201), Lesson Plan, pages 1-20, July 1, 2021 5. PREA of 2003 Acknowledgement Form, OPA-T10, June 19, 2017 6. PREA Employee Training Quiz <p data-bbox="242 963 352 990">Interviews:</p> <ol data-bbox="242 1019 671 1216" style="list-style-type: none"> 1. 12 Random Staff 2. PREA Coordinator 3. 4 Informal Staff Interviews 4. 2 Offenders that identify as Transgender <p data-bbox="242 1305 507 1332">Site Review Observations:</p> <ol data-bbox="242 1361 940 1503" style="list-style-type: none"> 1. Reviewed 20 Staff Training Files 2. Reviewed 20 PREA Training and Understanding Verification Forms 3. Verified a list of all current staff training dates <p data-bbox="242 1592 464 1619">Findings by Provision:</p> <p data-bbox="242 1648 1490 1877">115.31 (a) Agency policy 3400 includes the zero tolerance toward sexual abuse and sexual harassment policy relating to staff training. This policy includes training requirements on how to fulfill their responsibilities for prevention, detection, reporting, and response. This policy includes all elements listed in section 115.31 (a) 1-10. The auditor conducted 12 random staff interviews indicating significant knowledge regarding the zero-tolerance policy toward all forms of sexual abuse and sexual harassment, and the staff requirements toward prevention, detection, reporting, and response. The auditor reviewed the PREA Lesson Plan provided by the PREA Compliance Manager, and the materials indicate the discussion regarding the zero-tolerance standard.</p> <p data-bbox="242 1906 1490 2103">The auditor reviewed the PREA Course Lesson Plan that lists the following performance objectives required within the training: The agency's zero-tolerance policy for sexual abuse and sexual harassment, staff responsibilities for prevention, detection, response, and reporting procedures, offender rights to be free from sexual abuse and sexual harassment, offender and staff retaliation standards, the dynamics of sexual abuse in confinement settings, victim behaviors, signs and symptoms of threatening behaviors, how to avoid inappropriate relationships, communication and understanding the linguistic, ethnic, or cultural differences, and how to report sexual abuse to outside authorities.</p> <p data-bbox="242 2132 1469 2159">115.31 (b) This auditor reviewed the staff training curriculum to include rosters, power points, briefing rosters, lesson plans,</p> |

and the Power Point training program. This program is online testing platform and specifically designed to provide the PREA training elements listed in 115.31 (a) 1-10. The facility trained all staff members in the last 12 months and provided roll call training rosters demonstrating PREA training across all shifts. The Agency training is tailored to the gender of the Offenders at the facility to include male and female Offenders and staff. The facility utilizes the National PREA Resource Center, The Moss Group, and the Bureau of Justice Assistance U.S. Department of Justice Guidance in Cross Gender and Transgender Pat Searches power point within their training curriculum. This auditor interviewed 2 Offenders that identify as transgender, and the interview information did not depict any concerns with cross-gender viewing or searches.

115.31 (c) The auditor reviewed a total of 20 staff training files. The documentation provided indicated staff received the initial and annual PREA training in the past 12 months. A complete listing of all staff was provided by the training staff to the auditor. Each staff member is required to complete the PREA 101 training and alternate each year with the PREA 201 training on-line. The on-line program requires a test to be completed at the end of each section to determine satisfactory completion. The PREA Compliance Manager interview confirmed staff receive PREA training on an annual basis in the academy, on-line, during roll call briefings, and during in-service.

115.31 (d) The auditor identified a minor training issue regarding staff inability to identify the PREA team. This issue was addressed during the on-site review and the PREA Compliance Manager provided updated training materials to the auditor during the Post Audit phase to support being addressed. The auditor reviewed 20 PREA Training and Understanding Verification Forms. This document informs the student that their signature indicates they understand the training being received. The PREA Compliance Manager advised this form is signed by every staff member at the conclusion of the PREA training period.

Conclusion: Based on the review of the facility training policies, staff training curriculum, samples of the training records, and the documentation of the employee signatures signifying comprehension of the training received, the facility meets compliance with this standard. No further action is required at this time.

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| 115.32 | Volunteer and contractor training |
| | <p data-bbox="240 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 273 504 300">Standard 115.32 Analysis</p> <p data-bbox="240 385 999 412">The following evidence was analyzed in making compliance determinations:</p> <p data-bbox="240 501 371 528">Documents :</p> <ol data-bbox="240 560 1426 873" style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire responses 2. Agency policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, pages 6-8, August 12, 2019 3. PREA: Sexual Abuse and Sexual Harassment (101), Lesson Plan, pages 1-29, July 1, 2021 4. PREA: Sexual Abuse and Sexual Harassment (201), Lesson Plan, pages 1-20, July 1, 2021 5. PREA of 2003 Acknowledgement Form, OPA-T10, June 19, 2017 6. PREA Employee Training Quiz <p data-bbox="240 963 352 990">Interviews:</p> <ol data-bbox="240 1021 999 1160" style="list-style-type: none"> 1. Contract Staff 2. Religious Volunteer – Unable to interview due to concerns with COVID-19 3. PREA Compliance Manager <p data-bbox="240 1249 512 1276">Site Review Observations:</p> <ol data-bbox="240 1308 798 1388" style="list-style-type: none"> 1. Reviewed Volunteer/Contractor/ Public Visitor Forms 2. Reviewed the facility Biometric process <p data-bbox="240 1478 467 1505">Findings by Provision:</p> <p data-bbox="240 1536 1490 1796">115.32 (a) Agency PREA policy 3400 explains the zero-tolerance standard toward all forms of sexual abuse, sexual assault, and sexual harassment. The facility provides a volunteer and contractor handout, Power point review, and a PREA test. This auditor reviewed the volunteer and contractor handout, and the information includes the zero-tolerance policy, requirements for preventing, reporting, detection, response, and the discipline imposed for violations of this policy. The documentation provided by the facility indicates the volunteer and contractor signature understanding the training received. The auditor reviewed the PREA Information Acknowledgment form indicating they understand the training received. The auditor reviewed the PREA Lesson Plan Power Point provided by the PREA Compliance Manager, and the materials provide the discussion regarding the zero-tolerance standard.</p> <p data-bbox="240 1827 1490 2056">The auditor reviewed the PREA Course Lesson Plan that lists the following performance objectives required within the training: The agency's zero-tolerance policy for sexual abuse and sexual harassment, staff responsibilities for prevention, detection, response, and reporting procedures, offender rights to be free from sexual abuse and sexual harassment, offender and staff retaliation standards, the dynamics of sexual abuse in confinement settings, victim behaviors, signs and symptoms of threatening behaviors, how to avoid inappropriate relationships, communication and understanding the linguistic, ethnic, or cultural differences, and how to report sexual abuse to outside authorities. The volunteers and contractors are required to complete a written test and the auditor verified this process throughout the on-site review.</p> <p data-bbox="240 2087 1490 2145">115.32 (b) The Marion CI reported 12 contractors and 0 volunteers assigned throughout the department. The level of training received is based on the services they provide and the level of contact they have with Offenders. A level one contractor or</p> |

volunteer, which spends at least five hours a week with an Offender, would receive the same training as the staff. Each contractor and volunteer must complete an application and a background check is completed. The application consists of the following information: personal information, current employment information, personal identification information, education, emergency contacts, criminal history, and previous institutional experience. Each volunteer and contractor are screened through the North Carolina Crime Information Network and the National Crime Information Center. All volunteers and contractors complete a screening process, and a badge identification system is conducted that authorizes the volunteer or contractor access to the facility.

115.32 (c) The auditor spoke with 1 contract staff and 0 volunteers that provided information relating to the training received, handbook notifications, and background questionnaires due to the restrictions associated with COVID-19. No volunteer staff were on-site and telephone conversations could not be arranged. The facility volunteer coordinator provided documentation indicating all volunteers have received the PREA pamphlet and signed the notification indicating the volunteer understands the training received in either 2019 or 2020. No volunteer training has been conducted since 2020 due to COVID-19 and all volunteers are required to receive the training prior to having authorization to enter the facility.

Conclusion: Based on the review of the evidence provided, the facility ensures all volunteers and contractors that have contact with Offenders are trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures. The level and type of training is provided to volunteers and contractors based on their level of contact with the Offenders. The sample of volunteers and contractors interviewed indicated knowledge regarding the zero-tolerance policy and how to report any incidents. The agency maintains documentation confirming that all volunteers and contractors understand the training they have received. The volunteer coordinator acknowledges the importance of ensuring all facility databases are updated regarding the training certification. No corrective action is required regarding this standard.

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| 115.33 | Inmate education |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Standard 115.33 Analysis</p> <p>The following evidence was analyzed in making compliance determinations:</p> <p>Documents :</p> <ol style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire responses 2. Agency policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, page 9-10, August 12, 2019 3. Sexual Abuse Awareness for the Offender Intake Brochure, pages 1-2, February 27, 2018, English, and Spanish 4. NCDPS, Offender PREA Education Acknowledgement Form, OPA-T100, March 15, 2013 5. OPUS Online, Educational Program Search Screen, June 24, 2015 6. Transfer Orientation Email Notification, August 2, 2013 7. Facilitator Talking Points: Offender Sexual Abuse and Sexual Harassment Intake/Orientation Upon Transfer 8. Diagnostic Center Procedures, Orientation Procedures, Section 201, pages 1-3, March 31, 2010 9. Statewide Term Contract 961B – Telephone Based Interpreter Services, Linguistic International, Inc. <p>Interviews:</p> <ol style="list-style-type: none"> 1. PREA Compliance Manager 2. 1 Intake Staff 3. 15 Randomly Selected Offender Interviews 4. 2 Informally Selected Offender Interviews 5. 0 Limited English Proficient (LEP) Offender Interviews 6. 1 Physical Disability Offender Interviews 7. 1 Cognitive Disability <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Observed the Intake Process and Issue of the PREA Pamphlet to Offenders 2. Reviewed 20 Offender Intake Files 3. Reviewed 20 PREA Offender Intake Handout Receipts 4. Observed PREA Posters and Materials Posted in All Living Units, Medical, and Programs (English/Spanish) <p>Findings by Provision:</p> <p>115.33 (a-f) Agency policy 3400, page 9-10 discusses the Offender education requirements and includes elements (a-f) within the policy. The intake officer described the Offenders receive an initial PREA document upon arrival to the intake section. The auditor observed this process during the intake screening and observed Offenders receive the PREA pamphlet.</p> |

This document includes the facility zero tolerance policy, the Offenders right to be free from sexual abuse, sexual assault, and sexual harassment. It also includes instructions on how to report an allegation by mail. The Offenders can submit a request form, file a grievance to report allegations of sexual abuse, sexual assault, or sexual harassment. They can report to a staff member or call the PREA helpline numbers. Agency policy 3400 indicates within the first 30 days of reception additional PREA information will be provided to the offender population. This information includes the Offender's rights to be free from sexual abuse, sexual harassment, and retaliation. Department policies are introduced, response procedures, and directions on how to report an allegation is explained during the comprehensive review. The facility also proudly displays PREA posters, and one is displayed in the intake section regarding zero tolerance. The intake staff are required to print an offender orientation acknowledgement form and the offenders sign acknowledging they understand the training they have received. The auditor sampled 20 offender files indicating receipt of the PREA brochure and the 30-day comprehensive education. The PREA Compliance Manager reported a total of 368 offenders admitted during the past 12 months, and education was provided when the offender's length of stay exceeded 30 days. This information was confirmed by the PREA Compliance Manager during the on-site interview.

There are several reporting methods provided to the offenders and this is discussed in the PREA pamphlet. The PREA information handout, and the New Hope of McDowell County information was posted on the wall near the phones in every offender living unit, in both Spanish and English formats. Posters are visible throughout the facility reminding offenders regarding zero tolerance toward all forms of sexual abuse, sexual assault, and sexual harassment. The auditor interviewed 15 randomly selected offender interviews indicating PREA knowledge, expectations toward privacy, reporting mechanisms, retaliation monitoring, and pride in the overall sexual safety of the facility. The offender phones are equipped with a TTY system, the facility provides a language line for numerous languages and a list of certified staff interpreters. The facility employs staff to provide the information verbally to offenders that cannot read. The auditor interviewed no offenders with limited English proficiency but was advised receiving PREA information in documents they could read and understand. The auditor also interviewed 1 Offender that has trouble hearing, and they advised no concerns with understanding all information relative to PREA. The facility provides support for blind or low vision disabilities by using Braille documents for concerns of this manner.

Conclusion: The auditor has determined the agency has a policy governing PREA education for offenders. The auditor has also determined full compliance with this standard based on a review of the following evidence supplied by the facility: intake records of offenders entering the facility in the past 12 months, signed documents by the offenders indicating the understanding of the training received within 30 days of intake, confirmation of all offenders receiving the PREA information within one year of the effective date of the PREA standards, review of the Offender handbook, PREA pamphlet, education materials in formats accessible to offenders that are limited English proficient, deaf, visually impaired, disabled or limited reading skills, and observations of materials posted throughout the facility in both English and Spanish formats. The facility has demonstrated compliance and no corrective action is requested.

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| 115.34 | Specialized training: Investigations |
| | Auditor Overall Determination: Meets Standard |
| | <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 504 297">Standard 115.34 Analysis</p> <p data-bbox="240 387 999 414">The following evidence was analyzed in making compliance determinations:</p> <p data-bbox="240 504 371 530">Documents :</p> <ol data-bbox="240 560 1457 846" style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire responses 2. Agency Policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, page 8, August 24, 2015 3. PREA: Sexual Abuse and Sexual Harassment (101), Lesson Plan, pages 1-30, July 1, 2021 4. Training Progress Summary Pie Chart, PREA Sexual Abuse and Sexual Harassment Investigator's Workshop, October 16, 2020 5. PREA First Responder Cards <p data-bbox="240 936 352 963">Interviews:</p> <ol data-bbox="240 992 531 1019" style="list-style-type: none"> 1. Facility PREA Investigator <p data-bbox="240 1108 509 1135">Site Review Observations:</p> <ol data-bbox="240 1164 930 1361" style="list-style-type: none"> 1. Reviewed the facility PREA Training Lesson Plan and Power point 2. Reviewed 13 Correctional Investigator Training Files 3. Reviewed 13 PREA Training and Understanding Forms 4. Reviewed 12 PREA Investigative Files <p data-bbox="240 1451 464 1478">Findings by Provision:</p> <p data-bbox="240 1507 1477 2004">115.34 (a-d) Agency policy 3400 page 8 includes the specialized training requirements for the facility PREA investigators. The required training includes the following: interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action and prosecution referral. The facility utilizes investigators from the Marion Police Department for all criminal investigations. The Special Investigations Unit are notified during all staff investigations for PREA sexual abuse allegations. The auditor reviewed 13 training records indicating the members of facility investigative staff have received the specialized PREA training for investigators. All 12 investigations reviewed were conducted by investigators that have received the specialized investigator training presented by the on-line PREA Sexual Abuse and Sexual Harassment Investigator's Workshop. The investigator interview indicated additional training is conducted on a continuous basis. This training provides the necessary elements required within this standard to include the following: interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action and prosecution referral. The auditor reviewed the training outline and power points associated with this learning environment. This training identified the PREA standards that apply to investigating sexual abuse of Offenders and demonstrated six critical investigative techniques and protocols of competent investigations.</p> <p data-bbox="240 2033 1477 2161">The facility maintains records of all training received and is easily accessible for review. Agency policy 3400 indicates training documentation will be maintained by the employee training files and documented on the PREA Training and Understanding Form. The auditor reviewed 13 PREA Training and Understanding Forms for the 13 staff members that have taken the specialized investigator training class.</p> |

Conclusion: Based on the review of the materials provided by the facility: the agency training policy for investigative staff, the investigator training curriculum, documentation that the agency investigators have completed the required training, and the training records and logs presented by the staff, the auditor finds the facility meets all provisions required within this standard. No further action is required at this time.

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| 115.35 | Specialized training: Medical and mental health care |
| | <p data-bbox="242 145 742 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 208 454 237">Auditor Discussion</p> <p data-bbox="242 271 502 300">Standard 115.35 Analysis</p> <p data-bbox="242 383 997 412">The following evidence was analyzed in making compliance determinations:</p> <p data-bbox="242 499 375 528">Documents :</p> <ol data-bbox="242 557 1428 701" style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire responses 2. Agency Policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, pages 8-9, August 24, 2015 3. 10 Medical Staff Training Files <p data-bbox="242 788 359 817">Interviews:</p> <ol data-bbox="242 846 694 990" style="list-style-type: none"> 1. 1 Medical Staff 2. 1 Mental Health Staff 3. 0 Sexual Assault Nurse Examiner (SANE) <p data-bbox="242 1077 518 1106">Site Review Observations:</p> <ol data-bbox="242 1135 662 1164" style="list-style-type: none"> 1. Reviewed 10 medical staff training files <p data-bbox="242 1252 470 1281">Findings by Provision:</p> <p data-bbox="242 1310 1492 1601">115.35 (a-d) Agency policy 3400, pages 8-9 explain the agency policy, procedures, and practice associated with this standard compliance, and requires all medical and mental health care practitioners to receive the required specialized PREA training. There is a total of 10 full-time medical staff that work regularly in the facility. The auditor reviewed the training records for 10 staff that have received the initial PREA orientation and the specialized training. The training plan includes the following topics: PREA medical and mental healthcare standards participant guide, lessons on 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 whom to report allegations or suspicions of sexual abuse and sexual harassment. The auditor interviewed 1 medical staff, and 1 mental health staff and both interviews indicated knowledge regarding the specialized medical training.</p> <p data-bbox="242 1630 1492 1825">The forensic medical exams are conducted at the Grace Hospital. The auditor was unable to interview a SANE nurse from the hospital due to time constraints, effects of COVID-19, and a lack of a point of contact. The facility maintains documentation demonstrating the medical and mental health practitioners have completed and understand the training received. The 1 medical staff interview provided direct knowledge regarding 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 whom to report allegations or suspicions of sexual abuse and sexual harassment.</p> <p data-bbox="242 1854 1460 2016">Conclusion: Based on the review of the following evidence: agency policy governing training of medical and mental health care practitioners, documentation showing the training has been received by all staff, a review of the training curriculum, signature indicating understanding of the training received, and confirmation of the medical staff training logs ensuring the staff have received the initial training for employees, contractors, and volunteers dependent upon their status, the auditor finds the facility meets all of the provisions required within this standard with compliance, and no further action is required.</p> |

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| 115.41 | Screening for risk of victimization and abusiveness |
| | Auditor Overall Determination: Meets Standard |
| | <p>Auditor Discussion</p> <p>Standard 115.41 Analysis</p> <p>The following evidence was analyzed in making compliance determinations:</p> <p>Documents :</p> <ol style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. Agency policy 3400, Chapter F, Offender Sexual Abuse and Sexual harassment Policy, pages 10-12, August 12, 2019 3. NCDPS, Risk to Sexual Victimization and Abusiveness Screening Guide, pages 1-15, March 17, 2016 4. NCDPS, Mental Health Screening Inventory, Offender Population Unified System (OPUS), page 1 5. NCDPS, Screening for risk of Sexual Victimization and Abusiveness: PREA Standards 115.41 and 115.42 Guidelines Memo 6. NCPDS, Diagnostic Policy Update Memo, pages 1-2, October 9, 2013 <p>Interviews:</p> <ol style="list-style-type: none"> 1. 1 Staff Responsible for Risk Screening 2. 15 Random Offender Interviews 3. 2 Informal Offender Interviews 4. 12 Random Staff Interviews 5. 4 Informal Staff Interviews 6. PREA Coordinator 7. PREA Compliance Manager <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Offender Risk Screening Process 2. Offender Risk Screening Reassessment Process 3. Intake and Classification Housing Assignment Review 4. Offender File Reviews = 5. 20 Marion CI PREA Risk Assessment Tools <p>Findings (By Provision):</p> <p>115.41 (a-l) Agency policy 3400, page 10 explains the screening procedures for risk of victimization and abusiveness. "All offenders and safekeepers shall receive a mental health screening (MHSI), administered via the web-based OPUS intake system, within 72 hours after admission to Prisons. Diagnostic Services staff shall conduct the screening to determine an offender's risk of being sexually abused by other offenders or their risk of being sexually abusive toward other offenders. The screening shall use an objective screening instrument."</p> |

This policy explains all Offenders are assessed during an intake screening for their risk of being sexually abused by other Offenders or sexually abusive toward other Offenders. Offenders will also be screened upon transfer to another facility for their risk of being sexually abused or sexually abusive toward other Offenders. The Marion CI utilizes the Mental Health Screening Inventory to accomplish the risk screening process. This tool is utilized during the following procedures: the intake screening process, 20-30 days after receipt into the facility, whenever an offender alleges an incident of sexual abuse, new information is provided within the offender's history, and during the annual review.

Upon arrival to the NCDPS Diagnostic Center, the offender receives a Mental Health Screening Inventory (MHSI) completed by a diagnostic case analyst. Based on the information provided by the inventory the Offender Population Unified System (OPUS) will generate a report to identify any person who is at high risk for victimization and abusiveness. The agency has developed a more detailed screening process to ensure staff can carefully review the responses to ensure housing considerations. This new process was implemented in April 2021 and is being circulated to all facilities. The Marion CI was using the new process during the time of the on-site review as it was available to them.

The Marion CI also utilizes a review board for gender housing request forms that may impact the Transgender and Intersex populations. The objective classification system questionnaire also assesses offenders for the risk of being sexually abusive by including the following criteria: prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse. The auditor conducted an interview with the staff performing the screening and was advised, each offender must be carefully screened, and every evaluation should be unbiased. The results of the screening should be based on the communication between the staff conducting the review and the offender's own perceptions and responses to the questions. If the offender indicates they were erroneously identified as lesbian, gay, bisexual, gender nonconforming, transgender, or intersex during the completion of the MHSI, then the Case manager should update the screening information in accordance with current procedures. The transgender or intersex offender, upon self-disclosure, may be housed temporarily in a single cell or bed with officer visibility until the FTARC convenes and determines permanent housing placement based on the offender's concerns for safety, request for accommodations, screening information, and high-risk status.

Agency policy 3400 indicates within 20-30 days of intake an offender's risk level will be reassessed due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the offender's risk of sexual victimization or abusiveness. Interviews conducted with 15 random offenders indicated this process was being applied as the offenders could explain the questions being asked by the facility staff. The offenders identified the case workers as conducting the initial assessment and the reassessment. This information is consistent with the agency policy previously discussed. Agency policy 3400 indicates offenders will not be disciplined for refusing to answer, or for not disclosing complete information in response to the risk screening, and the facility considers these documents to be treated in a confidential nature. Select staff are authorized to view this data and the facility information technician must authorize usage on all electronic devices. The evidence provided indicates compliance with this standard and this was also confirmed with the PREA Compliance Manager interview. The staff interview advised a new reassessment would have to be uploaded to provide written changes to the responses. The PREA Compliance Manager interview indicated limited access to review these documents once they have been uploaded within the system. The Risk to Sexual Victimization and Abusiveness Screening Guide indicates the following staff have access to the screening responses: Facility Head, PREA Compliance Manager, Assistant Warden for Custody and Operations, Assistant Warden for Programs, and the Offender Assigned Coordinators (IAC) primary and alternate at each facility. The agency has updated the system to include automatic OPUS notifications for mental health referrals. Currently the staff conducting the reassessment must notify mental health regarding a mental health referral and the new changes had not been implemented.

Conclusion: Based on the review and analysis of all available evidence, to include agency policy governing the screening of offenders upon admission to the facility or transfer to another facility, screening instruments to determine risk of victimization or abusiveness, and detainee records, the auditor has determined that the agency is compliant with this standard regarding offender risk of victimization and abusiveness. However, the agency is working toward improvements within the mental health notifications, enhancing the risk screening document, and staff are preparing to attend training classes associated with the new screening process.

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| 115.42 | Use of screening information |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Standard 115.42 Analysis</p> <p>The following evidence was analyzed in making compliance determinations:</p> <p>Documents :</p> <ol style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. Agency policy 3400, Chapter F, Offender Sexual Abuse and Sexual harassment Policy, pages 10-14, August 12, 2019 3. NCDPS, Risk to Sexual Victimization and Abusiveness Screening Guide, pages 1-15, March 17, 2016 4. NCDPS, Mental Health Screening Inventory, Offender Population Unified System (OPUS), page 1 5. NCDPS, Screening for risk of Sexual Victimization and Abusiveness: PREA Standards 115.41 and 115.42 Guidelines Memo 6. NCPDS, Diagnostic Policy Update Memo, pages 1-2, October 9, 2013 7. Health Services Policy and Procedures Manual, TXI-13, Care and Treatment of Patient, Education, and Management of Disorders of Gender Dysphoria, pages 1-3, October 2014 8. Screening Review for High-Risk Victims and Abusers Document, pages 1-10, created September 6, 2019 <p>Interviews:</p> <ol style="list-style-type: none"> 1. PREA Coordinator 2. PREA Compliance Manager 3. 1 Staff Responsible for Risk Screening 4. 2 Offenders Identifying as Transgender 5. Facility Warden <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Reviewed the PREA Risk Screening Process 2. Reviewed the PREA Risk Screening Reassessment Process 3. Reviewed Offender Files = 20 4. Reviewed the housing unit cell, shower, restroom, and bunk accommodations <p>Findings (By Provision):</p> <p>115.42 (a-g) Agency policy 3400 indicates the facility utilizes the information collected from the risk screenings to inform housing, bed, work, education, and program assignments with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive. This information was confirmed during the interview with the agency PREA Compliance Manager as the PREA Compliance Manager advised all facility risk screenings are objective, case by case evaluations of the offenders with their own perceptions and views being considered. The views of the offender are recognized along with the tally provided by the staff on the risk assessment document. The intake screening</p> |

staff interview indicated utilizing the risk screening instruments to ensure all bed assignments, work assignments, education, and program assignments are carefully reviewed to ensure potential abusers are not interacting with potential victims. The auditor was able to speak with 2 offenders that identify as Transgender during the review. No concerns with the current housing were identified, and all agreed their housing was discussed during the classification interview. They agreed to the level of housing recommended by the facility and no further issues were discussed.

Agency policy 3400, page 10 explains the screening procedures for risk of victimization and abusiveness. "All offenders and safekeepers shall receive a mental health screening (MHSI), administered via the web-based OPUS intake system, within 72 hours after admission to Prisons. Diagnostic Services staff shall conduct the screening to determine an offender's risk of being sexually abused by other offenders or their risk of being sexually abusive toward other offenders. The screening shall use an objective screening instrument." This policy explains all offenders are assessed during an intake screening for their risk of being sexually abused by other offenders or sexually abusive toward other offenders. Offenders will also be screened upon transfer to another facility for their risk of being sexually abused or sexually abusive toward other offenders. The Marion CI utilizes the Mental Health Screening Inventory to accomplish the risk screening process. This tool is utilized during the following procedures: the intake screening process, 20-30 days after receipt into the facility, whenever an offender reports an incident of sexual abuse, new information is provided within the offender's history, and during the annual review.

Upon arrival to the NCDPS Diagnostic Center, the offender receives a Mental Health Screening Inventory (MHSI) completed by a diagnostic case analyst. Based on the information provided by the inventory the Offender Population Unified System (OPUS) will generate a report to identify any person who is at high risk for victimization and abusiveness. The agency has revised the form to include a question considering if the Offender is detained solely for civil immigration purposes. The Marion CI also utilizes a review board for gender housing request forms that may impact the Transgender and Intersex populations. The objective classification system questionnaire also assesses Offenders for the risk of being sexually abusive by including the following criteria: prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse. The auditor conducted an interview with the staff performing the screening and was advised, each Offender must be carefully screened, and every evaluation should be unbiased. The results of the screening should be based on the communication between the staff conducting the review and the offender's own perceptions and responses to the questions. If the offender indicates they were erroneously identified as lesbian, gay, bisexual, gender nonconforming, transgender, or intersex during the completion of the MHSI, then the Case manager should update the screening information in accordance with current procedures. The transgender or intersex offender, upon self-disclosure, may be housed temporarily in a single cell or bed with officer visibility until the FTARC convenes and determines permanent housing placement based on the offender's concerns for safety, request for accommodations, screening information, and high-risk status.

Agency policy 3400 indicates within 20-30 days of intake an offender's risk level will be reassessed due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the offender's risk of sexual victimization or abusiveness. Interviews conducted with 15 random offenders indicated this process was being applied as the offenders could explain the questions being asked by the facility staff. The offenders identified the case workers as conducting the initial assessment and the reassessment. This information is consistent with the agency policy previously discussed. Agency policy 3400 indicates Offenders will not be disciplined for refusing to answer, or for not disclosing complete information in response to the risk screening, and the facility considers these documents to be treated in a confidential nature. Select staff are authorized to view this data and the facility information technician must authorize usage on all electronic devices. The evidence provided indicates compliance with this standard and this was also confirmed with the PREA Compliance Manager interview. The staff interview advised a new reassessment would have to be uploaded to provide written changes to the responses. The PREA Compliance Manager interview indicated limited access to review these documents once they have been uploaded within the system. The Risk to Sexual Victimization and Abusiveness Screening Guide indicates the following staff have access to the screening responses: Facility Head, PREA Compliance Manager, Assistant Warden for Custody and Operations, Assistant Warden for Programs, and the Offender Assigned Coordinators (IAC) primary and alternate at each facility.

The facility site review provided the opportunity to confirm all offender showers are conducted separately, a shower curtain is provided for privacy, and the 15 random Offender interviews and 2 informal offender interviews concluded no issues reported due to other staff or offenders viewing the offenders while changing clothes, showering, or using the restrooms. The 12 random staff interviews advised no concerns with this type of issue reported. The video monitoring equipment did not indicate any concerns regarding cross-gender viewing during episodes of undress or showering. All showers are conducted separately, and offenders can purchase clothing items through commissary to assist with shower activities.

The facility does not place lesbian, gay, bisexual, transgender, or intersex offenders in a dedicated housing facility, unit, or wing based on their status. This is forbidden in policy 3400. The facility Warden interview confirmed there are no consent decrees regarding legislative action pertaining to restrictive housing considerations. The on-site review indicated special populations are not assigned to one housing unit as the auditor was able to interview Offenders from all living units.

Conclusion: Based on the review and analysis of the following available evidence: agency policy governing the use of screening information, documentation of the use of screening, documentation of housing decisions, reassessments, and

facility housing considerations for the special populations, the auditor has determined that the facility is compliant with this standard regarding offender risk of victimization and abusiveness.

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| 115.43 | Protective Custody |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Standard 115.43 Analysis</p> <p>The following evidence was analyzed in making compliance determinations:</p> <p>Documents :</p> <ol style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire responses 2. Agency policy 3400, Chapter F, Offender Sexual Abuse and Sexual harassment Policy, pages 15-16, August 12, 2019 3. NCDPS, Risk to Sexual Victimization and Abusiveness Screening Guide, pages 1-15, March 17, 2016 4. NCDPS, Mental Health Screening Inventory, Offender Population Unified System (OPUS), page 1 5. NCDPS, Screening for risk of Sexual Victimization and Abusiveness: PREA Standards 115.41 and 115.42 Guidelines Memo 6. NCPDS, Diagnostic Policy Update Memo, pages 1-2, October 9, 2013 7. Health Services Policy and Procedures Manual, TXI-13, Care and Treatment of Patient, Education, and Management of Disorders of Gender Dysphoria, pages 1-3, October 2014 8. Screening Review for High-Risk Victims and Abusers Document, pages 1-10, created September 6, 2019 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Facility Warden 2. 1 Staff Supervising Offenders in Segregated Housing 3. 0 Offenders in Segregated Housing for Risk of Suffering Sexual Abuse <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Offender Case Files 2. Segregation Housing Records <p>Findings (By Provision):</p> <p>115.43 (a-e) Agency policy 3400, Chapter F, pages 15-16 clearly define the information within this standard. Offenders at high risk of sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and there are no other alternative means of separation. The Offender will not be held for more than 24 hours to complete the assessment. This policy was confirmed during the interview with the facility Warden. This policy allows for programming, privileges, education, and work opportunities to the extent possible. If the facility restricts access to these opportunities, the facility must document on the Incident Report and the Administrative Segregation Form. This auditor reviewed the segregated housing records and spoke with 1 staff that supervises offenders in segregated housing. No offenders in the past 12 months were identified to be housed in segregated housing involuntary. The auditor reviewed the segregated housing records and determined there were no offenders currently in special housing for high risk of sexual victimization.</p> <p>Facility policy 3400, page 16 indicated all reviews for offenders in segregation are conducted within 30- days. The facility reported 0 offenders that have been housed in segregation for high risk of sexual victimization in the past 12 months.</p> |

“Offenders at high risk for sexual victimization cannot be placed 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. The status of all offenders placed in protective custody pursuant to risk of sexual victimization is reviewed by the Warden/designee every thirty (30) days”.

Conclusion: Based on the review and analysis of all available evidence, the auditor has determined that the agency has a policy governing involuntary segregated housing for Offenders at high risk for sexual victimization. The facility conducts 30-day reviews and documents accordingly. The auditor reviewed facility records of housing assignments, segregation logs, and verified out of cell activities were not interrupted throughout this review. The auditor has determined the facility is compliant with the provisions of this standard.

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| 115.51 | Inmate reporting |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Standard 115.51 Analysis</p> <p>The following evidence was analyzed in making compliance determinations:</p> <p>Documents :</p> <ol style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. Agency Policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, pages 16-18, August 12, 2019 3. Memorandum of Understanding, New Hope of McDowell County, February 11, 2022 4. Agency Policy Chapter IV.0100, Mailroom Procedures, pages 1-9, January 21, 2016 5. PREA Reporting Poster, Help Prevent Prison Sexual Violence, February 27, 2018 6. NCDPS, Facilitator Talking Points Document: Offender Sexual Abuse and Sexual Harassment Intake/Orientation Upon Transfer, February 27, 2018 7. NCDPS, Sexual Abuse Awareness for the Offender Brochure, February 27, 2018 8. Offender Handbook, Rules and Policies DC-239, pages 1-34, April 2010 9. NCDPS, Maintaining an Atmosphere of Professionalism, Staff Brochure, pages 1-2 <p>Interviews:</p> <ol style="list-style-type: none"> 1. 12 Randomly Selected Staff 2. 15 Randomly Selected Offenders 3. 4 Informal Staff Interviews 4. 2 Informal Offender Interviews 5. PREA Compliance Manager 6. Facility Warden <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Reviewed the Sexual Assault Victim Advocacy Services poster. 2. Reviewed the Third-Party mailing address postings. 3. Reviewed the facility training records and lesson plan. <p>Findings (By Provision):</p> <p>115.51 (a-d) Marion CI provides multiple methods for Offenders to privately report sexual abuse, sexual assault, sexual harassment, retaliation against reporting staff neglect, and contributing factors to these incidents. These factors are described in policy 3400, pages 16-18 and they include: verbally, in writing, anonymously, third-party reporting, request forms, grievance forms, submitting a written report to the sexual abuse reporting address for the PREA Office, report directly to a family member or friend, write a letter to the staff, submit a request for assistance to the staff they trust. The New Hope of McDowell County serves as the Rape Crisis Center for the facility and the Forgiven Ministry will submit an email to the</p> |

PREA Compliance Manager informing there is an issue being reported. These reports are documented in writing immediately and forwarded to the agency PREA investigator for prompt review. All administrative investigations are conducted by the facility investigators, and all criminal investigations are conducted by the Marion Police Department. This information was documented in the facility policy, 3400, and the PREA intake pamphlet.

The facility has a documented Letter of Agreement with the Marion Police Department to provide one method of anonymous Offender reporting to a public entity that is not part of the agency. This information is posted in all offender living units, and available upon the intake PREA pamphlet. The auditor interviewed 15 randomly selected offenders and conducted 2 informal offender interviews that concluded knowledge of this process. The facility completes a Facilitator Talking Points Document with the offender and requests signature for understanding.

The Marion CI does not detain offenders solely for civil immigration purposes and this was confirmed by the PREA Compliance Manager, and the facility Warden interviews. However, steps are in place to conduct calls for immigration purposes and these calls are authorized at no cost to the offender population. The auditor confirmed this statement was written in agency policy 3400 regarding Civil Immigration. All facility mail related to PREA is considered privileged correspondence and is treated in the same manner as legal materials. These items must be opened in front of the offender and outgoing mail is not searched.

Agency policy 3400 requires all staff to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment, retaliation against offenders or staff, and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. This policy also advises the Warden or designee will monitor the conduct and treatment of offenders or staff who reported sexual abuse or sexual harassment for at least 90 days. The Warden confirmed this monitoring period during the interview process. The Warden also confirmed any allegations reported by another facility or to another facility will be performed from the agency head to the other facilities agency head in writing. This information will then be passed on to the facility investigators promptly.

Conclusion: The auditor has reviewed all available information provided by the facility during the preaudit, on-site review, and during the post audit phase. The auditor has determined the facility has several internal methods for offenders to privately report all allegations of sexual abuse and sexual harassment. This includes internal methods as well as external bodies. The facility accepts reports verbally, in writing, anonymously, and from a third party. Offenders at the Marion CI are not detained solely for civil immigration services and there is a system in place for free calls for civil immigration purposes. Therefore, the facility has met the requirements of this standard and no further action is required.

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| 115.52 | Exhaustion of administrative remedies |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Standard 115.52 Analysis</p> <p>The following evidence was analyzed in making compliance determinations:</p> <p>Documents :</p> <ol style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. Agency Policy .0300, Chapter G, Administrative Remedy Procedure, pages 1-11, August 1, 2013 3. DC-239, Rules and Policies, Offender Handbook, pages 23-24, April 2010 4. Agency Policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, August 12, 2019 5. Offender Grievance Forms 6. Intake PREA Pamphlet <p>Interviews:</p> <ol style="list-style-type: none"> 1. PREA Compliance Manager 2. 15 Randomly Selected Offenders 3. 12 Randomly Selected Staff <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Grievance forms are readily available to the Offender population in all housing units. 2. Reviewed the Offender Grievance Log <p>Findings (By Provision):</p> <p>115.52 (a-g) Agency policy .0300, Administrative Remedy Procedure describes the grievance procedure for dealing with Offender grievances regarding sexual abuse. Agency policy advises, Offenders shall utilize the Offender grievance system to report sexual abuse or sexual harassment by a staff member or Offender-on-Offender sexual abuse, as defined in the Glossary of Terms for this procedures manual. However, if an Offender files a grievance related to staff on Offender sexual abuse/sexual harassment or Offender on Offender sexual abuse, the Facility Grievance Coordinator shall forward it to the facility PREA Investigator for tracking and investigation. The Offender shall be notified of this action. The PREA Compliance Manager reports that the facility PREA Investigator will be responsible for notifying the Marion Police Department for any actions resulting in a potential criminal investigation.</p> <p>There have been 43 allegations of sexual abuse submitted through the grievance process in the last 12 months, and 11 allegations of sexual harassment. Interviews with the PREA Compliance Manager revealed that while the grievance process is set up for reporting of allegations of sexual abuse and sexual harassment, in the instances such allegations are received through this channel, they are forwarded to the PREA Investigator for immediate investigation. Agency policy .0300, Administrative Remedy Process advises, the Offender Grievance System is intended to deal with a wide range of issues, procedures, or events that may be of concern to an offender. It is 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 Offender-on-Offender sexual abuse must be addressed through Agency policy 3400, Offender Sexual Abuse and Sexual Harassment. When faced with an incident of an urgent or emergency nature, the offender shall contact the nearest staff member for immediate assistance.</p> |

The auditor reviewed the offender handbook, and the offender grievance system is listed as an available method of reporting allegations of sexual abuse, sexual assault, or sexual harassment. The auditor conducted 12 interviews with randomly selected staff, and these interviews indicated knowledge of the offenders being allowed to submit grievances regarding sexual abuse. The auditor conducted interviews with 15 randomly selected offenders and several of the offenders indicated they could submit a grievance to notify the staff of an allegation of sexual abuse.

Agency policy .0300, Administrative Remedy Procedure explains the response to all Offender grievances related to sexual abuse is immediate and a final decision will be made within 24 hours. All facility grievances are returned with a response to the Offender within 3 days and the offender has an opportunity to appeal the decision to the facility Warden. The final decision must be returned within 5 days.

Conclusion: The Agency recognizes the offender grievance system may be used as a method of reporting allegations of sexual abuse. All grievances received relative to sexual abuse will be documented and forwarded to the facility PREA Investigator for immediate investigation. The facility has a policy to ensure grievances alleging sexual abuse or sexual harassment are forwarded for investigation. Offenders are informed the proper ways to submit allegations in the intake PREA pamphlet, comprehensive education, and offender handbook. The Auditor determined the facility meets the requirements of this standard as its policy is to forward all grievances alleging sexual abuse and sexual harassment immediately to the PREA Investigators for investigation and document the grievance in the grievance log.

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| 115.53 | Inmate access to outside confidential support services |
| | Auditor Overall Determination: Meets Standard |
| | <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 504 297">Standard 115.53 Analysis</p> <p data-bbox="240 387 999 414">The following evidence was analyzed in making compliance determinations:</p> <p data-bbox="240 504 371 530">Documents :</p> <ol data-bbox="240 560 1453 1193" style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. Agency Policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, page 21, August 12, 2019 3. Memorandum of Understanding, New Hope of McDowell County, February 11, 2022 4. Agency Policy Chapter IV.0100, Mailroom Procedures, pages 1-9, January 21, 2016 5. PREA Reporting Poster, Help Prevent Prison Sexual Violence, February 27, 2018 6. NCDPS, Facilitator Talking Points Document: Offender Sexual Abuse and Sexual Harassment Intake/Orientation Upon Transfer, February 27, 2018 7. NCDPS, Sexual Abuse Awareness for the Offender Brochure, February 27, 2018 8. Offender Handbook, Rules and Policies DC-239, pages 1-34, April 2010 9. NCDPS, Maintaining an Atmosphere of Professionalism, Staff Brochure, pages 1-2 10. NCCASA Document, The North Carolina Approach, pages 1-8, April 2015 11. NCDPS, 115.53 Outside Confidential Support Services Memo, pages 1-2, October 11, 2017 <p data-bbox="240 1283 352 1310">Interviews:</p> <ol data-bbox="240 1339 667 1541" style="list-style-type: none"> 1. 15 Random Offenders 2. Offenders Who Reported Sexual Abuse 3. Facility Warden 4. PREA Compliance Manager <p data-bbox="240 1630 512 1657">Site Review Observations:</p> <ol data-bbox="240 1686 1453 1865" style="list-style-type: none"> 1. Verified all third-party reporting materials, New Hope of McDowell County Helpline materials are posted in the Offender living units in both English and Spanish. 2. Verified telephone and mail monitoring notices are posted in the Offender living units in both English and Spanish. 3. Tested the helpline numbers for adequacy and received confirmation. <p data-bbox="240 1955 483 1982">Findings (By Provision):</p> <p data-bbox="240 2011 1469 2159">115.53 (a-c) Agency policy 3400, page 21 advises the PREA Support Person (PSP) shall ensure that Offenders 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. Supportive services may be provided via a variety of methods including in person, during a non-monitored phone call, and/or in writing. The PREA Support Person (PSP) shall inform Offenders, 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</p> |

forwarded to authorities in accordance with mandatory reporting laws. The facility shall ensure that if facility phones or public pay phones within the facility are monitored, that the level of monitoring is clearly posted next to the phone. This shall be posted in English and Spanish, and if the facility monitors reentrant mail, the level of monitoring must be clearly posted in the facility handbook and reentrant bulletin boards.

Agency policy 3400, page 21 explains victim support shall be offered by a PREA Support Person (PSP). The PSP shall be made available to provide victim advocate services and shall consult with the Facility Head on a weekly basis for three weeks following the report of sexual abuse to update the victim on the progress of the investigation, answer any questions of the offender victim, and provide support. As requested by the victim, the PREA support person, of the same gender, shall accompany and support the victim through the forensic medical examination process. As requested by the victim, the PREA support person shall accompany and support the victim through the investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals. The offender victim shall be provided access to outside victim advocates for emotional support services related to sexual abuse by giving the offenders mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations. The facility shall enable reasonable communication between offenders and these organizations and agencies, in as confidential a manner as possible.

Agency policy 3400, Chapter F, page 21 includes the information regarding outside victim advocates for emotional support services relating to sexual abuse, sexual assault, and sexual harassment. Marion CI utilizes the services of the New Hope of McDowell County, a nonprofit organization providing confidential services to persons through counseling, preventive education, and advocacy. Marion CI also enlists the services of the Foreign Ministry Project to provide an outside reporting mechanism for Offenders. This is accomplished by Offenders writing a letter to access the services and provide notifications or by calling the toll-free number to leave a message. The New Hope of McDowell County is a community-based volunteer program designed to enhance the quality of life for victims of sexual violence and provide survivors of sexual abuse with emotional support. Marion CI established a Memoranda of Understanding (MOU) with the New Hope of McDowell County. The auditor reviewed the document for clarity and all signatures are current and binding. The Victim Advocate information is posted in all Offender living units and listed on the initial intake PREA pamphlet provided upon arrival to the facility. The auditor confirmed the facility provides the name and address, at no cost to the offender and these services are confidential. The Victim Advocate is scheduled by the PREA Support Person (PSP) and there are no current Offenders identified at this time to receive the services. The auditor verified this during the PREA Compliance Manager interview.

The Marion CI does not detain persons solely for civil immigration services. The auditor confirmed the PREA Support Person (PSP) would be assigned to provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including tollfree helpline numbers where available of local, State, or national immigrant services agencies. This information was confirmed during the facility Warden interview. The 12 random staff interviewed were able to identify the Victim Advocate as an option for confidential offender support services. The auditor interviewed 15 random offenders and 9 offender interviews that has reported sexual assault allegations. Several interviews indicated knowledge of the New Hope of McDowell County services, identified the address, and the poster. The offenders reported feeling confident these services would be useful, but no offenders advised attempts to contact the address.

Conclusion: During the on-site review, the auditor observed all wall postings in the offender living areas displayed near the offender phones. Based on the review of all evidence supplied by the facility to include: agency policy regarding an outside victim advocate for emotional support and services, a policy describing one method for offenders to report anonymously, a policy regarding offenders being detained solely for immigration purposes, a policy for staff to privately report, accepting reports from offenders in writing, offender handbooks, and staff handbooks, the auditor has determined the facility meets the substantial requirements of this standard. No further action is required at this time.

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| 115.54 | Third-party reporting |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Standard 115.54 Analysis</p> <p>The following evidence was analyzed in making compliance determinations:</p> <p>Documents :</p> <ol style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. Agency Policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, August 12, 2019 3. Memorandum of Understanding, New Hope of McDowell County, February 11, 2022 4. Agency Policy Chapter IV.0100, Mailroom Procedures, pages 1-9, January 21, 2016 5. PREA Reporting Poster, Help Prevent Prison Sexual Violence, February 27, 2018 6. NCDPS, Facilitator Talking Points Document: Offender Sexual Abuse and Sexual Harassment Intake/Orientation Upon Transfer, February 27, 2018 7. NCDPS, Sexual Abuse Awareness for the Offender Brochure, February 27, 2018 8. Offender Handbook, Rules and Policies DC-239, pages 1-34, April 2010 9. NCDPS, Maintaining an Atmosphere of Professionalism, Staff Brochure, pages 1-2 10. NCCASA Document, The North Carolina Approach, pages 1-8, April 2015 11. NCDPS, 115.53 Outside Confidential Support Services Memo, pages 1-2, October 11, 2017 <p>Interviews:</p> <ol style="list-style-type: none"> 1. PREA Compliance Manager 2. 15 Random Offenders 3. 2 Informal Offender Interviews <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Identified the PREA posters in both Spanish/English format indicating the third-party reporting address 2. Reviewed the facility website for the third-party reporting information <p>Findings (By Provision):</p> <p>115.54 (a) The facility has established a procedure to receive third-party reports of sexual abuse and sexual harassment. This is described in the agency policy 3400, Chapter F, page 17. This information is also published on the facility's website and the notification process is to call or write a letter to the Forgiven Ministry Project, New Hope of McDowell County, Prison facility or judicial district office, notify the Officer-in-charge or probation officer, facility or division administrator, correction employee, division director's office, Department of Public Safety Communications Office, or contact the PREA Administration office by phone or email. The Marion CI staff, and community may also report allegations of misconduct anonymously or through a third-party by contacting the North Carolina Fraud, Waste, and Abuse Hotline.</p> <p>There are posters throughout the facility such as: offender living units, medical, programs, intake, visitation, and reception</p> |

regarding third party reporting and the address required to file the complaint. The offenders are provided an address and phone number to contact the PREA helpline number to the Forgiven Ministry Project. This information is posted on the PREA intake pamphlet, offender handbook, and signs posted near the offender phones in all living Units. The 15 random and 2 informal offender interviews indicated knowledge of the third-party reporting methods and offenders advised they felt comfortable reporting all allegations of sexual misconduct.

Conclusion: Based on the evidence provided, the auditor was able to determine the facility provides publicly distributed information on how to report offender sexual abuse or sexual harassment on behalf of offenders by third parties.

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| 115.61 | Staff and agency reporting duties |
| | Auditor Overall Determination: Meets Standard |
| | <p>Auditor Discussion</p> <p>Standard 115.61 Analysis</p> <p>The following evidence was analyzed in making compliance determinations:</p> <p>Documents :</p> <ol style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. Agency policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, pages 16-17, August 12, 2019 3. Incident Report Forms 4. Investigative Files 5. Incident Reports Relating to Sexual Abuse 6. Incident Reports Relating to Sexual Harassment <p>Interviews:</p> <ol style="list-style-type: none"> 1. 12 Randomly Selected Staff 2. 4 Informal Staff 3. Facility Warden 4. PREA Compliance Manager 5. 1 Medical Staff 6. 1 Mental Health Staff <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Reviewed Investigative Files 2. Reviewed Incident Reports 3. Reviewed Allegations of PREA Reports Referred to the PREA Investigator 4. Compared the dates received to the date the investigation began <p>Findings (By Provision):</p> <p>115.61 (a-e) Agency policy 3400, Chapter F, pages 16-17 describe the agency requirements for all staff to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment immediately. The policy also requires the staff to report any knowledge of retaliation against Offenders or staff who reported incidents and staff neglect that may have contributed to an incident or retaliation. This was confirmed during the interview with the facility Warden and the PREA Compliance Manager. The auditor verified this process during the 12 random staff and 4 informal staff interviews as staff conveyed the directive to notify a supervisor immediately. Policy 3400, Chapter F, page 17 indicates apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse, report to anyone other than to make treatment, investigation, and other security and management decisions. The auditor interviewed 12 random staff indicating knowledge of this policy and the mandatory reporting requirements.</p> |

The Marion CI does not house youthful offenders as confirmed during the census report review. Agency policy 3400, Chapter F, page 17 states, If the alleged victim is under the age of 18 or over the age of 60, the facility shall refer the allegation to the designated State or local services agency under applicable mandatory reporting laws. The auditor interviewed 1 medical staff and 1 mental health worker and both interviews indicated knowledge regarding mandatory requirements as one medical staff member advised she will always report an allegation to her supervisor and the Shift Commander. Agency policy 3400, Chapter F, pages 16-17 explain, all reports received by the Sexual Abuse Reporting Address, established for the third-party and anonymous reporting of sexual abuse or sexual harassment are reported to the PREA Compliance Manager immediately. There are several methods of reporting for staff both privately and anonymously. Staff can submit an email or call the PREA Office directly, contact the Fraud, Waste, Abuse, and Misconduct Hotline by phone, or notify the Local Law Enforcement Agency. The auditor reviewed incident report forms indicating PREA allegations were referred immediately to the facility investigators. During the on-site review, the auditor reviewed investigative files, incident reports relating to a sexual abuse allegation, and incident reports relating to a sexual harassment allegation. The auditor did not find any concerns relating to a delayed investigation. All investigations began either the same day or the next working day. The facility trained PREA investigators are required to conduct all administrative investigations and all criminal investigations will be referred to the Marion Police Department.

Conclusion: Based on the evidence provided by the facility, the auditor determined the Agency has relevant policies governing the reporting by staff regarding incidents of sexual abuse or sexual harassment, and the reporting by the facility regarding all allegations of sexual abuse and sexual harassment to designated investigators. The facility medical staff indicated no limits toward confidentiality regarding the reporting of sexual abuse, sexual assault, or sexual harassment allegations as all staff interviewed advised reporting to the Shift Commander immediately. The facility does not house youthful offenders and the agency policy mandates reporting to the designated State and local services for an alleged victim under the age of 18, or over the age of 60 who are considered a vulnerable adult under a State or local vulnerable persons statute. The auditor reviewed samples of the reports provided by investigators and determined all investigations began immediately. The facility meets the provision requirements of this standard, and no further action is required.

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| 115.62 | Agency protection duties |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |

Standard 115.62 Analysis

The following evidence was analyzed in making compliance determinations:

Documents :

1. Marion CI Pre-Audit Questionnaire Responses
2. Agency policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, pages 18-19, August 12, 2019
3. Agency policy .0300, Chapter G, Administrative Remedy Procedures, pages 1-11, August 1, 2013
4. DC-239, Rules and Policies, Offender Handbook, April 2010

Interviews:

1. Facility Warden
2. 12 Random Staff
3. 0 Offenders in Segregation for High Risk of Sexual Abuse
4. Offenders Who Reported Sexual Abuse

Site Review Observations:

1. File reviews indicated Offender behavior concerns as opposed to high risk for sexual victimization
2. Reviewed PREA Allegations and Bed Moves Reports

Findings (By Provision):

115.62 (a) Agency policy 3400, Chapter F, page 18 explains that when Department staff learn that an Offender is subject to a substantial risk of imminent sexual abuse, appropriate and immediate action shall be taken to protect the offender. Alleged offender victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the alleged victim. The facility Warden indicated segregation may be ordered immediately to protect the offender or others, but the action must be reviewed within 24 hours by the housing committee. The Warden interview determined the agency takes all allegations serious and any offender subject to imminent sexual abuse will receive immediate action. The facility reported 0 incidents in the past 12 months that determined an offender was subject to a substantial risk of imminent sexual abuse. The auditor reviewed PREA Allegation and Bed Moves reports indicating the housing unit change would be performed immediately upon notification. The auditor interviewed offenders identified as being housed in segregation due to high risk but not high risk of sexual victimization. The interviews determined the housing was due to behavior concerns and not for high risk of sexual victimization. The auditor interviewed 1 offender that previously reported an allegation of sexual abuse, and the interview indicated no concerns with their current housing as they feel safe at this time.

Conclusion: The auditor determined the agency has a policy governing the facilities protection duties when offenders are subject to a substantial risk of imminent sexual abuse. The auditor reviewed relevant documentation related to the determination of offender's substantial risks and the agency's response. This includes medical requirements, investigator requirements, and the relevant views of the facility leadership toward compliance. Based on the review of all evidence provided the facility meets the provision of this standard. No further action is required.

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| 115.63 | Reporting to other confinement facilities |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Standard 115.63 Analysis</p> <p>The following evidence was analyzed in making compliance determinations:</p> <p>Documents :</p> <ol style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. Agency policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, page 17, August 12, 2019 3. Reviewed the Correspondence Tracking System (CTS) 4. Reviewed 1 case file for notification to another facility 5. Reviewed 1 case file for notification received from another facility <p>Interviews:</p> <ol style="list-style-type: none"> 1. Facility Warden 2. PREA Compliance Manager <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Reviewed investigative reports, and case information 2. Reviewed the Correspondence Tracking System (CTS) <p>Findings (By Provision):</p> <p>115.63 (a-d) Agency policy 3400, Chapter F, page 17 indicates upon receiving an allegation that an offender was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred. The facility Warden indicated they would personally contact the Warden at the facility where the abuse occurred, and they would expect the other agency to return the same courtesy. The Agency policy 3400, Chapter F, page 17 indicates the documented notification will occur within 72 hours and must be documented in the Correspondence Tracking System (CTS). Marion CI has reported 1 allegation of sexual abuse to other facilities in the past 12 months. However, once the notification is received all information will be forwarded to the facility PREA investigator for an immediate response to begin an investigation. The auditor reviewed the Correspondence Tracking System for clarity and no issues determined.</p> <p>Marion CI reported 1 allegation of sexual abuse from another facility in the past 12 months. The auditor reviewed investigative case files and did not determine any concerns regarding this statement. The PREA investigator interview confirmed 1 investigation has been conducted due to notification from another facility. The Warden interview confirmed notification would be provided within the mandated 72-hour timeframe to the facility head and documented in the Correspondence Tracking System (CTS). The Warden advised all notifications are received by the facility PREA Compliance Manager and the Warden. The victim would be seen by medical immediately and the PREA investigator would be notified to begin the investigation immediately. The PREA Compliance Manager advised the Offender would be sent to medical, offered medical and mental health referrals, offered rape crisis counseling, retaliation monitoring, Psychology services, and a review would be conducted for 90 days. All this information is then forwarded to the facility where the allegation occurred. The reports reviewed by the auditor did not require a forensic examination and the investigations were completed.</p> <p>Conclusion: The Agency has a policy to ensure reporting of allegations of sexual abuse of offenders while confined at another facility. The agency policy requires all allegations of sexual abuse received from another facility is investigated</p> |

immediately. All investigations and notifications are documented in the Correspondence Tracking System and referred to the investigator within 72 hours of the receipt of the allegation. The staff interviews indicated the facility would review the documentation of allegations that an offender was abused while in confinement, document that the notifications occurred within 72 hours, and document the notification from each agency head or appropriate staff person. Based on the evidence provided the facility meets the provisions required within this standard and no further action is required.

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| 115.64 | Staff first responder duties |
| | Auditor Overall Determination: Meets Standard |
| | <p data-bbox="240 208 451 237">Auditor Discussion</p> <p data-bbox="240 271 504 300">Standard 115.64 Analysis</p> <p data-bbox="240 383 999 412">The following evidence was analyzed in making compliance determinations:</p> <p data-bbox="240 501 371 530">Documents :</p> <ol data-bbox="240 557 1453 875" style="list-style-type: none"> 1. Marion CI Audit Questionnaire Responses 2. Emergency Responses Card 3. Agency policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, pages 18-19, August 12, 2019 4. PREA: Sexual Abuse and Sexual Harassment (101) Lesson Plan, pages 1-29, July 1, 2021 5. PREA: Sexual Abuse and Sexual Harassment (201) Lesson Plan, pages 1-20, July 1, 2021 6. Prison Rape Elimination Act (PREA) of 2003 Acknowledgement Form, OPA-T10, June 19, 2017 <p data-bbox="240 958 352 987">Interviews:</p> <ol data-bbox="240 1014 639 1218" style="list-style-type: none"> 1. 1 Non-Security Staff First Responder 2. 1 Security Staff First Responder 3. Offender Who Reported Sexual Abuse 4. 12 Random Staff <p data-bbox="240 1301 509 1330">Site Review Observations:</p> <ol data-bbox="240 1357 962 1447" style="list-style-type: none"> 1. Reviewed the Initial Response Checklist for the victim and the abuser 2. Reviewed the Emergency Response Card being utilized by the staff <p data-bbox="240 1529 483 1559">Findings (By Provision):</p> <p data-bbox="240 1592 1485 1921">115.64 (a-b) Agency policy 3400, Chapter F, page 18 describes the staff first responder duties. The policy indicates the staff responsibilities for security and non-security employees. The directives for the security staff include the following four step action plan: separate the alleged victim and abuser, preserve, and protect the scene, collect the evidence if time is allotted, and do not allow the victim or abuser to participate in any activities that may destroy evidence such as: washing, brushing teeth, changing clothes, urinating, defecating, smoking, or eating. If the first responder is a non-security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence and notify a security staff member immediately. The auditor interviewed 1 Offender who reported an allegation of sexual abuse, and the Offender indicated a feeling that the staff respected the incident and kept them safe from their abuser. The facility reported 45 allegations of sexual abuse and 13 allegations of sexual harassment within the past 12 months, 38 cases reviewed involved the separation of the victim and the abuser, and 0 cases identified where physical evidence was collected.</p> <p data-bbox="240 1951 1465 2145">The 12 random staff interviews indicated the staff would inform the Offenders to not make any attempts to destroy the physical evidence and notified the supervisor immediately. The scene would need to be kept secure and medical would collect all physical evidence. The auditor concluded staff knowledge regarding these actions throughout the facility as the auditor interviewed 1 security staff designated as a first responder, and 1 non-security staff. The common response was to notify a supervisor immediately and follow the four-step action plan. The action plan was also noted in the employee handbook, staff training curriculum, and verified during the Warden interview. The auditor interviewed 12 random staff</p> |

members, and all 12 were able to convey the action plan steps required within the policy to provide an immediate response. The staff also carry emergency response cards that indicate the four-step action plan. The auditor observed the staff carrying these cards throughout the on-site review. The auditor reviewed 1 Initial Response Checklist for the alleged victim and 1 Initial Response Checklist for the alleged abuser that included the 4-step action plan.

Conclusion: The agency has a policy governing the staff first responder duties to include a security and non-security staff response. The policy mandates the four-step action plan previously mentioned within the body of the narrative. The auditor reviewed documentation and interviews indicating full compliance with this standard. No further action is required by the facility as they have met substantial compliance.

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| 115.65 | Coordinated response |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |

Standard 115.65 Analysis

The following evidence was analyzed in making compliance determinations:

Documents :

1. Marion CI Pre-Audit Questionnaire Responses
2. PREA Sexual Abuse Institutional Response Plan, Marion Correctional Institution, pages 1-6, April 19, 2016
3. First Responder Action Cards
4. OPA-120, Incident Scene Tracking Log, January 27, 2010
5. Flow Chart for Monitoring Retaliation, March 20, 2014
6. Flow Chart for Investigating Sexual Abuse and Sexual Harassment Allegations, March 20, 2014
7. Form OPA-101, Sexual Abuse Response and Investigations Checklist, March 20, 2014
8. Form OPA-102, PREA Investigation Conclusion Checklist, Investigator, March 20, 2014
9. Form OPA-I10, PREA Post Incident Review, September 1, 2014
10. OPA I21 Form, PREA Evidence Chain of Custody Form, March 26, 2013
11. Facility policy 1800, Chapter I, Handling and Identifying Victims of Sexual Assault, pages 1-49, February 8, 2016

Interviews:

1. Facility Warden
2. PREA Compliance Manager
3. 12 Random Staff
4. 4 Informal Staff Interviews

Site Review Observations:

1. Reviewed the First Responder Duty Cards

Findings (By Provision):

115.65 (a) Marion CI has a written plan to coordinate actions for all staff during reported allegations of sexual abuse, sexual assault, and sexual harassment. The action plan describes the procedures for the following participants: volunteers and contractors, support staff, security staff, shift commanders, shift supervisors, first responder duties, medical and mental health practitioners, investigators, and facility leadership. The facility plan documented, provides detailed actions for providers, and the staff were able to convey their specific duties during the 12 random and 4 informal staff interviews. The facility Warden and the PREA Compliance Manager interviews indicated reminders to staff regarding their specific duties annually and the auditor reviewed this information within the training plan.

Conclusion: The Marion CI has a facility institutional response plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership. The auditor reviewed documents and conducted staff interviews to measure the effectiveness of the written plan. Based on the evidence provided by the facility, compliance was indicated, and no further action is required.

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| 115.66 | Preservation of ability to protect inmates from contact with abusers |
| | <p data-bbox="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 210 451 239">Auditor Discussion</p> <p data-bbox="242 271 504 300">Standard 115.66 Analysis</p> <p data-bbox="242 385 999 414">The following evidence was analyzed in making compliance determinations:</p> <p data-bbox="242 499 371 528">Documents :</p> <ol data-bbox="242 557 1437 701" style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. NCDPS Agency Website 3. Agency policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, pages 1-31, August 12, 2019 <p data-bbox="242 786 352 815">Interviews:</p> <ol data-bbox="242 844 432 929" style="list-style-type: none"> 1. Facility Warden 2. Agency Director <p data-bbox="242 1014 512 1043">Site Review Observations:</p> <ol data-bbox="242 1072 754 1158" style="list-style-type: none"> 1.No on-site collective bargaining materials evident 2. No immediate concerns present <p data-bbox="242 1243 483 1272">Findings (By Provision):</p> <p data-bbox="242 1301 1474 1666">115.66 (a) The Marion CI has not entered into any agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with Offenders pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted. In deciding to suspend an employee pending investigation, the Department must be able to demonstrate that the "nature of the allegations" is such that there is cause to remove the employee from the institution pending investigation and not that the employee committed the offenses. The FLSA regulations, for exempt employees, permit suspensions of less than a full workweek for violations of written workplace policies applicable to all employees. This provision applies to applicable written work rules which prohibit serious workplace misconduct, which includes, but is not limited to, workplace violence, sexual abuse, sexual harassment, substance abuse, internet access policies, Code of Ethics violations, or violations of state or federal law. Discipline for these infractions should be consistent with the policies of the Agency. The facility Warden interview indicated no collective bargaining agreements have been entered by this agency that would limit the restrictions of staff pending investigations.</p> <p data-bbox="242 1695 1481 1890">Conclusion: The auditor reviewed the evidence provided by the facility and found no evidence to deny satisfactory compliance toward this standard. The Agency has not entered into contract with any collective bargaining agreement that would limit the agency's ability to remove alleged staff sexual abusers from contact with any Offenders pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted. The facility Warden interview confirmed this process and indicated disciplinary action will be followed by notification to the Marion Police Department for criminal acts and certifying bodies for certification review.</p> |

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| 115.67 | Agency protection against retaliation |
| | Auditor Overall Determination: Meets Standard |
| | <p>Auditor Discussion</p> <p>Standard 115.67 Analysis</p> <p>The following evidence was analyzed in making compliance determinations:</p> <p>Documents :</p> <ol style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. Agency policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, pages 21-23, August 12, 2019 3. OPA-I24, PREA Offender/Juvenile Retaliation Monitoring and Periodic Status Checks, January 5, 2016 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Agency Head 2. Facility Warden 3. 1 Staff Member Assigned to Monitor Retaliation 4. Offenders who Reported Sexual Abuse 5. 0 High Risk of Sexual Victimization Offenders 6. 12 Random Staff 7. 15 Random Offenders 8. PREA Compliance Manager <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Reviewed investigative report templates and software 2. Reviewed retaliation monitoring forms <p>Findings (By Provision):</p> <p>115.67 (a-e) The agency has established a policy to protect all offenders and staff who report sexual abuse or harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation, and this is described in agency policy 3400, Chapter F, pages 21-23. The Department shall protect all Offenders and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other Offenders or staff. For at least 90 days following a report of sexual abuse or sexual harassment, the PREA Support Person (PSP) shall monitor the conduct and treatment of third-party reporters and any other individual who cooperates with an investigation. The facility PREA Support Person (PSP) are the designated staff members charged with monitoring retaliation. These positions are provided the necessary support by the Warden, and the interview process indicated an active role toward retaliation monitoring advising this is an ongoing process. All reports of retaliation monitoring are forwarded to the facility PREA Compliance Manager (PCM).</p> <p>The facility attempts to employ multiple protection measures by monitoring housing changes, transfers for offender victims and abusers, removal of staff through termination, emotional support services, monitoring the offender and staff performance evaluations, disciplinary actions, unannounced lockdowns, denial of privileges, grievances, and the offenders are provided with materials to assist the communication process. Literature is posted in the offender handbook, posters, and methods of</p> |

reporting retaliation described in the daily offender education. The Warden indicated additional reviews may be considered once the 90-day review has concluded.

Random interviews with 12 staff members and 15 random offenders indicated no cause for concern with retaliation. The auditor interviewed the PREA Compliance Manager, 1 Offender that previously reported sexual abuse, and 0 offenders identified as high risk for sexual victimization, and no interviews indicated retaliation concerns. The facility reported 0 allegations of retaliation in the past 12 months, and the classification files had no substantiated documented 90-day reviews. The auditor reviewed the Retaliation Monitoring Forms for 8 unsubstantiated allegations and determined an evaluation is recommended to be conducted every 30 days.

Conclusion: The Marion CI has an agency policy protecting all offenders and staff who report abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation. This extends from retaliation from offenders or staff and includes the monitoring of offenders and staff following a report, and the agency response to the suspected retaliation. The auditor reviewed documentation and interviews to support these findings and the auditor finds the facility has met the provisions of this standard with compliance. No further action is required.

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| 115.68 | Post-allegation protective custody |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Standard 115.68 Analysis</p> <p>The following evidence was analyzed in making compliance determinations:</p> <p>Documents :</p> <ol style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire responses 2. Agency policy 3400, Chapter F, Offender Sexual Abuse and Sexual harassment Policy, pages 15-16, August 12, 2019 3. NCDPS, Risk to Sexual Victimization and Abusiveness Screening Guide, pages 1-15, March 17, 2016 4. NCDPS, Mental Health Screening Inventory, Offender Population Unified System (OPUS), page 1 5. NCDPS, Screening for risk of Sexual Victimization and Abusiveness: PREA Standards 115.41 and 115.42 Guidelines Memo 6. NCPDS, Diagnostic Policy Update Memo, pages 1-2, October 9, 2013 7. Health Services Policy and Procedures Manual, TXI-13, Care and Treatment of Patient, Education, and Management of Disorders of Gender Dysphoria, pages 1-3, October 2014 8. Screening Review for High-Risk Victims and Abusers Document, pages 1-10, created September 6, 2019 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Facility Warden 2. 1 Staff Supervising Segregated Housing 3. 0 Offenders in Segregated Housing <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Reviewed records and documentation of housing assignments of Offenders who alleged to have suffered sexual abuse. 2. Documentation of in-cell and out- of-cell programs, privileges, education, and work opportunities for Offenders in segregated housing. 3. Reviewed if the facility restricts access to programs, privileges, education, or work opportunities. 4. Reviewed records for length of placement in segregated housing for those who alleged to have suffered sexual abuse. 5. Reviewed records indicating Offenders are placed in involuntary segregated housing for a period that does not ordinarily exceed 30 days. 6. Reviewed Case files of Offenders who alleged to have suffered sexual abuse held in involuntary segregated housing in the past 12 months. <p>Findings (By Provision):</p> <p>115.68 (a) Agency policy 3400, Chapter F, page 15 clearly defines the information within this standard. offenders at high risk of sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and there are no other alternative means of separation. The offender will not be held for more</p> |

than 24 hours to complete the assessment. Adherence to the guidelines set forth in policy 3400, page 15 of this procedure's manual shall occur when offenders are at a high risk for sexual victimization or offenders who have alleged sexual abuse are involuntarily placed into Protective Custody (PC) after a determination has been made that no other available alternative means of separation exist from abusers. An administrative hearing shall be conducted as outlined below. When an offender is placed into involuntary Administrative Custody (AC) due to high risk for sexual victimization or after allegedly suffering sexual abuse, the hearing shall take place within 24 hours of placement or the next business day. The reason(s) for the offender's AC confinement must be explained to the offender in writing and the offender must be provided with the Administrative Segregation Form. When an offender is placed into involuntary segregation due to high risk for sexual victimization or after allegedly suffering sexual abuse, the form must articulate:

- a. the basis for the staff member's concern for the offender's safety.
- b. the other alternative means of separation that were explored, and
- c. the reason no alternative means of separation can be arranged.

This policy was confirmed during the interview with the facility Warden. This policy allows for programming, privileges, education, and work opportunities to the extent possible. This auditor reviewed the segregated housing records and spoke with the staff that supervise offenders in segregated housing. No offenders in the past 12 months were identified to be housed in segregated housing involuntary. The initial review would be conducted within 24 hours. The offenders would be reassigned to general population. The facility would document the privileges such as recreation, education, and programming. The offender may not be authorized work opportunities due to behavior concerns and this would be documented on the segregation forms. The auditor interviewed the detainees in the restricted housing unit, and they were able to utilize the recreation areas, and games. The auditor determined no offenders were housed in segregation due to concerns regarding their sexual safety.

Conclusion: The agency has a policy governing the use of segregated housing to protect an offender who is alleged to have suffered sexual abuse. The auditor reviewed the facility evidence provided, interviews, and on-site compliance determinations. Based on the evidence provided the facility demonstrates compliance to all provisions within this standard. No further action is required.

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| 115.71 | Criminal and administrative agency investigations |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Standard 115.71 Analysis</p> <p>The following evidence was analyzed in making compliance determinations:</p> <p>Documents :</p> <ol style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. Agency policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, pages 24-28, August 12, 2019 3. NCDPS Memorandum to Local Law Enforcement Agencies and Sheriff's, PREA Investigations and Compliance, pages 1-2, March 15, 2016 4. Form OPA-I20, Incident Scene Tracking Log, Revised January 27, 2010. 5. Reviewed 0 investigations involving a Sexual Assault Nurse Exam Referral 6. Policy CP-18, Section: Clinical Practice Guidelines, Sexual Abuse, pages 1-5, February 25, 2014 7. Policy 143B-1200, Part 1, Assistance Program for Victims of Rape and Sex Offenses, page 1 8. Reviewed 0 SANE Evaluations from Grace Hospital 9. Policy OPA-I21, PREA Evidence Chain of Custody form, page 1, March 26, 2013 10. Memorandum of Understanding (MOU), New Hope of McDowell County, February 11, 2022 11. PREA Support Training, 7 Hours, On-line curriculum-based learning <p>Interviews:</p> <ol style="list-style-type: none"> 1. Investigative Staff 2. Offenders who Reported Sexual Abuse 3. Facility Warden 4. PREA Coordinator 5. PREA Compliance Manager <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Reviewed Case Files 2. Reviewed Investigative Reports <p>Findings (By Provision):</p> <p>115.71 (a-l) The Marion Police Department conducts all criminal investigations regarding allegations of sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment for the Marion Correctional Institution as required by the facility policy. This information was confirmed during the investigator interview. Agency policy requires the investigations to be conducted promptly, thoroughly, and objectively for all allegations of sexual abuse, sexual assault, and sexual harassment. The auditor reviewed 12 investigative reports to include reports from the third-party allegations. The reports included: 8 staff-on-offender allegations of sexual abuse, 5 unsubstantiated and 3 unfounded, 2 unsubstantiated offender-on-offender</p> |

allegations of sexual abuse, and 2 offender-on-offender allegations of sexual harassment, 1 unfounded and 1 unsubstantiated. The facility reported no substantiated allegations of sexual abuse or sexual harassment, and a total of 57 allegations were investigated in the past 12 months.

Agency policy 3400, Chapter F, pages 24-28 require the agency use investigators who have specialized training in sexual abuse investigations. This training includes interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. The Marion Correctional Institution will prepare compelled interviews and communicate all activities with the Marion Police Department. The compelled interviews would be conducted while moving forward throughout the investigative process and truth telling devices, such as a polygraph, would not be utilized strictly to continue the investigation. The Marion Police Department authorizes investigators to support the North Carolina Department of Public Safety (NCDPS) and the Marion CI. The auditor verified investigators have received the specialized PREA investigator training. All investigative records reviewed by the auditor were conducted by trained investigators. The facility spreadsheet used to track the investigations listed the staff facility PREA investigators are required to conduct administrative investigations. The auditor confirmed the investigators have received the specialized PREA training. The shift supervisors gather the information and the certified PREA investigator conducted all investigations and support was provided by staff interviews, reviewing investigative records, email notifications, and revised spreadsheets. The shift supervisors gathered personal data, secured the scene, and performed first responder duties.

The Marion Police Department will review the evidence provided throughout the investigation to determine if the case will be deemed criminal or administrative. The staff interviews indicated knowledge regarding securing the scene and allowing the PREA Investigators and the Marion Police Department to collect all evidence throughout the investigation. A criminal case will be consulted with the local prosecutor and the administrative case will be directed back to the facility Warden for administrative action. The Warden will consult with the investigator to determine if staff actions or failures to act contributed to the incident. The Regional Director will make a final determination regarding staff actions and note a final decision within the report. All cases will be reviewed, and determinations made based on the following: written reports, physical and testimonial evidence, credibility assessments, and the investigative facts and findings. All investigations are documented in a written report and maintained for as long as the alleged abuser is incarcerated or employed by the agency, and then five years thereafter. Agency policy 3400 explains the departure of the alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating the investigation. All parties will cooperate with the investigation and outside licensing bodies will be notified. This was confirmed during the investigator and Warden interviews.

Conclusion: The Marion CI has an agency policy related to the handling of criminal and administrative agency investigations in cases where sexual abuse is alleged. The auditor reviewed all evidence provided, reviewed case files, conducted interviews, and reviewed a sample of the retained investigations. The PREA Compliance Manager confirmed all investigators have been notified regarding all provisions required within the standard. The evidence provided demonstrated full compliance with this practice. The auditor finds Marion CI meets the provisions of this standard and no further action is required.

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| 115.72 | Evidentiary standard for administrative investigations |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Standard 115.72 Analysis</p> <p>The following evidence was analyzed in making compliance determinations:</p> <p>Documents :</p> <ol style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. Investigative Reports 3. Record Retention Schedule 4. Copies of Case Records 5. Sample of Cases Referred for Prosecution <p>Interviews:</p> <ol style="list-style-type: none"> 1. Investigative Staff 2. PREA Compliance Manager <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Reviewed Case Files 2. Reviewed Investigative Reports <p>Findings (By Provision):</p> <p>115.72 (a) Agency policy 3400 requires the facility shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. The interview with the agency PREA Investigator revealed the facility standard is preponderance of the evidence for all administrative investigations. The evidence was verified through monitoring the results of 57 total investigations conducted. The agency policy 3400 indicates, in administrative investigations, the Department shall impose no standard higher than a preponderance of the evidence, as defined in the glossary of terms, in determining whether allegations of sexual abuse or sexual harassment are substantiated.</p> <p>The auditor reviewed 12 investigative reports to include reports from the third-party allegations. The reports included: 8 staff-on-offender allegations of sexual abuse, 5 unsubstantiated and 3 unfounded, 2 unsubstantiated offender-on-offender allegations of sexual abuse, and 2 offender-on-offender allegations of sexual harassment, 1 unfounded and 1 unsubstantiated. The facility reported no substantiated allegations of sexual abuse or sexual harassment, and a total of 57 allegations were investigated in the past 12 months. The facility reports 6 allegations are still pending administrative review.</p> <p>Conclusion: The agency has a policy imposing a standard of preponderance of the evidence for determining whether allegations of sexual abuse or sexual harassment is substantiated. Based on the evidence provided, the auditor has determined compliance with the provisions of this standard. No further action is required.</p> |

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| 115.73 | Reporting to inmates |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Standard 115.73 Analysis</p> <p>The following evidence was analyzed in making compliance determinations:</p> <p>Documents :</p> <ol style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. Investigative Reports 3. Record Retention Schedule 4. Copies of Case Records 5. Sample of Cases Referred for Prosecution 6. Investigation Summary with Offender Notification <p>Interviews:</p> <ol style="list-style-type: none"> 1. Investigative Staff 2. Facility Warden 3. Offenders who Reported Sexual Abuse 4. PREA Compliance Manager <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Reviewed Case Files 2. Reviewed Investigative Reports 3. Reviewed Offender Notifications <p>Findings (By Provision):</p> <p>115.73 (a-e) Agency policy 3400 requires, following an investigation into an Offender's allegation of sexual abuse, the agency must inform the Offender as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. The auditor reviewed a documented investigation and written notification to the Offender was provided as an unsubstantiated complaint. The PREA Compliance Manager reported 57 investigations completed in the last 12 months and notifications were documented as issued to the Offender. The facility has no criminal investigations pending with the Marion Police Department.</p> <p>The auditor reviewed 12 investigative reports to include reports from the third-party allegations. The reports included: 8 staff-on-offender allegations of sexual abuse, 5 unsubstantiated and 3 unfounded, 2 unsubstantiated offender-on-offender allegations of sexual abuse, and 2 offender-on-offender allegations of sexual harassment, 1 unfounded and 1 unsubstantiated. The facility reported no substantiated allegations of sexual abuse or sexual harassment, and a total of 57 allegations were investigated in the past 12 months.</p> <p>Agency policy 3400 requires if the allegation is that a staff member has committed sexual abuse against the Offender, the agency shall subsequently inform the Offender whenever the staff member is no longer posted in the Offender's unit, no longer employed at the facility, indicted on a charge, or been convicted on a charge related to sexual abuse. The agency</p> |

policy 3400 reflects these steps are not required if the results of the allegation are unfounded. The facility reported no substantiated allegations of sexual abuse and no substantiated allegations of sexual harassment documented within the last 12 months against a staff member.

Agency policy 3400 requires when the allegation is the result of sexual abuse by another Offender, the facility must notify the victim when the agency learns that the alleged abuser has been indicted on a charge, or convicted on a charge, and these steps are not required if the result of the allegation is unfounded. The facility Warden and the PREA investigator confirmed this communication process during the on-site review. The PREA Compliance Manager indicated knowledge of this occurring throughout the investigative process. The PREA Support Person assigned to each Offender is the designated staff member responsible to forward the results of the investigations and the status of the abuser. This is documented in writing and this auditor reviewed documentation of this notification process occurring during the on-site review.

Conclusion: The agency has a policy requiring that any Offender who makes an allegation of suffering sexual abuse in an agency or facility is informed, in writing, as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. Based on the evidence provided the Marion CI meets the provisions of this standard with compliance and no further action is required.

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| 115.76 | Disciplinary sanctions for staff |
| | Auditor Overall Determination: Meets Standard |
| | <p data-bbox="240 208 451 237">Auditor Discussion</p> <p data-bbox="240 271 504 300">Standard 115.76 Analysis</p> <p data-bbox="240 383 999 412">The following evidence was analyzed in making compliance determinations:</p> <p data-bbox="240 501 371 530">Documents :</p> <ol data-bbox="240 557 1465 1077" style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. Investigative Reports 3. Record Retention Schedule 4. Copies of Case Records 5. Sample of Cases Referred for Prosecution 6. Investigation Summary with Offender Notification 7. Sample of Records of Termination, Resignation, or other Sanctions for Violation of Sexual Abuse or Sexual Harassment Policies 8. Discipline Related to Sexual Abuse, Sexual Harassment, or Retaliation 9. Agency policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, pages 28-30, August 12, 2019 <p data-bbox="240 1167 352 1196">Interviews:</p> <ol data-bbox="240 1223 552 1308" style="list-style-type: none"> 1. Facility Warden 2. PREA Compliance Manager <p data-bbox="240 1397 509 1426">Site Review Observations:</p> <ol data-bbox="240 1453 592 1592" style="list-style-type: none"> 1. Reviewed Case Files 2. Reviewed Investigative Reports 3. Reviewed Offender Notifications <p data-bbox="240 1682 483 1711">Findings (By Provision):</p> <p data-bbox="240 1738 1493 2101">115.76 (a-d) The presumptive disciplinary sanction for staff who has engaged in sexual abuse at the Marion CI is termination and this is explained in agency policy 3400, pages 28-30. This policy was confirmed by the facility Warden during the interview process and reviewed by the auditor. Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse and sexual harassment policies. The disciplinary action is commensurate with the acts committed, staff disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. The auditor reviewed documentation in attempts to determine if other staff actions may have contributed to the incident that led to disciplinary sanctions for staff such as: failing to act to prevent sexual abuse from occurring, standing by while the abuse takes place, failing to act as required after the incident, negligent supervision that leads to, or could lead to an incident, or deliberately ignoring evidence that a colleague has abused an Offender. No findings of this nature were reported within the 12 investigative reports reviewed. The facility reported zero incidents in the past 12 months for staff who have been terminated or disciplined for violation of the agency sexual abuse or sexual harassment policies.</p> <p data-bbox="240 2130 1453 2159">The auditor reviewed the disciplinary action of staff with the facility Warden and the sanctions imposed for violation of this</p> |

policy is termination. The facility Warden confirmed past incidents being referred to law enforcement for prosecution and notifying the applicable licensing board such as the Criminal Justice Services, Board of Nursing, and the Department of Education. These notifications occur upon termination or resignations in lieu of termination. This is required by agency policy 3400, Offender Sexual Abuse and Sexual Harassment Policy. The Marion Police Department conducts all criminal investigations, and the auditor reviewed the process provided by the facility.

Conclusion: The Marion CI has a policy regarding disciplinary violations for acts of sexual abuse or sexual harassment. Based on the evidence provided by the facility such as: sample records of terminations, resignations, other sanctions, and law enforcement referral the auditor determined the Marion CI meets the provisions required within this standard. No further action is required, and the presumptive expectation of disciplinary actions is termination.

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| 115.77 | Corrective action for contractors and volunteers |
| | <p data-bbox="240 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 273 502 300">Standard 115.77 Analysis</p> <p data-bbox="240 385 999 412">The following evidence was analyzed in making compliance determinations:</p> <p data-bbox="240 501 371 528">Documents :</p> <ol data-bbox="240 560 1481 1169" style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. Investigative Reports 3. Record Retention Schedule 4. Copies of Case Records 5. Sample of Cases Referred for Prosecution 6. Investigation Summary with Offender Notification 7. Sample of Records of Termination, Resignation, or other Sanctions for Violation of Sexual Abuse or Sexual Harassment Policies 8. Discipline Related to Sexual Abuse, Sexual Harassment, or Retaliation 9. Agency policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, page 29, August 12, 2019 10. NCDPS Office of Staff Development and Training, PREA: Sexual Abuse and Sexual Harassment 101, DPS-556, Lesson Plan, July 1, 2021 <p data-bbox="240 1258 352 1285">Interviews:</p> <ol data-bbox="240 1317 552 1397" style="list-style-type: none"> 1. Facility Warden 2. PREA Compliance Manager <p data-bbox="240 1487 509 1514">Site Review Observations:</p> <ol data-bbox="240 1545 592 1688" style="list-style-type: none"> 1. Reviewed Case Files 2. Reviewed Investigative Reports 3. Reviewed Offender Notifications <p data-bbox="240 1778 483 1805">Findings (By Provision):</p> <p data-bbox="240 1832 1493 2092">115.77 (a-b) Agency policy 3400, Offender Sexual Abuse and Sexual Harassment Policy, page 29 requires any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with offenders and shall be reported to law enforcement agencies. This procedure is not enforced if the activity is clearly not criminal, or the allegation is unfounded. Notifications will also be made to relevant licensing bodies and the facility shall take appropriate remedial measures to determine further contact with offenders in the case of any other violation of agency sexual abuse or sexual harassment. The facility did not report any volunteer or contractor terminations, discipline, law enforcement referrals, or notifications to relevant licensing bodies for violations of sexual abuse, sexual assault, or sexual harassment. This was confirmed during the facility Warden interview and informal interviews with the command staff.</p> <p data-bbox="240 2123 1493 2150">The auditor reviewed documentation in attempts to determine if other volunteer or contractor actions may have contributed to</p> |

the incident that led to disciplinary sanctions for staff such as: failing to act to prevent sexual abuse from occurring, standing by while the abuse takes place, failing to act as required after the incident, negligent supervision that leads to, or could lead to an incident, or deliberately ignoring evidence that a colleague has abused an offender. No findings of this nature were reported within the 12 investigative reports reviewed.

Conclusion: The Marion CI has a policy regarding disciplinary violations for acts of sexual abuse or sexual harassment. Based on the evidence provided by the facility such as: sample records of terminations, resignations, other sanctions, and law enforcement referral the auditor determined the Marion CI meets the provisions required within this standard. No further action is required, and the presumptive expectation of disciplinary action is termination.

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| 115.78 | Disciplinary sanctions for inmates |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Standard 115.78 Analysis</p> <p>The following evidence was analyzed in making compliance determinations:</p> <p>Documents :</p> <ol style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. Investigative Reports 3. Record Retention Schedule 4. Copies of Case Records 5. Sample of Cases Referred for Prosecution 6. Investigation Summary with Offender Notification 7. Sample of Records of Termination, Resignation, or other Sanctions for Violation of Sexual Abuse or Sexual Harassment Policies 8. Discipline Related to Sexual Abuse, Sexual Harassment, or Retaliation 9. Agency policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, pages 29-30, August 12, 2019 10. Offender Classification Files 11. Offender Disciplinary Files 12. Offender Medical Files <p>Interviews:</p> <ol style="list-style-type: none"> 1. Facility Warden 2. 1 Medical Staff 3. 1 Mental Health Staff <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Reviewed Case Files 2. Reviewed Investigative Reports 3. Reviewed Offender Notifications 4. Reviewed Offender Medical Files <p>Findings (By Provision):</p> <p>115.78 (a-g) Agency policy 3400, pages 29-30 inform offenders shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the offender engaged in offender-on-offender sexual abuse or following a criminal finding of guilt for sexual abuse. The facility reported no administrative findings of offender-on-offender sexual abuse or criminal findings in the past 12 months. There were 0 Substantiated offender on offender abuse allegations.</p> |

The cases were not referred to the prosecutor for trial and at this time no cases remain open. This was confirmed by the facility Warden, 1 Mental Health staff, 1 medical staff member, and 6 offender medical files were reviewed. The Mental Health staff indicated potential screenings to address or correct the underlying reasons or motivations for abuse. The facility utilizes medical staff for assistance and the on-site Qualified Mental Health Professionals (QMHP) for counseling services.

Agency policy 3400, pages 29-30 advise the facility may discipline an offender for sexual contact with staff only upon a finding that the staff member did not consent to such contact. The facility prohibits disciplinary action for a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish enough evidence to substantiate the allegation. The facility prohibits all sexual activity between offenders and may discipline offenders for such activity.

Conclusion: The agency has a policy which states offenders are subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative or criminal finding that the offender engaged in offender-on-offender sexual abuse. The auditor reviewed all records and findings associated with the provisions of this standard and no further action is required. The Marion CI meets the substantial compliance required with this standard.

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| 115.81 | Medical and mental health screenings; history of sexual abuse |
| | Auditor Overall Determination: Meets Standard |
| | <p data-bbox="240 208 451 235">Auditor Discussion</p> <p data-bbox="240 271 502 297">Standard 115.81 Analysis</p> <p data-bbox="240 383 1000 409">The following evidence was analyzed in making compliance determinations:</p> <p data-bbox="240 501 371 528">Documents :</p> <ol data-bbox="240 557 1449 904" style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. Agency policy 3400, Chapter F, Offender Sexual Abuse and Sexual harassment Policy, pages 10-12, August 12, 2019 3. NCDPS, Risk to Sexual Victimization and Abusiveness Screening Guide, pages 1-15, March 17, 2016 4. NCDPS, Mental Health Screening Inventory, Offender Population Unified System (OPUS), page 1 5. NCDPS, Screening for risk of Sexual Victimization and Abusiveness: PREA Standards 115.41 and 115.42 Guidelines Memo 6. NCPDS, Diagnostic Policy Update Memo, pages 1-2, October 9, 2013 <p data-bbox="240 994 352 1021">Interviews:</p> <ol data-bbox="240 1050 724 1249" style="list-style-type: none"> 1. Facility Warden 2. 1 Medical Staff 3. 1 Mental Health Staff 4. Offender Reporting Prior Sexual Victimization <p data-bbox="240 1339 509 1366">Site Review Observations:</p> <ol data-bbox="240 1395 509 1480" style="list-style-type: none"> 1. Reviewed Offender files 2. Reviewed Record Logs <p data-bbox="240 1570 483 1597">Findings (By Provision):</p> <p data-bbox="240 1626 1477 1888">115.81 (a-e) The auditor reviewed 12 randomly selected electronic medical files and reviewed the facility policy regarding offenders experiencing prior victimization and abusiveness. Agency policy 3400, Offender Sexual Abuse and Sexual Harassment provides this information and verifies staff shall ensure that the offender is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening process. This was also confirmed during the interview with the Mental Health staff. Agency policy 3400 explains, If the screening pursuant to PREA standard 115.41 indicates that a prison offender has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the offender 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. This information is documented in the medical file upon review.</p> <p data-bbox="240 1917 1477 2078">Interviews with one offender who disclosed sexual victimization during the auditor interview, and review of corresponding documentation is consistent with the policy requirement and adheres to this standard. The auditor interviewed an offender that reported prior sexual victimization during the risk screening and the offender confirmed being offered a follow up referral with mental health. The offender advised this was conducted within a few days and the inspection of the medical file indicated 2 days.</p> <p data-bbox="240 2107 1477 2134">Agency policy 3400, page 10 explains the screening procedures for risk of victimization and abusiveness. "All offenders and</p> |

safekeepers shall receive a mental health screening (MHSI), administered via the web-based OPUS intake system, within 72 hours after admission to Prisons. Diagnostic Services staff shall conduct the screening to determine an offender's risk of being sexually abused by other offenders or their risk of being sexually abusive towards other offenders. The screening shall use an objective screening instrument." This policy explains all offenders are assessed during an intake screening for their risk of being sexually abused by other offenders or sexually abusive toward other offenders. Offenders will also be screened upon transfer to another facility for their risk of being sexually abused or sexually abusive toward other offenders. The Marion CI utilizes the Mental Health Screening Inventory to accomplish the risk screening process. This tool is utilized during the following procedures: the intake screening process, 20-30 days after receipt into the facility, whenever an offender alleges an incident of sexual abuse, new information is provided within the offender's history, and during the annual review.

Upon arrival to the NCDPS Diagnostic Center, the offender receives a Mental Health Screening Inventory (MHSI) completed by a diagnostic case analyst. Based on the information provided by the inventory the Offender Population Unified System (OPUS) will generate a report to identify any person who is at high risk for victimization and abusiveness. The agency has revised the form to include a question considering if the Offender is detained solely for civil immigration purposes. The agency has developed a more detailed screening process to ensure staff can carefully review the responses to ensure housing considerations. The OPUS system will generate a mental health referral automatically based on the results of the answers provided. Once the responses are submitted into the OPUS system this triggers a response into the medical HERO software. The process will automatically generate a report to the mental health provider that schedules the appointment. Access to these two-computer based software programs is limited to approved access only and staff are issued a username and password.

Conclusion: The Marion CI has a policy governing the facility response to medical and mental health services in correlation with the review of the offender risk assessment screenings. The policy stresses confidentiality within the medical environment and manages the immediate health needs, security risks, and the determination for further treatment. A review of all evidence provided by the facility indicates full compliance with the provisions of this standard. No further action is required.

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| 115.82 | Access to emergency medical and mental health services |
| | Auditor Overall Determination: Meets Standard |
| | <p>Auditor Discussion</p> <p>Standard 115.82 Analysis</p> <p>The following evidence was analyzed in making compliance determinations:</p> <p>Documents :</p> <ol style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. Agency policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, pages 18-19, August 12, 2019 3. Agency policy .0300, Chapter G, Administrative Remedy Procedures, pages 1-11, August 1, 2013 4. DC-239, Rules and Policies, Offender Handbook, April 2010 5. Classification Records 6. Mental Health Confidential Disclosure Statement 7. Medical and Mental Health Records <p>Interviews:</p> <ol style="list-style-type: none"> 1. Facility Warden 2. 1 Medical Staff 3. 1 Mental Health Staff 4. Offender Reporting Prior Sexual Victimization 5. 0 Sexual Assault Nurse Examiner <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Reviewed Offender files 2. Reviewed Record logs <p>Findings (By Provision):</p> <p>115.82 (a-d) Agency policy requires Offender victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The health care services are provided by 10 Marion CI full-time staff, and contract medical positions. All offenders are seen by a physician upon arrival to the facility. The medical nurse supervisor is responsible for coordination of the medical services at the facility. This medical care includes: completing the initial intake assessment, routine and additional lab work as ordered, STD testing and treatment as indicated, updating immunization records, seasonal flu vaccinations, dietary services and referrals, administration of medications/treatments as prescribed, assessments of offender injuries and treatment as required, medical assessments and monitoring with any restraint or segregation, assessments of somatic health complaints with treatment as indicated, develop treatment plans and provide medical discharge plans. The dental staff sees offenders at least annually for a wellness check. Emergency services and forensic examinations are conducted at Grace Hospital. The medical staff utilizes an optometrist who provides routine eye exams. Mental health and x-rays are provided on-site.</p> <p>The New Hope of McDowell County offers 24-hour counseling and crisis intervention services, and the facility utilizes the Psychology Department for more advanced crisis stabilization and transitional care units. The Grace Hospital performs all</p> |

sexual assault examinations and offers prophylaxis to safeguard from sexually transmitted diseases. The SANE provides the notification to the New Hope of McDowell County for onsite advocacy during the exam. The volunteers will be notified to provide crisis intervention services and advocacy. The facility also utilizes PREA Support staff to provide these services at the facility level.

Interviews with the medical staff indicated the level of care at the Marion CI is consistent with the level of care demonstrated within the community. The auditor was unable to speak with the SANE staff due to scheduling conflicts, and concerns with the COVID-19. The auditor reviewed the MOU for the New Hope of McDowell County for services. This auditor reviewed the offender handbook provided by the facility to ensure compliance. The treatment services are provided to every victim without financial cost, regardless of whether the victim names an abuser or cooperates with any investigation arising out of the incident. This was confirmed by the Health Services Administrator and no concerns were present during the informal offender interviews. The auditor interviewed 3 offenders who have reported sexual abuse during risk screening, and they did not indicate any concerns within this standard.

Conclusion: Based on the auditor's review of the evidence provided by the facility to include policies regarding access to treatment services, samples of secondary materials relating to forms, logs, and immediate notification documents, the Marion CI is fully compliant with this standard. No further action is required.

115.83 Ongoing medical and mental health care for sexual abuse victims and abusers

Auditor Overall Determination: Meets Standard

Auditor Discussion

Standard 115.83 Analysis

The following evidence was analyzed in making compliance determinations:

Documents :

1. Marion CI Pre-Audit Questionnaire Responses
2. Agency policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, August 12, 2019
3. Agency policy .0300, Chapter G, Administrative Remedy Procedures, pages 1-11, August 1, 2013
4. DC-239, Rules and Policies, Offender Handbook, April 2010
5. Classification Records
6. Mental Health Confidential Disclosure Statement
7. Medical and Mental Health Records
8. NCDPS, Health Services Policy and Procedure Manual, Clinical Practice Guidelines, CP-18, Sexual Abuse, pages 1-5, February 2014
9. NCDPS, Health Services Policy and Procedures Manual, Continuity of Patient Care, CC-8, Aftercare Planning for Offenders in Health Services, pages 1-4, November 2007

Interviews:

1. Facility Warden
2. 1 Medical Staff
3. 1 Mental Health Staff
4. Offender Reporting Prior Sexual Victimization
5. 0 SANE Nurse
6. 15 Random Offender Interviews

Site Review Observations:

1. Reviewed Offender Files
2. Reviewed Record Logs

Findings (By Provision):

115.83 (a-h) The facility Mental Health Director indicated the facility offers medical and mental health evaluation and treatment to all offenders who have been victimized by sexual abuse. The Mental Health Director advised the evaluation and treatment plans are consistent with the level of care demonstrated within the community. At times, the offender may qualify for additional services due to their status. The offender treatment plans may consist of referrals for continued care, medications, transfers to other facilities, or accommodations upon release.

Marion CI does not house female offenders as confirmed during the population analysis. There have been no reported

incidents involving vaginal penetration that resulted in the need to perform a pregnancy test. This was confirmed during review of the PAQ and during the interviews with the medical and mental health staff. Agency policy advises offender victims will be offered tests for sexually transmitted infections and all treatment services will be provided at no cost to the victim. This information is supported in the offender handbook. The facility medical and mental health staff will provide on-site counseling services. This information was confirmed during the Health Services interview and the informal staff interviews. The informal offender interviews expressed knowledge regarding the free medical, mental health, and emotional support services offered at the facility. The New Hope of McDowell County Victim Advocate Services information was posted near every phone in the offender living units. Several random offender interviews confirmed knowledge of this service. The auditor reviewed the financial statements with medical staff indicating the testing would be conducted at no cost to the victim.

Conclusion: Based on the auditor's review of the following evidence provided by the facility: policy governing ongoing medical and mental health care for sexual abuse victims and abusers, medical records indicating timely access to treatment plans, referrals, and sexually transmitted infections testing as medically appropriate. The auditor determined the facility was found in compliance with the provisions of this standard and the level of care is consistent with the level of care within the community. No further action is required.

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| 115.86 | Sexual abuse incident reviews |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Standard 115.86 Analysis</p> <p>The following evidence was analyzed in making compliance determinations:</p> <p>Documents :</p> <ol style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. Agency Policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, pages 23-24, August 12, 2019 3. NCDPS, OPA-I10, Post Incident Review Form <p>Interviews:</p> <ol style="list-style-type: none"> 1. Facility Warden 2. PREA Compliance Manager 3. Incident Review Team Member <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Discussed the Incident Review Team Process 2. Reviewed Investigative Reports <p>Findings (By Provision):</p> <p>115.86 (a-e) Agency policy mandates the facility conduct a sexual abuse incident review at the end of every sexual abuse investigation unless the allegation has been determined to be unfounded. The incident review must be conducted within 30 days of the conclusion of the investigation. This process was confirmed by the Warden and PREA Compliance Manager interviews. The incident review team consists of the following: The Facility Warden/Designee, the facility PREA Compliance Manager, line supervisors, PREA Investigators, health care services, mental health practitioners, PREA Support Person (PSP), and all other staff deemed appropriate by the facility Warden.</p> <p>The facility presents a report of its findings from the sexual abuse incident reviews and makes a final recommendation for improvement or documents the reasons for not performing improvements. The criteria included within the reviews consists of the following: policy revisions, incident motivations by race, ethnicity, gender identity, lesbian, gay, bi-sexual, transgender, intersex, gang affiliation, physical barriers that may have contributed to the abuse, adequate staffing levels, video monitoring equipment or lack of, mandated training by staff and Offenders, appropriate supervision, notifications, and operational considerations. The auditor reviewed the agency OPA-I10 Post Incident Review Form and noted the information was provided within the form. The Warden confirmed review of this process and there have been 21 reviews conducted in the past 12 months. The auditor reviewed 12 investigative files and 7 post incident reviews were completed within 30 days of the completion of the investigation.</p> <p>The Warden/Designee shall distribute copies of the Post Incident Review Form to the Regional Director and to the DPS PREA office for data collection. This was confirmed in agency policy 3400, page 24 and during the facility Warden interview. The facility has no criminal cases currently pending investigation.</p> <p>Conclusion: The auditor determined the facility met this standard with compliance based on the review of the following documentation: policies on conducting sexual abuse incident reviews, sample documentation or completed investigations, documentation of review team minutes, and recommended findings. No further action is required.</p> |

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| 115.87 | Data collection |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Standard 115.87 Analysis</p> <p>The following evidence was analyzed in making compliance determinations:</p> <p>Documents :</p> <ol style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. Agency Policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, pages 23-24, August 12, 2019 3. NCDPS, OPA-110, Post Incident Review Form <p>Interviews:</p> <ol style="list-style-type: none"> 1. Facility Warden 2. PREA Compliance Manager 3. Incident Review Team Member <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Discussed the Incident Review Team Process 2. Reviewed investigative reports and documentation. <p>Findings (By Provision):</p> <p>115.87 (a-f) The auditor reviewed the agency uniform data for every allegation of sexual abuse and compared the data to the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice. The agency aggregates the incident-based sexual abuse data annually and includes definitions as appropriate to the Survey of Sexual Violence. The auditor reviewed the agency data collected in 2017, 2018, 2019, and 2020 as the data is compiled for a one-year (calendar) period after December. The Marion CI does not operate another facility or contract with other facilities for the confinement of its offenders. The facility securely maintains all documentation used to compile the information at the agency level. Approved data is posted on the Agency website and available upon request by the Department of Justice. The facility Warden confirmed the use of all facility data relative to this standard. The auditor reviewed the data for reports on the agency website for years 2017 - 2020.</p> <p>Conclusion: The auditor reviewed the agency policies for collecting data on sexual abuse allegations, the instrument used for collecting the data, the set of definitions applied, the facility website, and a sample of the historical data used to determine the facility is fully compliant with the provisions of this standard. No further action required.</p> |

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| 115.88 | Data review for corrective action |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Standard 115.88 Analysis</p> <p>The following evidence was analyzed in making compliance determinations:</p> <p>Documents :</p> <ol style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. Agency Policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, pages 23-24, August 12, 2019 3. Agency Aggregate Data Annual Report, 2017, 2018, 2019, and 2020 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Facility Warden 2. PREA Coordinator 3. Incident Review Team Member <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Discussed the Incident Review Team Process 2. Reviewed the agency website data. <p>Findings (By Provision):</p> <p>115.88 (a-d) Agency policy requires the PREA Coordinator to review data collected and aggregated to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. This auditor reviewed the data posted on the agency website that includes the total number of substantiated, unsubstantiated, and unfounded allegations of sexual misconduct by offender-to-offender and staff-to-offender reports in 2017, 2018, 2019, and 2020.</p> <p>This information is approved by the Agency Director and posted on the agency website for review. The agency PREA Coordinator advised this information is utilized to identify problem areas and initiate corrective action measures when appropriate. The facility Warden confirmed the use and data associated with this report during the interview. No facility data was redacted from the annual report for publication, and this was verified by the PREA Coordinator.</p> <p>Conclusion: The auditor reviewed evidence provided by the facility such as corrective action plans, an annual report of findings, website materials, and found the facility is fully compliant with the provisions of this standard. No further action required.</p> |

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| 115.89 | Data storage, publication, and destruction |
| | <p data-bbox="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 208 451 237">Auditor Discussion</p> <p data-bbox="242 271 504 300">Standard 115.89 Analysis</p> <p data-bbox="242 383 999 412">The following evidence was analyzed in making compliance determinations:</p> <p data-bbox="242 499 371 528">Documents :</p> <ol data-bbox="242 557 1453 701" style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. Agency Policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, pages 23-24, August 12, 2019 3. Agency Aggregate Data Annual Report, 2017, 2018, 2019, and 2020 <p data-bbox="242 788 352 817">Interviews:</p> <ol data-bbox="242 846 582 990" style="list-style-type: none"> 1. Facility Warden 2. PREA Coordinator 3. Incident Review Team Member <p data-bbox="242 1077 483 1106">Findings (By Provision):</p> <p data-bbox="242 1135 1474 1328">115.89 (a-d) The PREA Coordinator indicated all documentation utilized for data collection is maintained by the NCDPS PREA Office and the investigation data is maintained by the facilities. The information is entered into the facility incident database and maintained with electronic files on a secure server. The data report is approved by the Agency Director and posted on the Agency website annually. The auditor reviewed the report and did not observe any personally identifying information. Agency policy requires the facility shall maintain sexual abuse data collected for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.</p> <p data-bbox="242 1357 1449 1417">Conclusion: Based on the auditor's review of the agency policy, website, interviews, and historical data, the facility is fully compliant with the provisions of this standard. No further action is required.</p> |

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| 115.401 | Frequency and scope of audits |
| | <p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Standard 115.401 Analysis</p> <p>The following evidence was analyzed in making compliance determinations:</p> <p>Documents :</p> <ol style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. Agency Policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, August 12, 2019 3. PREA Audit Notice Verification 4. Postal Communication from Offender <p>Interviews:</p> <ol style="list-style-type: none"> 1. Facility Warden 2. PREA Compliance Manager 3. Offenders Receiving Correspondence <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Reviewed the Agency Website 2. Reviewed the Facility Data <p>Findings (By Provision):</p> <p>115.401(a-n) The Marion CI conducted its second cycle PREA audit on September 25, 2016, and the facility was found in compliance on 40 standards, 1 standard exceeded expectation (115.11), 39 met the standards, and 3 standards (115.12, 115.14, & 115.66) were found to be not applicable. This data was confirmed by the PREA Compliance Manager during the on-site review. All facility audit reports were posted on the agency website.</p> <p>The auditor was granted access to all areas during the on-site review, and reviewed video monitoring footage for cross gender viewing and blind spots. No interview restrictions were placed on the auditor during the onsite review and the facility PREA Compliance Manager was available and accessible throughout the entire period. The auditor received all documents requested and was provided electronic viewing upon request. The on-site review provided the auditor the opportunity to conduct private interviews with offenders, staff, volunteers, and contractors with limitations due to the potential concerns with the COVID-19 pandemic. The facility PREA Compliance Manager provided photographic evidence regarding the posting of the PREA Audit Notification in all offenders living units on October 26, 2021. The audit notice was posted in both English and Spanish formats, large color print, and visible for everyone to see upon entering the units. This posting provided the offenders and staff a name and mailing address for the auditor. The auditor confirmed this posting during the on-site review as staff and offender interviews validated the posting at least 6 weeks prior to the on-site review. The auditor received no postal communications from an Offender at Marion CI and no correspondence from staff.</p> <p>Conclusion: The auditor has determined based on the evidence provided by the facility and review of the agency website; the facility meets compliance with the provisions of the standard. No additional action is required.</p> |

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| 115.403 | Audit contents and findings |
| | <p data-bbox="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 210 451 239">Auditor Discussion</p> <p data-bbox="242 271 515 300">Standard 115.403 Analysis</p> <p data-bbox="242 385 999 414">The following evidence was analyzed in making compliance determinations:</p> <p data-bbox="242 501 371 530">Documents :</p> <ol data-bbox="242 557 1315 698" style="list-style-type: none"> 1. Marion CI Pre-Audit Questionnaire Responses 2. Agency Policy 3400, Chapter F, Offender Sexual Abuse and Sexual Harassment Policy, August 12, 2019 3. PREA Audit Notice Verification <p data-bbox="242 788 352 817">Interviews:</p> <ol data-bbox="242 844 456 927" style="list-style-type: none"> 1. Facility Warden 2. PREA Coordinator <p data-bbox="242 1016 509 1046">Site Review Observations:</p> <ol data-bbox="242 1072 750 1102" style="list-style-type: none"> 1. Reviewed the Agency Website and Facility Data <p data-bbox="242 1191 483 1220">Findings (By Provision):</p> <p data-bbox="242 1247 1485 1442">115.403 (a-f) The auditor verified the final audit reports were published on the facility website, and the auditor reviewed all documentation and compliance efforts. The auditor attempted to confirm all prior recommendations were completed from the previous audit. The Marion CI conducted the second cycle PREA audit on September 25, 2016, and the facility was found in compliance on 40 standards, 1 standard exceeded expectation (115.11), 39 met the standards, and 3 standards (115.12, 115.14, & 115.66) were found to be not applicable. This data was confirmed by the PREA Compliance Manager during the on-site review. All facility audit reports were posted on the agency website.</p> <p data-bbox="242 1471 1422 1534">Conclusion: Based on the evidence provided by the facility, the Marion CI meets compliance with the provisions of this standard, and no further action is required.</p> |

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

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| 115.13 (a) | Supervision and monitoring | |
| | Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse? | yes |
| | In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices? | yes |
| | In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy? | yes |
| | In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies? | yes |
| | In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies? | yes |
| | In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)? | yes |
| | In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population? | yes |
| | In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff? | yes |
| | In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift? | yes |
| | In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or standards? | yes |
| | In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse? | yes |
| | In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors? | yes |
| 115.13 (b) | Supervision and monitoring | |
| | In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.) | yes |
| 115.13 (c) | Supervision and monitoring | |
| | In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section? | yes |
| | In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies? | yes |
| | In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan? | yes |

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| 115.13 (d) | Supervision and monitoring | |
| | Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment? | yes |
| | Is this policy and practice implemented for night shifts as well as day shifts? | yes |
| | Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility? | yes |
| 115.14 (a) | Youthful inmates | |
| | Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates (inmates <18 years old).) | na |
| 115.14 (b) | Youthful inmates | |
| | In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates (inmates <18 years old).) | na |
| | In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates (inmates <18 years old).) | na |
| 115.14 (c) | Youthful inmates | |
| | Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates (inmates <18 years old).) | na |
| | Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates (inmates <18 years old).) | na |
| | Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates (inmates <18 years old).) | na |
| 115.15 (a) | Limits to cross-gender viewing and searches | |
| | Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners? | yes |
| 115.15 (b) | Limits to cross-gender viewing and searches | |
| | Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.) | na |
| | Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the facility does not have female inmates.) | na |
| 115.15 (c) | Limits to cross-gender viewing and searches | |
| | Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches? | yes |
| | Does the facility document all cross-gender pat-down searches of female inmates (N/A if the facility does not have female inmates)? | na |

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| 115.15 (d) | Limits to cross-gender viewing and searches | |
| | Does the facility have policies that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks? | yes |
| | Does the facility have procedures that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks? | yes |
| | Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit? | yes |
| 115.15 (e) | Limits to cross-gender viewing and searches | |
| | Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status? | yes |
| | If an inmate's genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner? | yes |
| 115.15 (f) | Limits to cross-gender viewing and searches | |
| | Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? | yes |
| | Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? | yes |

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

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| 115.16 (c) | Inmates with disabilities and inmates who are limited English proficient | |
| | Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations? | yes |
| 115.17 (a) | Hiring and promotion decisions | |
| | Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? | yes |
| | Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse? | yes |
| | Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above? | yes |
| | Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? | yes |
| | Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse? | yes |
| | Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above? | yes |
| 115.17 (b) | Hiring and promotion decisions | |
| | Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates? | yes |
| | Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with inmates? | yes |
| 115.17 (c) | Hiring and promotion decisions | |
| | Before hiring new employees who may have contact with inmates, does the agency perform a criminal background records check? | yes |
| | Before hiring new employees who may have contact with inmates, does the agency, consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse? | yes |
| 115.17 (d) | Hiring and promotion decisions | |
| | Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates? | yes |
| 115.17 (e) | Hiring and promotion decisions | |
| | Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees? | yes |

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| 115.17 (f) | Hiring and promotion decisions | |
| | Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions? | yes |
| | Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees? | yes |
| | Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct? | yes |
| 115.17 (g) | Hiring and promotion decisions | |
| | Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination? | yes |
| 115.17 (h) | Hiring and promotion decisions | |
| | Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.) | yes |
| 115.18 (a) | Upgrades to facilities and technologies | |
| | If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.) | yes |
| 115.18 (b) | Upgrades to facilities and technologies | |
| | If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.) | yes |
| 115.21 (a) | Evidence protocol and forensic medical examinations | |
| | If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) | yes |
| 115.21 (b) | Evidence protocol and forensic medical examinations | |
| | Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) | yes |
| | Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) | yes |

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

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

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

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

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

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

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

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

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

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| 115.51 (b) | Inmate reporting | |
| | Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency? | yes |
| | Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials? | yes |
| | Does that private entity or office allow the inmate to remain anonymous upon request? | yes |
| | Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility never houses inmates detained solely for civil immigration purposes.) | na |
| 115.51 (c) | Inmate reporting | |
| | Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties? | yes |
| | Does staff promptly document any verbal reports of sexual abuse and sexual harassment? | yes |
| 115.51 (d) | Inmate reporting | |
| | Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates? | yes |
| 115.52 (a) | Exhaustion of administrative remedies | |
| | Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse. | no |
| 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.) | yes |
| | 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.) | yes |
| 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.) | yes |
| | 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.) | yes |

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| 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.) | yes |
| | 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.) | yes |
| | 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.) | yes |
| 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.) | yes |
| | 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.) | yes |
| | 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.) | yes |
| 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.) | yes |
| | 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.) | yes |
| | 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.) | yes |
| | 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.) | yes |
| | 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.) | yes |
| | 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.) | yes |
| | 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.) | yes |
| 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.) | yes |

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

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| 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 |

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| 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 |

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

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| 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 |

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

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| 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 |

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

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

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

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

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| 115.401 (b) | Frequency and scope of audits | |
| | Is this the first year of the current audit cycle? (Note: a "no" response does not impact overall compliance with this standard.) | no |
| | If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.) | na |
| | If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.) | yes |
| 115.401 (h) | Frequency and scope of audits | |
| | Did the auditor have access to, and the ability to observe, all areas of the audited facility? | yes |
| 115.401 (i) | Frequency and scope of audits | |
| | Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)? | yes |
| 115.401 (m) | Frequency and scope of audits | |
| | Was the auditor permitted to conduct private interviews with inmates, residents, and detainees? | yes |
| 115.401 (n) | Frequency and scope of audits | |
| | Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel? | yes |
| 115.403 (f) | Audit contents and findings | |
| | The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or, in the case of single facility agencies, there has never been a Final Audit Report issued.) | yes |