

Prison Rape Elimination Act (PREA) Audit Report Adult Prisons & Jails

Interim Final

Date of Report August 31, 2018

Auditor Information

Name: Bobbi Pohlman-Rodgers	Email: bobbi.pohlman@truecorebehavioral.com
Company Name: TrueCore Behavioral Solutions, LLC	
Mailing Address: PO Box 4068	City, State, Zip: Deerfield Beach, FL 33442-4068
Telephone: (954) 818-5131	Date of Facility Visit: January 10-11, 2018

Agency Information

Name of Agency: North Carolina Department of Public Safety		Governing Authority or Parent Agency (If Applicable): Click or tap here to enter text.	
Physical Address: 512 N. Salisbury Street		City, State, Zip: Raleigh, NC 27604	
Mailing Address: 4201 Mail Service Center		City, State, Zip: Raleigh, NC 27699-4201	
Telephone: (919) 825-2754		Is Agency accredited by any organization? <input type="checkbox"/> Yes <input type="checkbox"/> No	
The Agency Is:	<input type="checkbox"/> Military	<input type="checkbox"/> Private for Profit	<input type="checkbox"/> Private not for Profit
<input type="checkbox"/> Municipal	<input type="checkbox"/> County	<input checked="" type="checkbox"/> State	<input type="checkbox"/> Federal

Agency mission: The overall mission of the North Carolina Department of Public Safety is to improve the quality of life for North Carolinians by reducing crime and enhancing public safety. The NCDPS Division of Adult Corrections mission is to promote public safety by the administration of a fair and humane system which provides reasonable opportunities for adjudicated offenders to develop progressively responsible behavior.

Agency Website with PREA Information: <https://www.ncdps.gov/adult-corrections/prison-rape-elimination-act>

Agency Chief Executive Officer

Name: Erik A Hooks	Title: Secretary, NCDPS
Email: erik.hooks@ncdps.gov	Telephone: (919) 733-2126

Agency-Wide PREA Coordinator

Name: Charlotte Jordan-Williams	Title: PREA Director
Email: charlotte.williams@ncdps.gov	Telephone: (919) 825-2754
PREA Coordinator Reports to: Jane Ammons Gilchrist, General Counsel, NCDPS	Number of Compliance Managers who report to the PREA Coordinator 138

Facility Information

Name of Facility: Catawba Correctional Center			
Physical Address:			
Mailing Address (if different than above): 1347 Prison Camp Road, Newton, NC 28658			
Telephone Number: (828) 466-5521			
The Facility Is:	<input type="checkbox"/> Military	<input type="checkbox"/> Private for profit	<input type="checkbox"/> Private not for profit
<input type="checkbox"/> Municipal	<input type="checkbox"/> County	<input checked="" type="checkbox"/> State	<input type="checkbox"/> Federal
Facility Type:	<input type="checkbox"/> Jail	<input checked="" type="checkbox"/> Prison	
Facility Mission: To promote public safety by the administration of a fair and humane system which provides reasonable opportunities for adjudicated offenders to develop progressively responsible behavior.			
Facility Website with PREA Information: https://www.ncdps.gov/adult-corrections/prison-rape-elimination-act			

Warden/Superintendent

Name: Tim Kerley	Title: Superintendent III
Email: tim.kerley@ncdps.gov	Telephone: (828) 466-5521

Facility PREA Compliance Manager

Name: Jason Yoder	Title: Program Director
Email: Jason.yoder@ncdps.gov	Telephone: (828) 466-5521

Facility Health Service Administrator

Name: Anita Crisp	Title: Nurse
Email: anita.crisp@ncdps.gov	Telephone: (828) 466-5521

Facility Characteristics

Designated Facility Capacity: 246		Current Population of Facility: 237	
Number of inmates admitted to facility during the past 12 months			602
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 30 days or more:			332
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 72 hours or more:			441
Number of inmates on date of audit who were admitted to facility prior to August 20, 2012:			1
Age Range of Population:	Youthful Inmates Under 18: 0	Adults: 19 years of age and older	
Are youthful inmates housed separately from the adult population?		<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> NA
Number of youthful inmates housed at this facility during the past 12 months:			0
Average length of stay or time under supervision:			N/A
Facility security level/inmate custody levels:			Minimum
Number of staff currently employed by the facility who may have contact with inmates:			63
Number of staff hired by the facility during the past 12 months who may have contact with inmates:			5
Number of contracts in the past 12 months for services with contractors who may have contact with inmates:			0
Physical Plant			
Number of Buildings: 14		Number of Single Cell Housing Units: 1	
Number of Multiple Occupancy Cell Housing Units:		0	
Number of Open Bay/Dorm Housing Units:		7	
Number of Segregation Cells (Administrative and Disciplinary):		5	
Description of any video or electronic monitoring technology (including any relevant information about where cameras are placed, where the control room is, retention of video, etc.):			
Click or tap here to enter text.			
Medical			
Type of Medical Facility:		Clinic: Open 5 days per week/8 hours per day	
Forensic sexual assault medical exams are conducted at:		Catawba Valley Medical Center	
Other			
Number of volunteers and individual contractors, who may have contact with inmates, currently authorized to enter the facility:			20
Number of investigators the agency currently employs to investigate allegations of sexual abuse:			2

Audit Findings

Audit Narrative

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

The North Carolina Department of Public Safety contracted with TrueCore Behavioral Solutions, LLC for PREA auditing services in October 2017. This particular facility's on-site audit was scheduled for January 10, 2018, thus the audit process was to begin on November 29, 2017, six weeks prior to this date.

On November 19, 2017, the PREA auditor made contact with the NCDPS PREA Coordinator regarding the upcoming PREA audit. The communication contained the facility name, date of the audit, name of the auditor, and specific dates for the submission of information. The auditor then sent to the NCDPS PREA Coordinator (Agency PREA Coordinator/Director) the Pre-Audit Questionnaire, the Checklist of Documentation, and brief Bio of the auditor.

The auditor also provided the PREA Audit Notice that was required to post in the facility on or before November 29, 2017 and remain posted until after the audit. The PREA Audit Notice was provided in both English and Spanish, to accommodate all inmates in the facility. The PREA Audit Notice provides for the date of the on-site audit, confidentiality of the audit process, written communication from inmates shall be treated as legal mail, verbal communication between the auditor and facility staff and inmates shall be kept confidential with exceptions, and an address for inmates and staff to write to the auditor prior to the audit. The facility advised that PREA Audit Notice was posted on November 29, 2017 by sending photos to the auditor of the various locations the posters were placed.

The PREA flash drive was received by December 13, 2017, which is four weeks from the on-site audit date. The auditor reviewed the information provided and began the completion of the Auditor Compliance Tool. The auditor also reviewed the last PREA audit report dated April, 15, 2016. The auditor contacted the facility on December 27, 2017 in regards to additional information that would be needed at the beginning of the on-site audit, logistics of the audit including the need for interview rooms that provided privacy but sight supervision of staff, clarified some information already provided, and provided the facility with a list of items to have prepared for review on the first day of the audit.

The Catawba Correctional Center PREA on-site audit began on January 10, 2018 with an entrance meeting. The meeting was attended by the PREA auditor, Superintendent Tim Kerley, Program Director/PREA Compliance Manager Jason Yoder, Correctional Sergeant Gary Werth, and Region Security Coordinator Jeffery Daniels.

Following the entrance meeting, the auditor was provided a newly printed list of inmates for selection of interviews. The auditor first selected from the specialized inmate interviews that are required, and selected the remaining from the general population list. There were no inmates present at the time of the audit who were: youthful, had a physical disability, who were Blind, Deaf, or Hard of Hearing, who were Limited English Proficient, who had a Cognitive Disability, who were identified as LGBTI, who were in restrictive housing (segregation) for high risk of sexual victimization, or who had reported a sexual abuse. There were two (2)

identified who reported a sexual victimization during risk screening and they were selected for interview. The auditor selected and additional inmates randomly from each housing unit. In total, twenty (20) inmates were interviewed; including two (2) who reported a prior victimization during risk screening and the remaining eighteen (18) from general population.

At the time of the on-site audit, the auditor had not received any communication staff or inmates.

The auditor was provided a newly printed post staffing for the two-day audit and for both shifts. The auditor selected twelve (12) staff from both shifts and differing positions to be interviewed.

The auditor conducted sixteen (16) specialized position interviews that including two (2) interviews that had been conducted prior to the audit. Specialized positions interviewed: Agency Head, Agency PREA Coordinator/Director, Superintendent, Facility PREA Compliance Manager, Upper Level Management, Medical staff, Mental Health Staff, Human Resources Staff, Volunteer/Contractor, Investigator, Intake Staff/Intake Education, Risk Screening Staff, Incident Review Staff, Grievance Officer, Retaliation Monitor, and First Responder Staff.

Following the selection of interviewees, the auditor was led on a tour of the facility. The tour included the kitchen, dining hall, maintenance, commissary, canteen, storage, clinic, educational building, programs office, administration building, chapel, barber shop, clothes house, trust fund office, work release laundry, library, Alcohol & Chemical Dependency Program office, Sergeant's office, and eight (8) housing areas.

The auditor completed inmate, staff and specialized interviews during the two (2) days at the facility. All interviews were conducted in private in the Chapel. Interviews with inmates were provided in an area where supervising staff could provide sight supervision but did not have sound contact with the inmate or the interviewer which allowed for the privacy of communication. Inmate interviews included a small printed paper that provided how to access mental health services after the interview if needed. It also contained a reminder that retaliation for speaking to the auditor is not allowed, and the mailing address was made available in the event that they wished to report retaliation. This was shown to the Superintendent prior to interviews.

Prior to the exit meeting, the auditor reviewed additional information that had been requested and maintained copies of these documents. A list was compiled of challenges at this facility in meeting compliance with PREA standards.

The exit meeting was held in the evening of January 11, 2018. Present were the auditor, Superintendent Kerley, Program Director/PREA Compliance Manager Yoder, Correctional Sergeant Werth, and Assistant Superintendent of Operations Angie Bengé. The auditor extended acknowledgement of the open process of the audit and discussed the challenges identified by the auditor at this facility. The facility administration was provided a list of items that would need to be addressed in order to find the facility in compliance with all PREA Standards. The facility was informed that any information provided within three weeks would be reviewed prior to the initial writing of this PREA Audit Report.

The methodology of the audit process to find compliance included:

- Review of the pre-audit questionnaire
- Review of agency policies
- Review of facility policies and practices
- Review of sample documents
- Review of completed documents
- Interviews with inmates
- Interviews with specialized staff
- Interviews with random staff

- Interviews with off-site providers
- Tour of the facility
- Identification of PREA information in areas for both staff and inmates
- Identification of blind areas through both internal and external viewing of the buildings
- Inmate confidential letters, if received by the auditor
- Review of the agency's website
- Test call to the external reporting agency through inmate phone
- Observations of staff interaction with inmates
- Clarification discussions with administration
- Review of documents provided post on-site audit
- Further contact with the facility PREA Compliance Manager or the Agency PREA Coordinator/Director

Bobbi Pohlman-Rodgers, US DOJ certified PREA Auditor, was responsible for determining whether this facility operated in compliance with the Prison Rape Elimination Act (PREA) standards. As a part of this audit, Ms. Pohlman-Rodgers toured the facility, reviewed State policy & procedure, reviewed state laws and rules, conducted interviews with inmates and staff, observed facility practices, examined confidential documents, and made a determination for each standard.

Facility Characteristics

The auditor's description of the audited facility should include details about the facility type, demographics and size of the inmate, resident or detainee population, numbers and type of staff positions, configuration and layout of the facility, numbers of housing units, description of housing units including any special housing units, a description of programs and services, including food service and recreation. The auditor should describe how these details are relevant to PREA implementation and compliance.

Catawba Correctional Center is a minimum level secure facility for male inmates run under the North Carolina Department of Public Safety (NCDPS). The facility is located in Newton, NC, in Catawba County.

Opened in 1932, this is one of the many facilities that were renovated in the 1930's to provide housing for inmates who worked building roads. Two original dormitories are currently in use and two modular dormitories were added in 1978. Under the South Piedmont Consent Decree, a 128 bed housing unit was added in 1987. The facility has an inmate capacity of 246 inmates who are the age of 18 and older. This facility does not house youthful offenders.

Catawba Correctional Center is a work release and transitional facility. Inmates are employed in the community by private sector employers and the wages earned are used for restitution, family support, and saved for anticipated release. Internal jobs offered at the facility include kitchen workers, janitors and unit maintenance. External jobs available are through the North Carolina Department of Transportation for both road crews and litter crews.

Additional programming includes educational, vocational, substance abuse, life skills and parole preparation. Educational services are offered by the Catawba Valley Community College and include Adult Basic Education and General Education Diploma testing. Vocational education includes a barbering course that provides for state certification upon successful completion and Commercial Cleaning. Substance Abuse programs include Narcotics Anonymous and Alcohol Anonymous. Life Skill services include Think Smart Program, Character Education, Father Accountability and Thinking for a Change. Long-term services

include Mutual Agreement Parole Program (MAPP), a long term inmate parole preparation program, and the Chaplain Re-entry Life Program which works with inmates to further prepare them for release by offering courses on personal finance, entrepreneur exposure, job application/resume writing and interviewing skills.

There is one (1) building that houses five (5) housing units: Dorm A, B, C, D, and the single cell restrictive housing area. There is one (1) building that houses two (2) housing units: Dorm E and F. There is one (1) building that houses Dorm G. With exception of the single cell restrictive housing, all other dorms are open bay.

- Dorms A, B, C, and D are identical and house general population inmates. These are open bay housing units with general bathrooms and showers. Privacy from cross-gender staff for both the bathrooms and the showers involve walls, doors or curtains. There are six (6) phones in the vestibule where inmates have access. A grievance box is located at the Sergeant's office where all inmates have access. Each has a day room with a bulletin board that displays information on reporting sexual abuse and sexual harassment and the PREA on-site audit notice.
- Dorms E and F are also identical and house general population inmates. These are open bay housing units with general bathrooms and showers. Privacy from cross-gender staff in the bathrooms are provided through doors, and privacy from cross-gender staff in the showers is through curtains. There are three (3) phones in the main corridor between the units where inmates have access. There is a bulletin board that displays information on reporting sexual abuse and sexual harassment and the PREA on-site audit notice.
- Dorm G is for work release inmates. It is an open bay dormitory, with privacy from cross-gender staff viewing in the bathrooms and showers. A grievance box is located at the Sergeant's office where all inmates have access. The day room contains a bulletin board that displays information on reporting sexual abuse and sexual harassment and the PREA on-site audit notice.
- Restrictive housing is located at the end of the building where Dorms A, B, C and D are located. There are five (5) single person wet cells that provide temporary placement pending transfer – typically less than twenty-four (24) hours. It was observed that some of the cells are currently being utilized as storage areas and the cells are not available for use.

The Administration Building is within the secure perimeter and includes office areas. Access for inmates is limited to persons responsible for housekeeping duties only.

The remaining buildings are supervised by the yard staff and Sergeant. Both make at least one (1) round of each area, each shift. These rounds are unannounced.

The kitchen and dining hall are in one building, where a recent modification to the fire suppression system allowed better viewing from all angles. There is a small storage area where inmates are supervised who enter and a mirror is positioned to be seen from the manager's office. The requirement is that three (3) persons must be present to enter this area, of which one must be a staff member. Freezers contain locks and these are not in areas where inmates have access.

The chapel is in a large building with offices, classroom, and a lecture hall. The maintenance building is left open (1/2 door) when unlocked and occupied by staff and inmates. The barber shop contains a window for supervision. The library also contains windows for supervision purposes.

The canteen is a coveted job and an inmate who is found to have another person within the canteen is subject to being removed from the position. There is a window that provides viewing of the majority of the room. This area is monitored by yard staff and the Sergeant who conduct multiple unannounced rounds each day.

The clothes house contains a window that provides supervision from the outside, as well as multiple random rounds each day to ensure the safety of inmates. The work release laundry is a smaller room that is left open when occupied. Again, the inmate questioned reported that he would be fired from his job if another person was found present in the building.

Outdoor recreation areas are throughout the facility grounds and include weights, shuffleboard, basketball, board games, and dominos.

The medical clinic offers services from 0630 until 1615, five (5) days per week. There is one exam room.

There is a mail box and a grievance box available to all inmates.

Summary of Audit Findings

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

Auditor Note: No standard should be found to be “Not Applicable” or “NA”. A compliance determination must be made for each standard.

Number of Standards Exceeded: 1

115.11

Number of Standards Met: 34

115.12, 115.14, 115.18, 115.21, 115.22, 115.32, 115.34, 115.35, 115.43, 115.52, 115.54, 115.61, 115.62, 115.63, 115.64, 115.65, 115.66, 115.67, 115.68, 115.71, 115.72, 115.73, 115.76, 115.77, 115.78, 115.81, 115.82, 115.83, 115.86, 115.87, 115.88, 115.89, 115.401, 115.403

Number of Standards Not Met: 0

Click or tap here to enter text.

Summary of Corrective Action (if any)

All corrective action is due no later than August 23, 2018.

115.13

The facility did not have a staffing review for 2017 to present to the auditor.

During the corrective action period, the facility provided an updated staffing review.

115.15

Staff are not familiar with procedures to search a transgender or intersex inmates. Cross-gender staff do not make announcements each time they enter into a housing area.

During the corrective action period, the facility conducted refresher training during line-up on searching transgender or intersex inmates and cross-gender staff announcements.

115.16

The facility does not have a system to identify inmates with disabilities prior to providing PREA education. Facility staff are not aware that resident interpreters should not be utilized except in emergency situations for PREA allegations. Facility staff do not know how to access an interpreter if needed for Limited English Proficient inmates.

During the corrective action period, the facility conducted refresher training on the Agency Policies and PREA standards regarding the identification of inmates with disabilities, the use of resident interpreters, and how to access an interpreter if needed.

115.17

The facility does not have a system to ensure that backgrounds are conducted every five (5) years for staff. Some staff have not had a background screening within the past five (5) years.

During the corrective action period, the facility updated the tracking system to ensure that background checks are conducted as required. Staff identified as not having a recent background have received the appropriate background screenings.

115.31

Facility staff are unaware of the North Carolina abuse laws.

During the corrective action period, the facility conducted refresher training on North Carolina abuse laws.

115.33

The facility is not utilizing the transfer PREA narrative that is required by agency policy to be verbally provided to inmates.

During the corrective action period, the facility updated inmate PREA education to ensure compliance with Agency Policy and PREA standards.

115.41

The facility is not conducted the intake risk screening question within three (3) days of transfer, as per agency policy.

During the corrective action period, the facility conducted refresher training to ensure compliance with Agency Policy and PREA standards.

115.42

The facility is not addressing housing decisions based on the outcome of the risk assessments upon transfer of an inmate.

During the corrective action period, the facility conducted refresher training to ensure compliance with Agency Policy and PREA standards.

115.51

The facility does not provide a method for inmates to report externally to the agency.

During the corrective action period, the facility updated inmate information to include the new method for reporting externally.

115.53

The facility does not provide confidential emotional support services through an outside agency.

During the corrective action period, the facility continued to identify community resources for confidential emotional support services for inmates.

PREVENTION PLANNING

Standard 115.11: Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

All Yes/No Questions Must Be Answered by The Auditor to Complete the Report

115.11 (a)

- Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment? Yes No
- Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment? Yes No

115.11 (b)

- Has the agency employed or designated an agency-wide PREA Coordinator? Yes No
- Is the PREA Coordinator position in the upper-level of the agency hierarchy? Yes No
- 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 No

115.11 (c)

- 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 No NA
- 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 No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.3400, Policy A.2000, SOP .3405, SOP .0202, Form OPA-A16, NCDPS Organizational Chart, NC General Statute 14, and NCDPS Memo dated 10/27/15, that identified the PREA Compliance Manager were reviewed. The Superintendent and PREA Compliance Manager were interviewed. The Agency Head and Agency PREA Coordinator/Director were interviewed at an earlier time.

The agency has a policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment. The policy, along with additional policies and standard operating procedures, outlines the prevention, detecting, reporting, and response to sexual abuse and sexual harassment allegations. Definitions that mirror the PREA Standards are included in the policy, as well as sanctions for those who violate policy. Additionally, sanctions for inappropriate behavior between staff and inmates is detailed in the Conduct of Employees

policy. All interviewed were able to articulate the strategies and responses towards PREA allegations that policy mandates.

The facility has a Program Director who is assigned as the PREA Compliance Manager. He has been employed by NCDPS for eighteen (18) years, worked at this facility for sixteen (16) years and has held the position as the PREA Compliance Manager for eight (8) years. He is identified on Form OPA-A16 as the primary PREA Compliance Manager for the facility. He reports that a second PREA Compliance Manager has recently retired, and his replacement has not yet been named. He reports that he has sufficient time to attend to PREA duties in addition to his normal position. He coordinates the efforts of the facility to meet PREA standards through open communication with the management team, and on-going discussion of challenges in meeting standards. He reports that actions or processes taken when addressing a compliance issue involved physical plant changes, training of staff, and procedural changes.

The agency has an Agency PREA Coordinator/Director, Charlotte Jordan-Williams, who reports to general counsel, and who has reported sufficient time to attend to PREA duties. She also has four (4) staff who assist her with PREA related duties. She currently has 138 PREA Compliance Managers that indirectly report to her. She is very knowledgeable regarding PREA standards and agency policies and practices and is receptive to the concerns of the auditors. She continually addresses concerns as identified. She makes herself available to the PREA auditor as requested. Additionally, the auditor has worked with the agency PREA staff who are knowledgeable and responsive to any concerns at the facility level.

Based on the information discovered in agency policies, observations, random contact with staff, and information obtained through staff interviews, the auditor finds that the facility exceeds the requirements of the standard based on the availability of both the PREA Office and of knowledgeable agency level staff under the PREA Coordinator who provides assistance and guidance to facilities to ensure compliance with PREA Standards.

Standard 115.12: Contracting with other entities for the confinement of inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.12 (a)

- If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.) Yes No NA

115.12 (b)

- Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement

of inmates OR the response to 115.12(a)-1 is "NO".) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on the knowledge and confirmation that the agency does not contract for housing of inmates with any other agency, the auditor finds that this facility meets the requirements of the standard.

Standard 115.13: Supervision and monitoring

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.13 (a)

- Does the agency ensure that each facility has developed a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse? Yes No
- Does the agency ensure that each facility has documented a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration the generally accepted detention and correctional practices in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration any judicial findings of inadequacy in calculating adequate staffing levels and determining the need for video monitoring? Yes No

- Does the agency ensure that each facility's staffing plan takes into consideration any findings of inadequacy from Federal investigative agencies in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration any findings of inadequacy from internal or external oversight bodies in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration all components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated) in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration the composition of the inmate population in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration the number and placement of supervisory staff in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration the institution programs occurring on a particular shift in calculating adequate staffing levels and determining the need for video monitoring? Yes No NA
- Does the agency ensure that each facility's staffing plan takes into consideration any applicable State or local laws, regulations, or standards in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration the prevalence of substantiated and unsubstantiated incidents of sexual abuse in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration any other relevant factors in calculating adequate staffing levels and determining the need for video monitoring? Yes No

115.13 (b)

- In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.) Yes No NA

115.13 (c)

- In the past 12 months, has the facility, in consultation with the Agency PREA Coordinator/Director, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section? Yes No

- In the past 12 months, has the facility, in consultation with the Agency PREA Coordinator/Director, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies? Yes No
- In the past 12 months, has the facility, in consultation with the Agency PREA Coordinator/Director, 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 No

115.13 (d)

- 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 No
- Is this policy and practice implemented for night shifts as well as day shifts? Yes No
- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.1600, SOP .1000, Prison Post Chart dated June 2015, Dorm Narratives noting unannounced rounds, Daily Shift Narratives and North Carolina General Statute 143B-709 were reviewed. Interviews with the Superintendent, PREA Compliance Manager, PREA Coordinator, Intermediate or Higher-Level Facility Staff were conducted. A tour was conducted of the facility.

Both North Carolina General Statute and the agency policy requires a staffing analysis every 3 years and an annual review of the staffing through the automated post audit system. The facility's last Prison Post Chart was created in June 2015, is conducted at the agency level, and addresses generally accepted

detention/correctional practices, judicial findings of inadequacy, findings of inadequacy from federal investigative agencies/internal oversight bodies/external oversight bodies, facility physical plant, composition of inmate populations, number and placement of supervisory staff, institutional programming as per calendar, applicable state or local laws/regulations/standards, prevalence of substantiated and unsubstantiated incidents of sexual abuse, and other relevant factors. The current security staffing of the facility shows a need for one (1) Correctional Officer.

The annual review is conducted by the Superintendent along with his administrative staff and is reviewed by the PREA Coordinator before submission to the Region. This review typically contains both the current staffing and additional needs as identified each year, including video monitoring. The Superintendent reported that this was conducted in July 2017; however a copy was not provided to the auditor.

Deviations from the staffing plan are noted on the Daily Shift Narrative and Post Assignment Sheet as per policy. The facility utilizes a pull post system for coverage as needed, or until additional staff is available. This is reviewed daily by the Superintendent. The facility did not identify on the pre-audit questionnaire the top reasons for deviations, however, discussion with staff found that training, call outs, and illness are the most common reasons that the pull post is utilized. The pull post system was confirmed with the PREA Compliance Manager.

Unannounced rounds are documented in the Dorm Narratives and the Daily Shift Narrative. Samples were provided to the auditor as well as the auditor checked a random selection of logs during the tour. Unannounced rounds are conducted by the Sergeant or PREA Compliance Manager at random times throughout each month and on all shifts. Documentation includes the date and time and is documented in the location specific Dorm Narrative, as well as within the Daily Shift Narrative. Staff are prohibited by policy from alerting other staff when rounds are conducted.

During the corrective action period, the facility provided an updated staffing review.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through staff interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.14: Youthful inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.14 (a)

- 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].) Yes No NA

115.14 (b)

- In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates [inmates <18 years old].) Yes No 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].) Yes No NA

115.14 (c)

- 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].) Yes No 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].) Yes No 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].) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on the information obtained in interviews and the review of current population, the auditor finds that the facility meets the requirements of the standard as they do not house youthful offenders at this facility.

Standard 115.15: Limits to cross-gender viewing and searches

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.15 (a)

- 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 No

115.15 (b)

- Does the facility always refrain from conducting cross-gender pat-down searches of female inmates in non-exigent circumstances? (N/A here for facilities with less than 50 inmates before August 20,2017.) Yes No NA
- Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A here for facilities with less than 50 inmates before August 20, 2017.) Yes No NA

115.15 (c)

- Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches? Yes No
- Does the facility document all cross-gender pat-down searches of female inmates?
 Yes No NA

115.15 (d)

- Does the facility implement a policy and practice that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks? Yes No
- Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit? Yes No

115.15 (e)

- 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 No
- 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 No

115.15 (f)

- 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 No
- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.1600, Policy F.0100, SOP .1500, SOP .1000, Facility Safe Search Staff Training, Staff Training Log, Cross Gender Announcement & Acknowledgement for staff Form OPA-T30 – Cross Gender Acknowledgement, Cross Gender Bulletin Board Poster Memo (dated 4/22/13), Cross Gender Bulletin Board Poster E-mail (dated 4/22/13), and Safe Search Practices Training Curriculum were reviewed. Interviews were conducted with random staff, random inmates, and the Agency Head. The auditor selected twelve (12) random staff files for review.

Training on safe search practices that include cross gender searches was confirmed. Policy requires documentation of any cross gender searches. There were no reported cross gender searches conducted. Interviews with inmates confirm that they have not been searched by female staff. The facility provided the Employee Training Progress Summary showing 100% of staff completed Safe Search Training; and the auditor reviewed twelve (12) random files of individual staff training that also reflected 100% of the sample have completed this training. During the interviews, the majority of staff were unable to reiterate the policy and practice for searching transgender and intersex inmates.

Each unit within the facility has provided for inmate privacy from cross-genders staff. No inmate reported being seen by cross-gender staff for purposes other than the normal duties of an officer. All housing units offer either walls, doors, or curtains for privacy.

Agency policy and facility SOP require the announcement of cross-gender staff entering the housing units. Additionally, in April 2013, the PREA Coordinator sent out a memo to this effect. Staff were required to sign Form OPA-T30 that clearly delineates the responsibility of announcing cross-gender presence in the housing units. Interviews with female staff found that they do announce themselves each time they enter the housing unit at the beginning of the shift. Interviews with inmates reported the majority hearing the announcements at the beginning of the shift. During the tour, the auditor noted that the facility staff were making an

announcement as they entered into housing area due to a female auditor in a male facility.

During the corrective action period, the facility conducted refresher training during line-up on searching transgender or intersex inmates and cross-gender staff announcements.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through staff and inmate interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.16: Inmates with disabilities and inmates who are limited English proficient

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.16 (a)

- 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 No
- 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 No
- 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 No
- 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 No
- 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 No
- 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 No

- Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing? Yes No
- 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 No
- 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 No
- 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 No
- 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 No

115.16 (b)

- 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 No
- Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? Yes No

115.16 (c)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy E.1800, Policy E.2600, Inmate Orientation Book, Curriculum for PREA-201: Sexual Abuse and Sexual Harassment Training, Curriculum for PREA-101: Sexual Abuse and Sexual Harassment Training, Employee Training Progress Summaries for 101 and 201, and Statewide Contract 961B – Linqistica International, Inc. were reviewed. Observation of both English and Spanish PREA information was observed at the facility. Interviews were conducted with the Agency Head, random staff, and intake staff.

The agency policy requires the identification of inmates with disabilities – physical, cognitive, intellectual, psychiatric, or those with speech, sight and hearing disabilities, or those with Limited English Proficiency - and requires that PREA information be provided in a manner that is understood by the inmate. The agency has entered into an agreement with Linqicstca International, Inc. for the provision of telephonic interpreter services. This agreement was last updated March 2016 through March 2018 and is good for two (2) extensions of one (1) year. The agency also established a narrative that is to be read to all inmates transferring into the facility in order to ensure those with disabilities are able to verbally hear the information.

During the interviews, it was clear that there is no identification of inmates with disabilities or language barriers at the time of intake. Inmates do receive orientation information, including the PREA brochure that is available in both English and Spanish. Interviews confirmed that staff are not aware of the agency policy on utilizing inmate translators only in the event of an emergency and were not aware of how to access outside/other interpreters if needed. This was discussed at the exit meeting and no further information was provided to the auditor before the writing of this report.

During the corrective action period, the facility conducted refresher training on the Agency Policies and PREA standards regarding the identification of inmates with disabilities, the use of resident interpreters, and how to access an interpreter if needed.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through staff and inmate interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.17: Hiring and promotion decisions

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.17 (a)

- 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 No
- 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 No

- 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 question immediately above? Yes No
- 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 No
- 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 No
- 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 question immediately above? Yes No

115.17 (b)

- Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates? Yes No

115.17 (c)

- Before hiring new employees, who may have contact with inmates, does the agency: perform a criminal background records check? Yes No
- 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 No

115.17 (d)

- Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates? Yes No

115.17 (e)

- 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 No

115.17 (f)

- 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 No
- 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 No
- Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct? Yes No

115.17 (g)

- Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination? Yes No

115.17 (h)

- 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 No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Form HR005 – Applicant Verification, Form HR008 – Professional Reference Check; Form HR013 – Employment Statement, Memo regarding PREA Hiring and Promotions (dated October 2013), Addendum to the Memorandum, List of Background Checks for past three (3) years; Sample DCI Background Checks; PREA Notice and Information Collection for Current Employees; List of Disqualifying Factors – Employee

Statement, and PREA – Hiring and Promotion Prohibitions Employee Training Progress Summary were reviewed. Interviews with staff were also conducted. The auditor selected twenty-four (24) random files to be reviewed.

The agency policy prohibits the hiring or promotion of individuals who have engaged in sexual abuse, or attempting to engage in sexual abuse in a detention facility or in the community, or who have been civilly or administratively adjudicated for the same. The agency requires all staff to annually sign a statement that they have not engaged in the aforementioned activities (PREA Hiring & Promotion Prohibitions and HR005) either electronically through the LMS or written form. This information was reviewed through the LMS (Learning Management System) and copies were provided to the auditor for review. All staff are documented as having completed this step of their training. The agency also requires all employees to self-report any such misconduct. Criminal background checks are required for contractors and employees, and material omissions regarding misconduct or false information are grounds for termination. The agency does respond to requests from other institutions where a former employee has applied to work. The agency policy requires background checks at hiring and every five (5) years.

The facility provided the dates of random employees selected to verify the last background date. A review of these background dates indicates that eleven (11) backgrounds were not conducted within the last five (5) years. Further discussion found that while the policy is known, a system was not established and checked regularly. The facility also provided LMS records to verify that the annual Hiring and Promotion Prohibitions has been completed by the randomly selected staff (auditor selected).

During the corrective action period, the facility updated the tracking system to ensure that background checks are conducted as required. Staff identified as not having a recent background have received the appropriate background screenings.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through staff interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.18: Upgrades to facilities and technologies

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.18 (a)

- 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 No NA

115.18 (b)

- If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or

updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)

Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

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Based on the information discovered through interviews that there were no significant upgrades to the facility nor was there any updated video monitoring technology, the auditor finds that the facility does meet the requirements of the standard.

RESPONSIVE PLANNING

Standard 115.21: Evidence protocol and forensic medical examinations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.21 (a)

- 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 No NA

115.21 (b)

- Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) Yes No NA

- Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) Yes No NA

115.21 (c)

- 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 No
- Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible? Yes No
- 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 No
- Has the agency documented its efforts to provide SAFEs or SANEs? Yes No

115.21 (d)

- Does the agency attempt to make available to the victim a victim advocate from a rape crisis center? Yes No
- If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? Yes No
- Has the agency documented its efforts to secure services from rape crisis centers? Yes No

115.21 (e)

- 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 No
- As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals? Yes No

115.21 (f)

- If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating entity follow the requirements of paragraphs (a) through

(e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.) Yes No NA

115.21 (g)

- Auditor is not required to audit this provision.

115.21 (h)

- If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? [N/A if agency attempts to make a victim advocate from a rape crisis center available to victims per 115.21(d) above.] Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.3400, SOP .2001, Policy CP18 – Clinical Practice Guidelines, Form OPA-A18 – Designation of PREA Support Person, Form OPA-I20 – Incident Scene Tracking Log, Form OPA-I21 – PREA Evidence Chain of Custody, Form OPA-I30 – PREA Support Services, PREA Support Person (PSP) Training Lesson Plan, PREA Support Person Roles and Responsibilities, PREA Coordinated Response Plan, prior MOA with rape crisis center, and current communication with new rape crisis center. Interviews also provided information in the determination of compliance. Interviews with hospital staff, facility staff, and inmates was conducted.

The agency conducts only administrative investigations. The Maiden Police Department would complete criminal investigations. All allegations are reported to them. The agency sent a letter to all law enforcement agencies in the state on March 16, 2016 requesting their compliance with PREA standards in the event an investigation is conducted.

The Clinical Practice Guidelines cover appropriate evidence collection and require an inmate to be transported to the Emergency Room. There is an Incident Scene Tracking Log for documenting persons who may enter a possible crime scene before investigators are on-site, as well as a Chain of Custody form for documenting any evidence.

Inmates who experience sexual assault are taken to Catawba Valley Medical Center. Staff there report that they use a SAFE when available, otherwise they have trained nurses for the collection of forensic evidence.

The facility is currently in the process of a facility specific MOA for the provisions of a victim advocate. The facility previously had a MOA with the Rape Crisis Center of Catawba County. This agency went bankrupt recently and the facility immediately began searching for an alternative provider. In the interim, the PREA Support Person (PSP) serves in this role.

The facility has one PREA Support Person (PSP) who is trained for victim advocacy services at the facility level, and acts as the link to assist victims with the investigative process, professional resources, community-based advocates, and mental health professionals. This person is identified on Form OPA-A18. The PREA Support Person (PSP) has received training on supporting victims, identifying the effects of sexual abuse, strategies for working with victims, communicating with victims, actively listening techniques, purpose of a support person, responsibilities of a support person, maintaining professional boundaries with a victim, and professional resources for victims and support person. The PSP is notified immediately upon an allegation of sexual abuse and meets with the victim to go over what resources are available to the victim. The victim is provided a copy of a form detailing how to access services.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff and hospital interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.22: Policies to ensure referrals of allegations for investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.22 (a)

- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse? Yes No
- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment? Yes No

115.22 (b)

- Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior? Yes No
- Has the agency published such policy on its website or, if it does not have one, made the policy available through other means? Yes No
- Does the agency document all such referrals? Yes No

115.22 (c)

- If a separate entity is responsible for conducting criminal investigations, does such publication describe the responsibilities of both the agency and the investigating entity? [N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).] Yes No NA

115.22 (d)

- Auditor is not required to audit this provision.

115.22 (e)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.3400 and SOP .2001 was reviewed. Interviews were conducted with the agency head and investigative staff.

All allegations of sexual abuse or sexual harassment are classified as a major incident. Policy requires that all major incidents receive an investigation promptly, thoroughly, and objectively. Policy requires that allegations be referred to an in-house trained investigator for the administrative portion and to the local law enforcement (Maiden Police Department) for criminal investigations. Policies are available through the NCDPS website.

In an interview with the investigator, it was reported that local law enforcement is notified for all sexual abuse that is criminal in nature. The facility investigator would serve as the liaison between the facility and the law enforcement agency and keeps contact with local law enforcement during their investigation. The PREA Compliance Manager reports that they have a very good relationship with law enforcement and they are responsive to the facility requests.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

TRAINING AND EDUCATION

Standard 115.31: Employee training

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.31 (a)

- Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment? Yes No
- 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 No
- 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 No
- 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 No
- Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement? Yes No
- Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims? Yes No
- 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 No
- Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates? Yes No
- 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 No
- 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 No

115.31 (b)

- Is such training tailored to the gender of the inmates at the employee's facility? Yes No

- 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 No

115.31 (c)

- Have all current employees who may have contact with inmates received such training?
 Yes No
- 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 No
- 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 No

115.31 (d)

- Does the agency document, through employee signature or electronic verification, that employees understand the training they have received? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.3400, Learning Management System Instructions for Employees; Form OPA-T10 – Zero Tolerance Acknowledgement Form for Persons in Direct and Indirect Contact with Inmates; Sexual Abuse and Sexual Harassment Training Curriculum – 101; Sexual Abuse and Sexual Harassment Training Curriculum – 201; Red Flag Poster; New Employee Orientation Curriculum; On Boarding Checklist; Staff Brochure; Breaking the Code of Silence Officer Handbook; Daily Dozen Handout for Officers; Bulletin Board Poster; and twelve (12) randomly selected staff training files were reviewed. Interviews with staff were conducted.

The agency policy requires annual training for all staff in all topics identified within the standard, including the zero-tolerance policy, staff responsibilities, inmate's rights, retaliation, dynamics, common reactions of victims, detection and response to allegations, inappropriate staff relationships, identifying inappropriate staff relationships, communication and mandatory reporting laws. A review of the curriculum for PREA Training

SAH-101 and 201 showed all topics covered as identified above. PREA training is provided at hire and annually as identified in the New Employee Orientation and training curriculums reviewed. Training documentation is kept in LMS (Learning Management System), an electronic training system. Staff complete Form OPA-T10, an acknowledgement form. Random staff training files contained documentation showing all had completed their annual training.

Interviews with staff confirmed the requirement of PREA training at hire and annually. All interviewed had knowledge of required topics and were able to provide examples within certain topics. Staff also reported that they received information during shift briefings a couple of times each year. However, the majority of the staff expressed little knowledge of North Carolina abuse laws. Additionally, many were not able to clearly articulate appropriate search procedures for transgender and intersex inmates. These challenges were identified during the exit meeting.

During the corrective action period, the facility conducted refresher training on North Carolina abuse laws.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.32: Volunteer and contractor training

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.32 (a)

- 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 No

115.32 (b)

- Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)? Yes No

115.32 (c)

- Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received? Yes No

Auditor Overall Compliance Determination

Exceeds Standard (*Substantially exceeds requirement of standards*)

- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.3400, Policy F.0604; Form OPA-T10 – Zero Tolerance Acknowledgement Form for Persons in Direct and Indirect Contact with Inmates; Sexual Abuse and Sexual Harassment Training Curriculum – 101; Sexual Abuse and Sexual Harassment Training Curriculum – 201; Volunteer Brochure, Volunteer Job Description sheet; a Bulletin Board sheet; and one (1) random volunteer file were reviewed. One volunteer was interviewed.

The agency requires all volunteers to complete the same PREA training as a staff member, with minor deviations. There is a packet that is provided to volunteers and contractors that contain a Volunteer Brochure, a Volunteer Job Description sheet, and a Bulletin Board sheet that details the expectation of reporting sexual abuse and sexual harassment.

This facility reports twenty (20) volunteers that provide services to inmates. There is also a "Ways to Report" poster to remind volunteers and contractors of the various ways to report. The file reviewed contained a signed Acknowledgement form.

The gentleman interviewed is both a contractor and volunteer at the facility. He is employed by the Catawba Valley Community College. He also is a volunteer as a Community Resource Counselor and his group provides services to inmates approximately every other month. He reported receiving PREA education annually that includes a brochure, PowerPoint class, and the Learning Management System education. A review of his file indicates that he has received PREA education as required and a background check was completed.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.33: Inmate education

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.33 (a)

- During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment? Yes No

- During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment? Yes No

115.33 (b)

- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment? Yes No
- 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 No
- 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 No

115.33 (c)

- Have all inmates received such education? Yes No
- 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 No

115.33 (d)

- Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient? Yes No
- Does the agency provide inmate education in formats accessible to all inmates including those who are deaf? Yes No
- Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired? Yes No
- Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled? Yes No
- Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills? Yes No

115.33 (e)

- Does the agency maintain documentation of inmate participation in these education sessions? Yes No

115.33 (f)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.3400, Diagnostic Procedural Manual Section 201 & 417, PREA Inmate Brochure (English/Spanish), Form OPA-T100 - Offender PREA Education Acknowledgement Form (English and Spanish), Facilitator Talking Points (Education upon Transfer), Education upon Transfer E-mail, Statewide Contract 961B – Linquistica International, Inc., PREA OPUS (Offender Population Unified System) Training Roster, and assorted posters were reviewed. Twenty (20) inmate files were reviewed for comprehensive PREA education and transfer PREA education. Interviews with inmates and staff were conducted.

Agency policy requires all inmates entering into the system to receive intake and comprehensive training at the reception and diagnostic center, which is provided verbally and through video and is documented on a form that is placed within an inmates file. This training is typically offered within fifteen (15) days of intake. A review of the comprehensive education forms indicates that the majority received the appropriate education within fifteen (15) days. Of those not completed within the required timeframe were admitted to the NCDPS prior to PREA requirements; and interviews with these inmates indicated that they have at some point been provided comprehensive education by their acknowledgement of having viewed the video and received information on the Zero Tolerance policy. Furthermore, all PREA education is now documented in OPUS.

Agency policy requires PREA education within three (3) days of transfer. Agency policy requires that PREA education that is facility specific be provided at the time of transfer, along with a copy of the PREA Inmate Brochure, and are required to acknowledge receipt of information on the appropriate form. Interviews with inmates found that all reported receiving PREA education upon transfer and either the same day or within a few days. A review of twenty (20) inmate's files found that, with few exceptions, the majority received PREA education within 1-3 days of their transfer.

An orientation packet was provided to the auditor and it contained facility specific information, including the PREA brochure. In an interview with the staff who conducts the PREA education at transfer, while he reports providing information as required by agency policy, he is not utilizing the PREA transfer narrative that is required by policy.

During the tour of the facility, the auditor noted bulletin boards in housing areas that contained posters titled "PREA: Ways to Report". This poster contains the Zero Tolerance Policy, and reporting methods and contact information for staff, inmates, and family/visitors.

Due to the lack of a local rape crisis center, inmates are not provided how to access emotional support services during orientation. The facility continues to work towards identifying a new source for the provision of emotional support services for inmates.

During the corrective action period, the facility updated inmate PREA education to ensure compliance with Agency Policy and PREA standards.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.34: Specialized training: Investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.34 (a)

- In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA

115.34 (b)

- Does this specialized training include techniques for interviewing sexual abuse victims? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).] Yes No NA
- 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 No NA
- 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 No NA
- 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 No NA

115.34 (c)

- 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 No NA

115.34 (d)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.3400, Training Curriculums: Investigator, PPT and Mock Interview; Investigator Understanding Sexual Violence & PPT; and Incident Reporting, OPUS (Offender Population Unified System) Incident Reporting Pamphlet, and the Investigator PREA training file was reviewed. Investigator Interview was also conducted.

The facility has two (2) designated investigators who have completed specialized training for this purpose. The training meets the requirements of the standard to include interviewing techniques, Miranda and Garrity warnings, evidence collection, and criteria and evidence required to substantiate a case for administrative or prosecution referral. Interview with an investigator found that they were well versed in administrative investigations and reported having taken the PREA Investigators training through NCDPS. Only those who have completed this training have access to the electronic incident report system in OPUS to allow for the review of investigations and updating the system with new information. The agency only completes administrative investigations. All criminal investigations are conducted by Maiden Police Department. The auditor reviewed training documentation of the identified investigators, as well as the training provided by the agency to the investigators. The Investigator has also completed the annual PREA training.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interview, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.35: Specialized training: Medical and mental health care

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.35 (a)

- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? Yes No
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? Yes No
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? Yes No
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? Yes No

115.35 (b)

- If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams.) Yes No NA

115.35 (c)

- Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? Yes No

115.35 (d)

- Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? Yes No
- Do medical and mental health care practitioners contracted by and volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.3400, and Training Curriculum: PPT, CE Nursing and OSDT Roster were reviewed. Training files for medical staff and mental health staff were reviewed. Medical and mental health staff were interviewed. Training files for medical and mental health staff interviewed were reviewed.

The agency policy requires that all medical and mental health staff receive PREA training annually and specialized medical and mental health training. The specialized training meets all requirements of the standard and includes detecting and assessing for signs of sexual abuse, preservation of evidence, responding professionally and effectively to victims of sexual abuse, and how to report sexual abuse. Medical staff is on-site and available five (5) days per week; emergency triage is available at a local prison and the local Emergency Room. Mental Health staff is not on-site but provisions for services are available twenty-four (24) hours per day by request.

The Mental Health staff was interviewed by phone during a prior audit this year. He reported receiving appropriate training on both the NCDPS annual PREA and specialized training for mental health staff. A copy of his training records was faxed to the facility and provided to the auditor, and it reflects both trainings are completed as required.

The medical staff was interviewed and reported receiving appropriate training on both the NCDPS annual PREA and specialized training for medical staff. A copy of her training records was provided to the auditor, and it reflects that both trainings are completed as required.

Forensic examinations are not conducted at this facility and therefore no training was provided. All forensic examinations are conducted at the Catawba Valley Medical Center.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interview, the auditor finds that the facility does meet the requirements of the standard.

**SCREENING FOR RISK OF SEXUAL VICTIMIZATION
AND ABUSIVENESS**

Standard 115.41: Screening for risk of victimization and abusiveness

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.41 (a)

- 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 No
- 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 No

115.41 (b)

- Do intake screenings ordinarily take place within 72 hours of arrival at the facility?
 Yes No

115.41 (c)

- Are all PREA screening assessments conducted using an objective screening instrument?
 Yes No

115.41 (d)

- 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 No
- 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 No
- 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 No
- 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 No
- 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 No
- 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 No

- 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 No
- 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 No
- 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 No
- 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 No

115.41 (e)

- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: prior acts of sexual abuse? Yes No
- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: prior convictions for violent offenses? Yes No
- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: history of prior institutional violence or sexual abuse? Yes No

115.41 (f)

- 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 No

115.41 (g)

- Does the facility reassess an inmate's risk level when warranted due to a: Referral? Yes No
- Does the facility reassess an inmate's risk level when warranted due to a: Request? Yes No

- Does the facility reassess an inmate's risk level when warranted due to a: Incident of sexual abuse? Yes No
- Does the facility reassess an inmate's risk level when warranted due to a: Receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness? Yes No

115.41 (h)

- 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 No

115.41 (i)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

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Policy F.3400, Diagnostic Procedural Manual 305, and updated screening memo dated 08/14/15 were reviewed. A selection of inmate files were also reviewed. Staff and inmate interviews were conducted.

The agency policy requires a risk assessment completed within seventy-two (72) hours of intake at the reception and diagnostic centers. The risk assessment contains all elements of the standard. The agency policy requires a thirty (30) day review of this document which is conducted at the reception and diagnostic center. As a result of the screening, identified inmates who are at High Risk for being Sexually Abusive (HRA) or at High Risk for Victimization (HRV) are available on a list that can be generated only by specifically identified persons. This list does not contain any specific information that should not be made available.

Upon transfer to Catawba CC, the facility is required by policy to address any victimization that may have occurred since being in the prison system during the first initial contact by the case manager. This

information is then updated in OPUS. The answer to this question would also update the HRA list or HRV list that is required to be reviewed weekly by the facility for housing, programming and work assignments.

During an interview with staff who conduct the screening and reassessment at Catawba CC, it was reported that the case manager sees the inmates within seventy-two (72) hours to address any new victimization. A review of screening dates indicates there is no system for ensuring inmates are seen by the case manager within three (3) business days of their arrival for a review of their risk assessment. Of the twenty (20) files reviewed, only seven (7) were seen within three (3) days, twelve (12) were seen within nine (9) days, and the remaining were seen after ten (10) days.

It was also discussed during the interview that the case manager does not know how to update information on screening questions based on a referral, request, or when new information is brought to light. And while the staff understood about transgender and intersex inmates require a review of the assessment two (2) times per year, he would not know how to do this. However, the OPUS system does tie into the screening when a new allegation is reported.

Inmates, during interview, reported being asked the required question for updating the screening tool. Consistent with the files, many reported not being seen within three (3) business days.

During the corrective action period, the facility conducted refresher training to ensure compliance with Agency Policy and PREA standards.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interview, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.42: Use of screening information

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.42 (a)

- 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 No
- 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 No
- 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 No

- 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 No
- 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 No

115.42 (b)

- Does the agency make individualized determinations about how to ensure the safety of each inmate? Yes No

115.42 (c)

- 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 No
- 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 No

115.42 (d)

- 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 No

115.42 (e)

- 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 No

115.42 (f)

- Are transgender and intersex inmates given the opportunity to shower separately from other inmates? Yes No

115.42 (g)

- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing:

lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? Yes No

- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? Yes No

- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)

- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

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Policy F.3400, Policy TX-I-13, Screening tool, Learning Management System (LMS) Material, and the Instructions to access the High Risk Abuser (HRA) and High Risk Victim (HRV) Report were reviewed. Interviews were conducted.

The agency policy addresses clear guidelines, including limits, for housing and work assignments based on the safety of all inmates, a bi-annual review of housing for transgender and intersex inmates, allowing transgender and intersex inmates to shower separately from all other inmates, and assessments for an inmates own perception of risk at the facility. The Classification Committee is a formal process at an inmates initial intake into the NCDPS system, and whenever identified thereafter, whereby all relevant information, screenings, evaluations, criminal behavior history is used to assist in the determination of appropriate housing assignments. Inmates are interviewed for their ideas, opinions, attitudes, preferences and other factors before a final decision is made on housing locations. Bed and work assignments are made at the facility level.

In March 2016, the agency updated their current system to include a review of the High Risk Victimization (HRV) and the High Risk of Aggressive (HRA) report at the facility on a weekly basis, or more often if needed, to ensure that inmates are placed in educational, vocational, and housing that ensures their safety. Inmates

who are identified as HRV are now placed in closer proximity to the staff in the housing units, and away from those identified as HRA. Interviews confirmed that at intake staff is not addressing the information available on the HRV or HRA lists.

In an interview with a case manager, it was reported that he was familiar with a requirement to reassess transgender and intersex inmates for placement and programming twice per year but unclear on how to conduct this. He did report that housing assignments and special requests (separate showers, personal safety issues) for transgender and intersex inmates is made by the Sgt. on duty at the time of an inmate's arrival.

Interviews confirmed that the PREA Compliance Manager reviews the High Risk lists each week to verify appropriate placements for housing, vocational, educational and work assignments.

During the corrective action period, the facility conducted refresher training to ensure compliance with Agency Policy and PREA standards.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interview, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.43: Protective Custody

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.43 (a)

- 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 No
- 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 No

115.43 (b)

- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible? Yes No
- 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 No
- 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 No
- 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 No

- If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The opportunities that have been limited? Yes No
- If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The duration of the limitation? Yes No
- If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The reasons for such limitations? Yes No

115.43 (c)

- 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 No
- Does such an assignment not ordinarily exceed a period of 30 days? Yes No

115.43 (d)

- 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 No
- 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 No

115.43 (e)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.3400, SOP .2200, and logbooks were reviewed. Staff interviews were conducted.

Agency policy prohibits the involuntary placement of inmates in restricted housing unless there are no available alternatives. Agency policy confirm that services for an inmate who may be placed in protective custody are continued as normal unless there is a specific documented reason for restriction. Agency policy dictates documentation of the use of protective custody when necessary and thirty (30) day reviews of such placement.

There have been no instances where protective custody for an inmate requiring protection due to a sexual victimization has been used at this facility in the past twelve (12) months.

Inmates who request protective custody would be transferred to a facility that offers this service.

Interviews and a review of the Holding Area log book indicate that there has been no use of the holding area within the last twelve (12) months for the purposes of protection after an allegation of sexual victimization.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interview, the auditor finds that the facility does meet the requirements of the standard.

REPORTING

Standard 115.51: Inmate reporting

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.51 (a)

- Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment? Yes No
- 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 No
- 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 No

115.51 (b)

- Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency? Yes No
- Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials? Yes No

- Does that private entity or office allow the inmate to remain anonymous upon request?
 Yes No
- Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? Yes No

115.51 (c)

- Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties? Yes No
- Does staff promptly document any verbal reports of sexual abuse and sexual harassment?
 Yes No

115.51 (d)

- Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy .3400; PREA Posters; Inmate PREA brochure, Staff PREA brochure, and Volunteer/Contractor PREA brochure were reviewed. On-going communication with the Agency PREA Coordinator/Director. Staff and inmate interviews were conducted.

Inmates are provided multiple ways to report abuse, including telling staff, writing a grievance or request form, telling family/friends, and telling their attorney. Inmate interviews confirmed their knowledge of these methods of reporting or by knowing that there are posters with the information in the housing units.

In January 2018, NCDPS connected with Forgiven Ministry, a 501 (c) non-profit organization. An MOU was signed that identifies Forgiven Ministry as the statewide external agency for inmate reporting. This MOU is in effect for one (1) year, and can be renegotiated annually thereafter. Forgiven Ministry, Inc., located in

Taylorsville, NC, has agreed to accept calls from inmates alleging sexual abuse or sexual harassment. Inmates will now be educated on how to access Forgiven Ministry through the facility phone system at intake, as well as facility wide education for current inmates. Inmates will not be required to identify themselves when making these calls, nor enter their inmate PIN or other identifying information.

GTL, the phone company, is offering a free line that will convert calls to digital mail. This call will be sent by e-mail to both Forgiven Ministry and the NCDPS. Once per month, the Agency PREA Coordinator/Director will meet with the Director of Forgiven Ministry to review calls received in order to ensure an investigation was started. As of January 10, 2017 the phone system had yet to be activated in facility. This was discussed at the exit meeting.

Staff also reported that they accept allegations of sexual abuse or sexual misconduct verbally and written from inmates, as well as through anonymous reports and 3rd party reports. All reports are entered into OPUS as PREA incidents.

“PREA: Ways to Report” is a poster that was observed throughout the facility during the tour and includes methods for staff, inmates and visitors to report sexual abuse or sexual harassment. However, the facility “PREA: Ways to Report” still reflect PLS as a method of external reporting.

The agency does not hold inmates solely for immigration purposes.

During the corrective action period, the facility updated inmate information to include the new method for reporting externally.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.52: Exhaustion of administrative remedies

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.52 (a)

- Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse. Yes No NA

115.52 (b)

- Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.) Yes No NA

- Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (c)

- 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 No NA
- Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (d)

- 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 No NA
- If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)
 Yes No NA
- At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (e)

- 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 No NA
- Are those third parties also permitted to file such requests on behalf of inmates? (If a third-party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.) Yes No NA
- If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)
 Yes No NA

115.52 (f)

- 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 No NA
- After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.) Yes No NA
- After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.) Yes No NA
- After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.) Yes No NA
- Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) Yes No NA
- Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) Yes No NA
- Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (g)

- 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 No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.0300; Policy G.0300, and the Inmate Rule Book were reviewed. Staff and inmate Interviews were conducted.

The agency policy confirms that grievances of sexual abuse or sexual harassment require an immediate notification to the North Carolina Department of Public Safety PREA office, which prevents the subject of the complaint to receive the grievance and provide a response. Inmates can hand their grievance directly to security staff or to any administrator or deposit it into the grievance box. There is no disciplinary action if the report is made in good faith. A final response is due within 90 days, as well as notification to the inmate that it has been accepted within 5 days. There is an appeal process identified in policy and in the Inmate Rule Book and requires an appeal within twenty-four (24) hours.

Grievances are allowed to be prepared by the victim or other third party person who assists the victim. Emergency grievances, those defined as matters that present a substantial risk of physical injury or irreparable harm may be presented directly to the Officer in Charge, are forwarded immediately to the appropriate person, and require an initial response from the facility within forty-eight (48) hours and a final determination within five (5) days.

Inmates request a grievance form from staff and return the form to the staff or deposit it into a grievance box. Once received, they are then filed with the Grievance Officer who logs the grievances. If the grievance alleges sexual abuse or sexual harassment, it is also logged into the Incident Report system and identified as a PREA allegation. A response is provided to the inmate that this has been sent for an investigation.

There were six (6) grievances filed in the past twelve (12) months alleging sexual abuse. None required an extension of time and all were answered within ninety (90) days. This was confirmed with the officer in charge of grievances.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.53: Inmate access to outside confidential support services

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.53 (a)

- 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 No

- 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? Yes No

- Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible? Yes No

115.53 (b)

- Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws? Yes No

115.53 (c)

- 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 No
- Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

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Policy .3400; Prior MOU with Rape Crisis Center of Catawba County; Inmates and staff were interviewed. Contact utilizing *63 was attempted.

The facility previously had a MOU with the Rape Crisis Center of Catawba County for the provision of emotional support services. This agency went bankrupt recently and the facility immediately began searching for a new provider.

The PREA Support Person is also aware of the services that are available and would direct a victim to their services as needed when an inmate reports a victimization. This would be documented on the appropriate form.

While information is made available to inmates through the "PREA: Ways to Report" poster, inmates have not received information on how communication will be monitored, and information is not present in the orientation material due to no current agreement with an outside agency for support services. Additionally, the poster includes both an address and a *63 phone number.

The agency does not hold inmates solely for immigration purposes.

During the corrective action period, the facility continued to identify community resources for confidential emotional support services for inmates.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.54: Third-party reporting

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.54 (a)

- Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment? Yes No
- Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

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The NCDPS website and posters were reviewed. Interviews were conducted.

The North Carolina Department of Public Safety (NCDPS) offers opportunities for third party reporting and accepts third party reports. Information on how to report to the NCDPS is provided on their agency website

and in the facility through the "PREA: Ways to Report" poster. Those concerned will find two separate methods of reporting on the agency website. They may write to the Agency PREA Office or send an e-mail through the link provided. The posters give the e-mail address and the phone number to the Fraud, Waste and Misconduct Hotline. Any of these options will result in the Agency PREA Office receiving the complaint. The Agency PREA Office will then generate an incident report and inform the Superintendent.

There were no reports of sexual abuse or sexual harassment at this facility in the past twelve (12) months.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT

Standard 115.61: Staff and agency reporting duties

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.61 (a)

- 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 No
- 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 No
- 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 No

115.61 (b)

- Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions? Yes No

115.61 (c)

- 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 No

- 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 No

115.61 (d)

- 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 No

115.61 (e)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

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Policy F.3400, Coordinated Response Plan, Sexual Abuse and Sexual Harassment Training Curriculum – 101; Sexual Abuse and Sexual Harassment Training Curriculum – 201; were reviewed. Staff interviews were conducted.

The agency policy requires all staff, volunteers and contractors to immediately report any knowledge, information or suspicion of sexual abuse or sexual harassment, retaliation for reporting a sexual abuse or sexual harassment incident, and any violation or neglect of responsibility, to administration. Contractor contracts include a requirement for reporting any information regarding sexual misconduct.

Staff are required to report sexual abuse or sexual harassment directly to their supervisor or other administrator, by contacting the Agency PREA Office, or by calling the Fraud, Waste, & Misconduct Hotline number. Staff were able to articulate this during their interviews. Staff are also provided a card with First Responder Duties and the various methods of reporting sexual abuse or sexual harassment. During interviews, staff provided the auditor with a view of the card that they carry that contains this information.

Agency policy and interviews confirmed that staff are not allowed to share information with anyone who does not have a need to know. All allegations are reported to both the facility investigators and the Agency PREA office is notified through OPUS.

The Coordinated Response Plan details the notification to the state agency regarding vulnerable adults; no youthful offenders are housed at this facility.

Both medical and mental health staff confirm that they have a duty to report all allegations. Both medical and mental health staff report that they provide the inmate within information on their duty to report and the limitations of confidentiality.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.62: Agency protection duties

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.62 (a)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

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Policy F.3400 was reviewed. Staff interviews were conducted.

The agency policy requires immediate action to protect inmates who report sexual abuse. All allegations received are required to be reported to the facility investigators who will assist with taking appropriate steps utilizing the Coordinated Response Plan. Staff were able to articulate this requirement during the interviews that they would immediately separate the inmate and inform their supervisor. There were no allegations of this type in the past twelve (12) months.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.63: Reporting to other confinement facilities

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.63 (a)

- 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 No

115.63 (b)

- Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation? Yes No

115.63 (c)

- Does the agency document that it has provided such notification? Yes No

115.63 (d)

- Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

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Policy F.3400 was reviewed. Staff interviews were conducted.

The agency policy requires that any receipt of sexual abuse or sexual harassment that occurred at another facility be immediately reported to the Superintendent. This notification must be documented. An incident report is also generated in OPUS, which flags investigators and the Agency PREA Office. Allegations made by an inmate at another facility are treated the same as a new allegation, and facility investigators are notified and begin their review of information.

There were no allegations in the past twelve (12) months that required notification to another facility or allegations of abuse received by other facilities that an inmate alleged sexual abuse or sexual harassment at Catawba CC.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.64: Staff first responder duties

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.64 (a)

- 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 No
- 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 No
- 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 No
- 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 No

115.64 (b)

- If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.3400, Coordinated Response Plan, Staff First Responder cards and PREA training curriculum were reviewed. Staff interviews were conducted.

The agency requires all staff to separate, protect physical evidence and the crime scene, and to report to administration when an allegation of sexual abuse is received. All persons interviewed who have contact with inmates could clearly articulate the required steps. It is noted that staff PREA training identifies all staff as first responders. All staff during the interviews were able to articulate the required steps, and all produced their First Responder cards which detail the same steps.

Contractors and volunteers are required to protect the victim and report the information to a security staff.

There were no allegations of sexual abuse in the past twelve (12) months.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.65: Coordinated response

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.65 (a)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

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Coordinated Response Plan and Coordinated Response Overview were reviewed. Staff interviews were conducted.

The NCDPS has created a template that includes all PREA related requirements for a proper Coordinated Response Plan. Each facility is provided this draft template, which directs that their facility specific information be included in the plan and thereafter published to facility staff. The plan was provided to the auditor and has facility specific information within that includes contact information for all key personnel who are to be notified of all allegations.

This plan addresses first responder duties, medical duties, leadership duties, investigator duties, PREA Compliance Manager duties, PREA Support Persons duties, SART (Sexual Abuse Response Team) duties, Mental Health and aftercare duties, and retaliation duties. There is also a Coordinated Response Overview (flowchart) that clearly details the many steps that the agency expects to be completed.

Interviews with staff confirmed that they are aware of the plan.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.66: Preservation of ability to protect inmates from contact with abusers

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.66 (a)

- 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 limits 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 No

115.66 (b)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The NCDPS does not enter into collective bargaining agreements.

Standard 115.67: Agency protection against retaliation

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.67 (a)

- 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 No
- Has the agency designated which staff members or departments are charged with monitoring retaliation? Yes No

115.67 (b)

- Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations? Yes No

115.67 (c)

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of residents or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? Yes No
- 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 No
- 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 No
- 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 No
- 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 No
- 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 No
- 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 No
- 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 No
- Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need? Yes No

115.67 (d)

- In the case of inmates, does such monitoring also include periodic status checks?
 Yes No

115.67 (e)

- 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 No

115.67 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.3400, PREA Support Person Contact Log, Form OPA-I22 and Form OPA-I24 were reviewed. Staff interviews were conducted.

The agency policy addresses practices to protect both staff and inmates from retaliation as a result of reporting sexual abuse or sexual harassment information.

The PREA Support Person (PSP) monitors inmates and the PREA Compliance Manager will monitor staff. There is a form that is used to document the retaliation monitoring up to 90 day mark with space for documentation of periodic status checks as well. Additionally, a PREA Support Person Contact Log is maintained for each person receiving retaliation monitoring that notes the date, time and any comments.

Interviews with the PSP discovered that multiple measures to protect an inmate from further retaliation include housing or facility changes. Measure to protect staff include monitoring staff, shift changes, and facility transfer if applicable. Monitoring inmates for retaliation includes infractions history, housing/bed assignment changes and monitoring staff for retaliation includes a review of disciplinary action, negative performance evaluations, attendance issues (calling out/tardy), and job change requests. He reports that they begin retaliation monitoring shortly after the allegation is made, documents status checks every thirty (30) days and reports that retaliation would continue beyond the ninety (90) days if needed.

There have been no allegations of retaliation in the past twelve (12) months.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.68: Post-allegation protective custody

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.68 (a)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.3400 was reviewed. Staff interviews were conducted.

The agency policy addresses the use of protective custody only if no other alternative means of protection is available, or if inmates request this level of protection. Inmates requesting this level of protection may complete the Request for Protective Custody and must document the reasons for the request.

Interviews confirm that while protective custody is not provided at this facility, they could offer protective custody through a transfer to another prison.

There were no instances of the use of protective custody as a result of a sexual abuse allegation in the past twelve (12) months.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

INVESTIGATIONS

Standard 115.71: Criminal and administrative agency investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.71 (a)

- 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 No NA
- 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 No NA

115.71 (b)

- Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34? Yes No

115.71 (c)

- Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data? Yes No
- Do investigators interview alleged victims, suspected perpetrators, and witnesses?
 Yes No
- Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator? Yes No

115.71 (d)

- 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 No

115.71 (e)

- 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 No
- 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 No

115.71 (f)

- Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse? Yes No
- 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 No

115.71 (g)

- 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 No

115.71 (h)

- Are all substantiated allegations of conduct that appears to be criminal referred for prosecution? Yes No

115.71 (i)

- 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 No

115.71 (j)

- 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 No

115.71 (k)

- Auditor is not required to audit this provision.

115.71 (l)

- 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 No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

Does Not Meet Standard (Requires Corrective Action)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.3400, Coordinated Response Plan, Coordinated Response Overview, and one (1) older file were reviewed. Staff interviews were conducted.

The agency policy requires that criminal investigations are conducted by outside law enforcement, therefore the facility investigators only conduct an initial investigation to determine if outside law enforcement is to be notified and administrative investigations. All investigators identified at the facility are required to receive appropriate investigator specialized training. All evidence is gathered, documented and preserved. Administrative investigation activities include interviews, medical screening, video review, phone review, and a determination of the evidence for a criminal investigation. Prior allegations involving the same perpetrator or victim are reviewed. The credibility of the victim or alleged abuser is determined on an individual basis. The agency does not use polygraph examinations in order to continue an investigation. Administrative investigations address staff actions, credibility, and a review of fact and findings of the criminal investigation (if applicable). All alleged staff interviews are conducted as approved by the Office of Special Investigations and Compliance.

The investigator interviewed confirmed that he does not conduct criminal investigations. His responsibility is to review the allegation to determine if a criminal act took place and to work with outside law enforcement during their investigation. He reported that all allegations, regardless of how received, would be investigated, including 3rd party report and anonymous reports. He did report that there were no allegations made in the past twelve (12) months; and that the last one was sixteen (16) months ago. The facility would forward any criminal investigations to the Maiden Police Department, who would consult with a prosecutor. The facility would remain in contact with the Maiden Police Department regarding any criminal investigations as well as monitor progress and the disposition of the case.

The facility had no allegations of sexual abuse in the past twelve (12) months.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.72: Evidentiary standard for administrative investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.72 (a)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.3400 was reviewed. Staff interviews were conducted.

The agency policy imposes no standard greater than a preponderance of the evidence in determining the outcome of an investigation. This was confirmed during an interview with an investigator.

Based on the information discovered in agency policies, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.73: Reporting to inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.73 (a)

- 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 No

115.73 (b)

- If the agency did not conduct the investigation into an inmate’s allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.) Yes No NA

115.73 (c)

- 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 posted within the inmate's unit? Yes No
- 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 No
- 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 No
- 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 No

115.73 (d)

- 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 No
- 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 No

115.73 (e)

- Does the agency document all such notifications or attempted notifications? Yes No

115.73 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

Exceeds Standard (*Substantially exceeds requirement of standards*)

- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy 3400, Form OPA-I30 – PREA Support Services, Form OPA-I30A – PREA Support Services Status Notification, Coordinated Response Plan, Coordinated Response Overview, one (1) older file and sample forms were reviewed. Staff interviews were conducted.

The agency policy requires that an inmate be notified of the outcome of an investigations. The agency utilizes Form OPA-I30 to document notification to the victim of the outcome of the investigation, and Form OPA-I30A is used to document the status of the alleged offender.

In an interview of the PSP, he reported that it is his responsibility to notify the victim of the outcome of an investigation, which was confirmed through interview of the Investigator. The findings are noted on the OPA-I30 form and the status of the alleged perpetrator is noted on the OPA-I30A form.

There have been no allegations in the past twelve (12) months at Catawba CC. The auditor did review an investigation file from sixteen (16) months ago and it contained proof of an inmate being advised of the outcome of the investigation.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

DISCIPLINE

Standard 115.76: Disciplinary sanctions for staff

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.76 (a)

- Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies? Yes No

115.76 (b)

- Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse? Yes No

115.76 (c)

- 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 No

115.76 (d)

- 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 No
- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.3400, Policy A.0200, New Employee Orientation, Investigation File, and NCDPS internal webpage were reviewed. Staff interviews were conducted.

The agency policy provides for disciplinary action towards staff who violate the zero-tolerance policy, up to and including termination. All disciplinary actions are reviewed individually based on the nature and circumstances of the allegation. Comparable offenses by other staff are also considered in a final determination of disciplinary action. All staff terminations are required to be reported to the state licensing body, if applicable.

There have been no allegations in the past twelve (12) months at Catawba CC.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.77: Corrective action for contractors and volunteers

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.77 (a)

- Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates? Yes No
- Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)? Yes No
- Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies? Yes No

115.77 (b)

- In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.3400, Policy F.0604, and Form OPA-T10 – Zero Tolerance Acknowledgement Form for Persons in Direct and Indirect Contact with Inmates were reviewed. Staff interviews were conducted.

The agency policy confirms that any contractor or volunteer who violate the zero-tolerance policy will be

prohibited from contact with inmates. Outcome of an investigation that is substantiated and involves a licensed contractor or volunteer is reported to the appropriate licensing body, as identified. Form OPA-T10 is used for persons with direct and indirect contact with inmates to note their acknowledgement of the Zero Tolerance policy and that sexual abuse is a Class E Felony and will be reported.

There have been no allegations in the past twelve (12) months at Catawba CC.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.78: Disciplinary sanctions for inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.78 (a)

- 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 No

115.78 (b)

- Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories? Yes No

115.78 (c)

- 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 No

115.78 (d)

- 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 No

115.78 (e)

- 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 No

115.78 (f)

- 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 No

115.78 (g)

- 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 No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.3400, Policy B.0200, and the Inmate Rule and Policies Booklet were reviewed. Interviews with staff were conducted.

The agency policy dictates disciplinary actions for inmates who violate the zero-tolerance policy. The Inmate Rule and Policies Booklet clearly outline the disciplinary action as a result of sexual abuse and sexual harassment (Class A Offenses). Services for abusers are available and include counseling and possible transfer for additional interventions. Inmates are not disciplined for behaviors in which staff consent. There is no disciplinary action for inmates who make a report in good faith.

Mental Health staff interviewed reported that failure to participate in counseling/therapy does not result in a lack of access to programming or other benefits. The Superintendent reports that sanctions for sexual abuse are 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. Additionally, an inmate's mental health disabilities or illnesses are also reviewed prior to any disciplinary action.

There were no reports sexual abuse incidents that were reported in the program in the past twelve (12) months. The agency does prohibit all sexual activity between inmates.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

MEDICAL AND MENTAL CARE

Standard 115.81: Medical and mental health screenings; history of sexual abuse

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.81 (a)

- 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 No NA

115.81 (b)

- If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.) Yes No NA

115.81 (c)

- If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? Yes No

115.81 (d)

- 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 No

115.81 (e)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.3400, Policy CP-18, Diagnostic Manual 305, Memos dated 10/09/13 and 11/14/12, North Carolina Authorization for Release of Information, Mental Health Screening Referral system, and Learning Management System (LMS) were reviewed. Interviews confirmed findings.

The agency policy requires immediate referral to medical and mental health services after information of prior sexual victimization or sexual aggressive behaviors is discovered during the screening process. The referral is through an automated system whereby a yes answer to victimization routes a referral. The Case Manager is required to forward an e-mail as well. Services are provided within fourteen (14) days by facility medical and mental health staff. As mental health staff are not located on site, the mental health referral would be forwarded to the off-site mental health provider. An interview with mental health staff confirm that he receives referrals and responds within the required time frame.

In an interview with medical and mental health staff, both were aware of the requirement to obtain consent for the sharing of information about a victimization that occurred outside the prison setting.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.82: Access to emergency medical and mental health services

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.82 (a)

- 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 No

115.82 (b)

- If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62? Yes No
- Do security staff first responders immediately notify the appropriate medical and mental health practitioners? Yes No

115.82 (c)

- 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 No

115.82 (d)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy CP-18, North Carolina Authorization for Release of Information, Mental Health Screening Referral system, Nursing Protocol – Sexual Abuse, Coordinated Response Plan, and the Coordinated Response Overview were reviewed. Interviews confirm findings.

The agency requires that all inmates who report sexual abuse shall be immediately taken for medical services. Mental Health professionals are notified by the medical staff. Provisions for STD testing and treatment are provided at the facility level based on physician orders and/or victim request, and may begin at the hospital. All treatment related to sexual abuse is offered without financial cost to the victim regardless if they name the perpetrator or not. All medical services provided follow the physician authorized nursing protocols.

The facility PREA Coordinated Response plan requires notification to medical and mental health staff.

The Nursing Protocol for sexual abuse includes follow-up care and physician orders for STD testing and treatment. Nursing Protocol "Sexual Abuse" was reviewed and requires immediate medical attention for any life threatening injuries, preservation of any evidence if treatment necessary, and an assessment for injuries. Standing orders indicates that medical staff are required to make a mental health referral. Nursing Protocol for "Sexually Transmitted Diseases" requires testing and referral to the primary care physician. Any prophylaxis treatment would be by physician order. All follow-up for medical services would be at the request of the inmate or as scheduled by the physician.

Mental Health staff confirm notification and availability of on-call staff. Further counseling services are available as identified and as requested by the victim, based on a treatment plan, and through the PSP (PREA Support Person).

There were no allegations of sexual abuse during the past twelve (12) months.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

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

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.83 (a)

- 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 No

115.83 (b)

- Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody? Yes No

115.83 (c)

- Does the facility provide such victims with medical and mental health services consistent with the community level of care? Yes No

115.83 (d)

- Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if all-male facility.) Yes No NA

115.83 (e)

- 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.) Yes No NA

115.83 (f)

- Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate? Yes No

115.83 (g)

- 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 No

115.83 (h)

- 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 No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.3400, Policy CP-18, Policy CC-8, Coordinated Response Plan, and the Coordinated Response Overview were reviewed. Staff interviews were conducted.

The agency provides on-going medical and mental health services for victims of sexual abuse, whether the incident occurred within an institution or in the community. Follow-up care is provided in one week and as directed by the physician or by inmate request. STD testing and treatment is offered. Again, all services are provided to the victim without financial compensation. The agency also attempts evaluations to sexually aggressive inmates within 60 days.

Interviews with medical and mental health staff confirm policy. Mental Health reports that Harnett Correctional Center is the location of the SOAR program for sexual offenders and if necessary, an inmate can be transferred there for services. Both medical and mental health staff interviewed confirmed that services are consistent with the community level of care.

There were no allegations of sexual abuse during the past twelve (12) months.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

DATA COLLECTION AND REVIEW

Standard 115.86: Sexual abuse incident reviews

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.86 (a)

- 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 No

115.86 (b)

- Does such review ordinarily occur within 30 days of the conclusion of the investigation? Yes No

115.86 (c)

- Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners? Yes No

115.86 (d)

- 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 No

- 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 No
- 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 No
- Does the review team: Assess the adequacy of staffing levels in that area during different shifts? Yes No
- Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff? Yes No
- 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 No

115.86 (e)

- Does the facility implement the recommendations for improvement, or document its reasons for not doing so? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.3400, Form OPA-I10 – PREA Post Incident Review, Coordinated Response Plan, and Coordinated Response Overview were reviewed. Staff interviews were conducted.

The agency requires a Post Incident Review (PIR) at the conclusion of any investigations of sexual abuse where the allegation was determined to be substantiated or unsubstantiated. Form OPA-I10 is completed. This is a standardized form that contains all elements of the standard. Participants include PREA Compliance Manager and SART members, who are comprised of upper level management and input from other staffing positions.

In an interview with staff who sits on the Post Incident Review committee, she reports that she has been at the facility for over thirty (30) years. She reported that they would consider race, ethnicity, gender, gang, and other differences that could result in an incident. She reported that they would assess the area for physical barriers and staffing levels on the shifts. She also reported that video monitoring would be a factor in their response. She also noted that they would look at signs of a larger problem through reports of retaliation and canteen purchases.

There were no allegations of sexual abuse during the past twelve (12) months that resulted in a finding of unsubstantiated or substantiated that would signify the need for a Post Incident Review.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.87: Data collection

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.87 (a)

- 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 No

115.87 (b)

- Does the agency aggregate the incident-based sexual abuse data at least annually? Yes No

115.87 (c)

- 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 No

115.87 (d)

- 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 No

115.87 (e)

- Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.) Yes No NA

115.87 (f)

- 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 No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.3400, Incident Reporting – OPUS (Offender Population Unified System), 2016 PREA Incidents Report and the 2016 Sexual Abuse Annual Report were reviewed. Staff interviews were conducted.

The agency maintains records and data on all allegations of sexual abuse and sexual harassment from all facilities that captures information as identified by the DOJ-SSV. Aggregated annually in the 2016 PREA Incidents Report which break down PREA allegations by facility and by type, this information is then included in the annual report.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard

Standard 115.88: Data review for corrective action

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.88 (a)

- 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 No
- 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 No

- 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 No

115.88 (b)

- Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse Yes No

115.88 (c)

- 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 No

115.88 (d)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.3400, Form OPA-I10, 2015-2016 Sexual Abuse Annual Report, Coordinated Response Plan, and Coordinated Response Overview were reviewed. Staff interviews were conducted.

The agency utilizes information gathered from investigative reports and completed Post Incident Review forms (OPA-I10) to assess and improve the effectiveness of its zero-tolerance efforts towards prevention, detection and response of sexual abuse incidents. The information gathered assists with identifying problem areas, policy updates, and system updates. The annual report is completed and identifies facility specific

issues and resolutions, as well as those specific issues that are agency wide. The annual report is approved by the Agency Head and made public through the NCDPS website.

The 2015 Sexual Abuse Annual Report, which contains 2014-2015 data on sexual abuse and sexual harassment, was approved on August 25, 2015 and was available on the agency website. The 2015-2016 Sexual Abuse Annual Report, which contains 2014-2016 data on sexual abuse and sexual harassment, was approved on February 27, 2018 and is pending posting on the website. The auditor was able to review the information in this report. On March 2, 2018, the 2015-2016 Sexual Abuse Annual Report was added to the agency website.

Based on the information discovered in agency policies, observations, documentation review, and information obtained through facility staff interviews, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.89: Data storage, publication, and destruction

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.89 (a)

- Does the agency ensure that data collected pursuant to § 115.87 are securely retained?
 Yes No

115.89 (b)

- Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means? Yes No

115.89 (c)

- Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available? Yes No

115.89 (d)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

Does Not Meet Standard (Requires Corrective Action)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Policy F.3400 and the 2016 Sexual Abuse Annual Report were reviewed. Staff interviews were conducted

The agency publishes the annual report on its website and the report contains no personal identifiers. Agency policy requires the maintenance of records that meets the PREA standard.

The 2015 Sexual Abuse Annual Report, which contains 2014-2015 data on sexual abuse and sexual harassment, was approved on August 25, 2015 and was available on the agency website. The 2015-2016 Sexual Abuse Annual Report, which contains 2014-2016 data on sexual abuse and sexual harassment, was approved on February 27, 2018 and is pending posting on the website. The auditor was able to review the information in this report. On March 2, 2018, the 2015-2016 Sexual Abuse Annual Report was added to the agency website.

Based on the information discovered in observations, documentation review, and the auditor's experience with this agency, the auditor finds that the facility does meet the requirements of the standard.

AUDITING AND CORRECTIVE ACTION

Standard 115.401: Frequency and scope of audits

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.401 (a)

- During the three-year period starting on August 20, 2013, and during each three-year period thereafter, 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? (N/A before August 20, 2016.)
 Yes No NA

115.401 (b)

- During each one-year period starting on August 20, 2013, 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? Yes No

115.401 (h)

- Did the auditor have access to, and the ability to observe, all areas of the audited facility?
 Yes No

115.401 (i)

- Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)? Yes No

115.401 (m)

- Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?
 Yes No

115.401 (n)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The agency began PREA audits in 2015 and after considerable conversation with the PRC regarding the delay in beginning the audits. By December 2016, the agency had completed audits for all facilities as required by the PREA Standards.

During this audit, the auditor was allowed unlimited access to all areas of the facility. The auditor was permitted to access and receive copies of all documents as requested, including electronically stored information. The auditor was provided private areas in which to conduct audits, and still allow for the supervision of inmates during audits. The auditor did not receive correspondence.

Based on information received, observations during the on-site audit, and documents reviewed, the auditor finds that the facility does meet the requirements of the standard.

Standard 115.403: Audit contents and findings

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.403 (f)

- The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports within 90 days of issuance by auditor. The review period is for prior audits completed during the past three years PRECEDING THIS AGENCY AUDIT. In the case of single facility agencies, the auditor shall ensure that the facility's last audit report was published. 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 that there has never been a Final Audit Report issued.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Catawba CC's last audit was in 2016 and this is posted on the website

In an interview with the Agency PREA Coordinator/Director, it has been reported that all final reports have been posted to the website. The auditor confirmed that all audits are posted on the website.

This auditor's review of the website indicates that all prior reports are appropriately posted as required.

The agency website reflects audits conducted as follow:

- 2015 – 13 audits: 6 juvenile and 7 adult
- 2016 – 51 audits: 4 juvenile and 47 adult
- 2017 – 26 audits: 4 juvenile and 22 adult

AUDITOR CERTIFICATION

I certify that:

- The contents of this report are accurate to the best of my knowledge.
- No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.

Auditor Instructions:

Type your full name in the text box below for Auditor Signature. This will function as your official electronic signature. Auditors must deliver their final report to the PREA Resource Center as a searchable PDF format to ensure accessibility to people with disabilities. Save this report document into a PDF format prior to submission.¹ Auditors are not permitted to submit audit reports that have been scanned.² See the PREA Auditor Handbook for a full discussion of audit report formatting requirements.

Bobbi Pohlman-Rodgers

August 31, 2018

Auditor Signature

Date

¹ See additional instructions here: <https://support.office.com/en-us/article/Save-or-convert-to-PDF-d85416c5-7d77-4fd6-a216-6f4bf7c7c110>.

² See *PREA Auditor Handbook*, Version 1.0, August 2017; Pages 68-69.