

# PREA Facility Audit Report: Final

**Name of Facility:** Rutherford Correctional Center

**Facility Type:** Prison / Jail

**Date Interim Report Submitted:** NA

**Date Final Report Submitted:** 05/09/2023

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input checked="" type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input checked="" type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input checked="" type="checkbox"/>
<b>Auditor Full Name as Signed:</b> Karen d. Murray	<b>Date of Signature:</b> 05/09/ 2023

AUDITOR INFORMATION	
<b>Auditor name:</b>	Murray, Karen
<b>Email:</b>	kdmconsults1@gmail.com
<b>Start Date of On-Site Audit:</b>	03/29/2023
<b>End Date of On-Site Audit:</b>	03/30/2023

FACILITY INFORMATION	
<b>Facility name:</b>	Rutherford Correctional Center
<b>Facility physical address:</b>	549 Ledbetter Road , Spindale, North Carolina - 28160
<b>Facility mailing address:</b>	

<b>Primary Contact</b>	
<b>Name:</b>	Greg Johnson
<b>Email Address:</b>	greg.johnson@dac.nc.gov
<b>Telephone Number:</b>	8286598726

<b>Warden/Jail Administrator/Sheriff/Director</b>	
<b>Name:</b>	Larry Godwin
<b>Email Address:</b>	larry.godwin@dac.nc.gov
<b>Telephone Number:</b>	(828) 286-4121

<b>Facility PREA Compliance Manager</b>	
<b>Name:</b>	Greg Johnson
<b>Email Address:</b>	greg.johnson@ncdps.gov
<b>Telephone Number:</b>	
<b>Name:</b>	Cassandra Howell
<b>Email Address:</b>	cassandra.howell@ncdps.gov
<b>Telephone Number:</b>	

<b>Facility Health Service Administrator On-site</b>	
<b>Name:</b>	Teresa Smith
<b>Email Address:</b>	teresa.h.smith@dac.nc.gov
<b>Telephone Number:</b>	(828) 286-4121

<b>Facility Characteristics</b>	
<b>Designed facility capacity:</b>	236
<b>Current population of facility:</b>	227

<b>Average daily population for the past 12 months:</b>	235
<b>Has the facility been over capacity at any point in the past 12 months?</b>	No
<b>Which population(s) does the facility hold?</b>	Males
<b>Age range of population:</b>	18-99
<b>Facility security levels/inmate custody levels:</b>	minimum
<b>Does the facility hold youthful inmates?</b>	No
<b>Number of staff currently employed at the facility who may have contact with inmates:</b>	48
<b>Number of individual contractors who have contact with inmates, currently authorized to enter the facility:</b>	0
<b>Number of volunteers who have contact with inmates, currently authorized to enter the facility:</b>	125

**AGENCY INFORMATION**

<b>Name of agency:</b>	North Carolina Department of Adult Correction
<b>Governing authority or parent agency (if applicable):</b>	
<b>Physical Address:</b>	214 West Jones Street , Raleigh , North Carolina - 27603
<b>Mailing Address:</b>	
<b>Telephone number:</b>	

**Agency Chief Executive Officer Information:**

<b>Name:</b>	
<b>Email Address:</b>	

<b>Telephone Number:</b>	
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<b>Agency-Wide PREA Coordinator Information</b>			
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<b>Name:</b>	Charlotte Jordan-Williams	<b>Email Address:</b>	charlotte.williams@dac.nc.gov
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<b>Facility AUDIT FINDINGS</b>	
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<b>Summary of Audit Findings</b>	
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The OAS automatically populates the number and list of Standards exceeded, the number of Standards met, and the number and list of Standards not met.

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

<b>Number of standards exceeded:</b>	
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1	<ul style="list-style-type: none"> <li>• 115.42 - Use of screening information</li> </ul>
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<b>Number of standards met:</b>	
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44	
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<b>Number of standards not met:</b>	
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0	
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## POST-AUDIT REPORTING INFORMATION

### GENERAL AUDIT INFORMATION

#### On-site Audit Dates

1. Start date of the onsite portion of the audit:	2023-03-29
2. End date of the onsite portion of the audit:	2023-03-30

#### Outreach

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

On 3.8.2023 at 4:52 pm this Auditor contacted UNC Health Blue Ridge Medical Center at 828.580.5000. After proper introductions and the reason for the call the Charge Nurse in the Emergency Room who explained the facility does not have a SANE; however, the provider on call or on shift can perform the exam.

On 3.8.2023 at 2:53 pm, this Auditor contacted the Path Shelter at 828.245.8595. After proper introductions and the reason for the call and being transferred to a supervisor, she stated once an offender phoned the office she would call the prison and let them know an offender has made a report. The supervisor stated she would route an advocate to the hospital, at the request of the offender. When speaking to the supervisor regarding ongoing services to offender she stated this has not happened and was unsure of how she would access offenders in the facility. The Auditor suggested contact be made with the facility in order to ensure barriers did not exist should the need arise for such services.

On 2.26.2023 at 7:54PM this Auditor emailed to SVC.dac.prea@dac.nc.gov, stating, "My name Karen Murray and I am a PREA Auditor preparing to audit the Lincoln Correctional Center. (Please know Lincoln Correctional Center is noted as this was the facility tested annually for 2023.) In testing systems, could you please tell me your processes that would occur when you receive a third party report through this website. Thank you in advance for your time and response."

On 2.26.2023 at 7:55PM, the following response was received.

\*\*\*AUTOMATED MAIL RESPONSE FROM PREA ADMINISTRATION\*\*\*

Please keep this email for future references. Your mail to PREA Administration has been received.

This is a receipt notification only. A personal response will be made by PREA Administration as soon as possible.

If your request is urgent, please call PREA

Administration at 919-825-2757. Please leave a message on the voicemail if we are unavailable. Slowly say your name, staff id and phone number.”  
 On 2.27.2023 at 5:12 AM the following message was received from the North Carolina Department of Public Safety. “We would immediately refer the report to the DAC PREA Office via phone and follow up email if phone was not successful on our first attempt.”

**AUDITED FACILITY INFORMATION**

<b>14. Designated facility capacity:</b>	236
<b>15. Average daily population for the past 12 months:</b>	235
<b>16. Number of inmate/resident/detainee housing units:</b>	8
<b>17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?</b>	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Not Applicable for the facility type audited (i.e., Community Confinement Facility or Juvenile Facility)

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

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

<b>36. Enter the total number of inmates/residents/detainees in the facility as of the first day of onsite portion of the audit:</b>	242
<b>38. Enter the total number of inmates/residents/detainees with a physical disability in the facility as of the first day of the onsite portion of the audit:</b>	0

<b>39. Enter the total number of inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) in the facility as of the first day of the onsite portion of the audit:</b>	0
<b>40. Enter the total number of inmates/residents/detainees who are Blind or have low vision (visually impaired) in the facility as of the first day of the onsite portion of the audit:</b>	0
<b>41. Enter the total number of inmates/residents/detainees who are Deaf or hard-of-hearing in the facility as of the first day of the onsite portion of the audit:</b>	1
<b>42. Enter the total number of inmates/residents/detainees who are Limited English Proficient (LEP) in the facility as of the first day of the onsite portion of the audit:</b>	0
<b>43. Enter the total number of inmates/residents/detainees who identify as lesbian, gay, or bisexual in the facility as of the first day of the onsite portion of the audit:</b>	0
<b>44. Enter the total number of inmates/residents/detainees who identify as transgender or intersex in the facility as of the first day of the onsite portion of the audit:</b>	0
<b>45. Enter the total number of inmates/residents/detainees who reported sexual abuse in the facility as of the first day of the onsite portion of the audit:</b>	0



<p><b>46. Enter the total number of inmates/residents/detainees who disclosed prior sexual victimization during risk screening in the facility as of the first day of the onsite portion of the audit:</b></p>	<p>0</p>
<p><b>47. Enter the total number of inmates/residents/detainees who were ever placed in segregated housing/isolation for risk of sexual victimization in the facility as of the first day of the onsite portion of the audit:</b></p>	<p>0</p>
<p><b>48. Provide any additional comments regarding the population characteristics of inmates/residents/detainees in the facility as of the first day of the onsite portion of the audit (e.g., groups not tracked, issues with identifying certain populations):</b></p>	<p>No text provided.</p>
<p><b>Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit</b></p>	
<p><b>49. Enter the total number of STAFF, including both full- and part-time staff, employed by the facility as of the first day of the onsite portion of the audit:</b></p>	<p>48</p>
<p><b>50. Enter the total number of VOLUNTEERS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:</b></p>	<p>100</p>
<p><b>51. Enter the total number of CONTRACTORS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:</b></p>	<p>0</p>
<p><b>52. Provide any additional comments regarding the population characteristics of staff, volunteers, and contractors who were in the facility as of the first day of the onsite portion of the audit:</b></p>	<p>No text provided.</p>

<b>INTERVIEWS</b>	
<b>Inmate/Resident/Detainee Interviews</b>	
<b>Random Inmate/Resident/Detainee Interviews</b>	
<b>53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:</b>	19
<b>54. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)</b>	<input type="checkbox"/> Age <input type="checkbox"/> Race <input type="checkbox"/> Ethnicity (e.g., Hispanic, Non-Hispanic) <input type="checkbox"/> Length of time in the facility <input checked="" type="checkbox"/> Housing assignment <input type="checkbox"/> Gender <input type="checkbox"/> Other <input type="checkbox"/> None
<b>55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?</b>	During the entrance conference the facility provided the Auditor a North Carolina Department of Adult Corrections Inmate Custody Alpha Roster Report with the DOC Number / Inmate Name, Gender, Bed, Activity / Medical Activity. 20 offenders were randomly chosen by dorm. During interviews, one offender could not hear and was then counted as a targeted interview.
<b>56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No
<b>57. Provide any additional comments regarding selecting or interviewing random inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</b>	No text provided.

<b>Targeted Inmate/Resident/Detainee Interviews</b>	
<b>58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:</b>	1
<p>As stated in the PREA Auditor Handbook, the breakdown of targeted interviews is intended to guide auditors in interviewing the appropriate cross-section of inmates/residents/detainees who are the most vulnerable to sexual abuse and sexual harassment. When completing questions regarding targeted inmate/resident/detainee interviews below, remember that an interview with one inmate/resident/detainee may satisfy multiple targeted interview requirements. These questions are asking about the number of interviews conducted using the targeted inmate/resident/detainee protocols. For example, if an auditor interviews an inmate who has a physical disability, is being held in segregated housing due to risk of sexual victimization, and disclosed prior sexual victimization, that interview would be included in the totals for each of those questions. Therefore, in most cases, the sum of all the following responses to the targeted inmate/resident/detainee interview categories will exceed the total number of targeted inmates/residents/detainees who were interviewed. If a particular targeted population is not applicable in the audited facility, enter "0".</p>	
<b>60. Enter the total number of interviews conducted with inmates/residents/detainees with a physical disability using the "Disabled and Limited English Proficient Inmates" protocol:</b>	0
<b>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</b>	<input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.  <input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.
<b>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</b>	<p>During the tour of the facility, informal and formal interviews with offenders and staff and offender file review, this category of offender did not appear to be in the facility at the time of the onsite review.</p>

<p><b>61. Enter the total number of interviews conducted with inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) using the "Disabled and Limited English Proficient Inmates" protocol:</b></p>	<p>0</p>
<p><b>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</b></p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p><b>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</b></p>	<p>During the tour of the facility, informal and formal interviews with offenders and staff and offender file review, this category of offender did not appear to be in the facility at the time of the onsite review.</p>
<p><b>62. Enter the total number of interviews conducted with inmates/residents/detainees who are Blind or have low vision (i.e., visually impaired) using the "Disabled and Limited English Proficient Inmates" protocol:</b></p>	<p>0</p>
<p><b>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</b></p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>

<p><b>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</b></p>	<p>During the tour of the facility, informal and formal interviews with offenders and staff and offender file review, this category of offender did not appear to be in the facility at the time of the onsite review.</p>
<p><b>63. Enter the total number of interviews conducted with inmates/residents/detainees who are Deaf or hard-of-hearing using the "Disabled and Limited English Proficient Inmates" protocol:</b></p>	<p>1</p>
<p><b>64. Enter the total number of interviews conducted with inmates/residents/detainees who are Limited English Proficient (LEP) using the "Disabled and Limited English Proficient Inmates" protocol:</b></p>	<p>0</p>
<p><b>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</b></p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p><b>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</b></p>	<p>During the tour of the facility, informal and formal interviews with offenders and staff and offender file review, this category of offender did not appear to be in the facility at the time of the onsite review.</p>
<p><b>65. Enter the total number of interviews conducted with inmates/residents/detainees who identify as lesbian, gay, or bisexual using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</b></p>	<p>0</p>

<p><b>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</b></p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p><b>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</b></p>	<p>During the tour of the facility, informal and formal interviews with offenders and staff and offender file review, this category of offender did not appear to be in the facility at the time of the onsite review.</p>
<p><b>66. Enter the total number of interviews conducted with inmates/residents/detainees who identify as transgender or intersex using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</b></p>	<p>0</p>
<p><b>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</b></p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p><b>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</b></p>	<p>During the tour of the facility, informal and formal interviews with offenders and staff and offender file review, this category of offender did not appear to be in the facility at the time of the onsite review.</p>
<p><b>67. Enter the total number of interviews conducted with inmates/residents/detainees who reported sexual abuse in this facility using the "Inmates who Reported a Sexual Abuse" protocol:</b></p>	<p>0</p>

<p><b>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</b></p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p><b>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</b></p>	<p>During the tour of the facility, informal and formal interviews with offenders and staff and offender file review, this category of offender did not appear to be in the facility at the time of the onsite review.</p>
<p><b>68. Enter the total number of interviews conducted with inmates/residents/detainees who disclosed prior sexual victimization during risk screening using the "Inmates who Disclosed Sexual Victimization during Risk Screening" protocol:</b></p>	<p>0</p>
<p><b>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</b></p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p><b>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</b></p>	<p>During the tour of the facility, informal and formal interviews with offenders and staff and offender file review, this category of offender did not appear to be in the facility at the time of the onsite review.</p>

<p><b>69. Enter the total number of interviews conducted with inmates/residents/detainees who are or were ever placed in segregated housing/isolation for risk of sexual victimization using the "Inmates Placed in Segregated Housing (for Risk of Sexual Victimization/Who Allege to have Suffered Sexual Abuse)" protocol:</b></p>	<p>0</p>
<p><b>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</b></p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p><b>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</b></p>	<p>During the tour of the facility, informal and formal interviews with offenders and staff and offender file review, this category of offender did not appear to be in the facility at the time of the onsite review.</p>
<p><b>70. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):</b></p>	<p>No text provided.</p>
<p><b>Staff, Volunteer, and Contractor Interviews</b></p>	
<p><b>Random Staff Interviews</b></p>	
<p><b>71. Enter the total number of RANDOM STAFF who were interviewed:</b></p>	<p>10</p>



<p><b>72. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)</b></p>	<p><input checked="" type="checkbox"/> Length of tenure in the facility</p> <p><input checked="" type="checkbox"/> Shift assignment</p> <p><input checked="" type="checkbox"/> Work assignment</p> <p><input checked="" type="checkbox"/> Rank (or equivalent)</p> <p><input type="checkbox"/> Other (e.g., gender, race, ethnicity, languages spoken)</p> <p><input type="checkbox"/> None</p>
<p><b>73. Were you able to conduct the minimum number of RANDOM STAFF interviews?</b></p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p>
<p><b>a. Select the reason(s) why you were unable to conduct the minimum number of RANDOM STAFF interviews: (select all that apply)</b></p>	<p><input type="checkbox"/> Too many staff declined to participate in interviews.</p> <p><input type="checkbox"/> Not enough staff employed by the facility to meet the minimum number of random staff interviews (Note: select this option if there were not enough staff employed by the facility or not enough staff employed by the facility to interview for both random and specialized staff roles).</p> <p><input checked="" type="checkbox"/> Not enough staff available in the facility during the onsite portion of the audit to meet the minimum number of random staff interviews.</p> <p><input type="checkbox"/> Other</p>
<p><b>74. Provide any additional comments regarding selecting or interviewing random staff (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</b></p>	<p>All security staff from both 12 hour shifts were interviewed during the onsite review.</p>

**Specialized Staff, Volunteers, and Contractor Interviews**

Staff in some facilities may be responsible for more than one of the specialized staff duties. Therefore, more than one interview protocol may apply to an interview with a single staff member and that information would satisfy multiple specialized staff interview requirements.

<b>75. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):</b>	13
<b>76. Were you able to interview the Agency Head?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No
<b>77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No
<b>78. Were you able to interview the PREA Coordinator?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No
<b>79. Were you able to interview the PREA Compliance Manager?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if the agency is a single facility agency or is otherwise not required to have a PREA Compliance Manager per the Standards)

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

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

	<input type="checkbox"/> Other
<b>81. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No
<b>a. Enter the total number of VOLUNTEERS who were interviewed:</b>	2
<b>b. Select which specialized VOLUNTEER role(s) were interviewed as part of this audit from the list below: (select all that apply)</b>	<input type="checkbox"/> Education/programming <input type="checkbox"/> Medical/dental <input type="checkbox"/> Mental health/counseling <input checked="" type="checkbox"/> Religious <input type="checkbox"/> Other
<b>82. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility?</b>	<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>83. Provide any additional comments regarding selecting or interviewing specialized staff.</b>	No text provided.

## SITE REVIEW AND DOCUMENTATION SAMPLING

### Site Review

PREA Standard 115.401 (h) states, "The auditor shall have access to, and shall observe, all areas of the audited facilities." In order to meet the requirements in this Standard, the site review portion of the onsite audit must include a thorough examination of the entire facility. The site review is not a casual tour of the facility. It is an active, inquiring process that includes talking with staff and inmates to determine whether, and the extent to which, the audited facility's practices demonstrate compliance with the Standards. Note: As you are conducting the site review, you must document your tests of critical functions, important information gathered through observations, and any issues identified with facility practices. The information you collect through the site review is a crucial part of the evidence you will analyze as part of your compliance determinations and will be needed to complete your audit report, including the Post-Audit Reporting Information.

<p><b>84. Did you have access to all areas of the facility?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p><b>Was the site review an active, inquiring process that included the following:</b></p>	
<p><b>85. Observations of all facility practices in accordance with the site review component of the audit instrument (e.g., signage, supervision practices, cross-gender viewing and searches)?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p><b>86. Tests of all critical functions in the facility in accordance with the site review component of the audit instrument (e.g., risk screening process, access to outside emotional support services, interpretation services)?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p><b>87. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p><b>88. Informal conversations with staff during the site review (encouraged, not required)?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p><b>89. Provide any additional comments regarding the site review (e.g., access to areas in the facility, observations, tests of critical functions, or informal conversations).</b></p>	<p>No text provided.</p>
<p><b>Documentation Sampling</b></p>	
<p>Where there is a collection of records to review-such as staff, contractor, and volunteer training records; background check records; supervisory rounds logs; risk screening and intake processing records; inmate education records; medical files; and investigative files-auditors must self-select for review a representative sample of each type of record.</p>	
<p><b>90. In addition to the proof documentation selected by the agency or facility and provided to you, did you also conduct an auditor-selected sampling of documentation?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>

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

No text provided.

## **SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS AND INVESTIGATIONS IN THIS FACILITY**

### **Sexual Abuse and Sexual Harassment Allegations and Investigations Overview**

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

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

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

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

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

**Sexual Abuse and Sexual Harassment Investigation Outcomes**

**Sexual Abuse Investigation Outcomes**

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

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

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

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

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

**Sexual Harassment Investigation Outcomes**

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



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

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

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

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

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

**Sexual Abuse Investigation Files Selected for Review**

<b>98. Enter the total number of SEXUAL ABUSE investigation files reviewed/ sampled:</b>	0
<b>a. Explain why you were unable to review any sexual abuse investigation files:</b>	The facility did not have a sexual harassment or sexual abuse investigation in the past 12 months.

<p><b>99. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</b></p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual abuse investigation files)</p>
<p><b>Inmate-on-inmate sexual abuse investigation files</b></p>	
<p><b>100. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</b></p>	<p>0</p>
<p><b>101. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</b></p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
<p><b>102. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</b></p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
<p><b>Staff-on-inmate sexual abuse investigation files</b></p>	
<p><b>103. Enter the total number of STAFF-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</b></p>	<p>0</p>
<p><b>104. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</b></p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>

<p><b>105. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</b></p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>
<p><b>Sexual Harassment Investigation Files Selected for Review</b></p>	
<p><b>106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:</b></p>	<p>0</p>
<p><b>a. Explain why you were unable to review any sexual harassment investigation files:</b></p>	<p>The facility did not have any sexual harassment investigations in the past 12 months.</p>
<p><b>107. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</b></p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual harassment investigation files)</p>
<p><b>Inmate-on-inmate sexual harassment investigation files</b></p>	
<p><b>108. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</b></p>	<p>0</p>
<p><b>109. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?</b></p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>

<p><b>110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</b></p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
<p><b>Staff-on-inmate sexual harassment investigation files</b></p>	
<p><b>111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</b></p>	<p>0</p>
<p><b>112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?</b></p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)</p>
<p><b>113. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</b></p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)</p>
<p><b>114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.</b></p>	<p>No text provided.</p>

## SUPPORT STAFF INFORMATION

### DOJ-certified PREA Auditors Support Staff

**115. Did you receive assistance from any DOJ-CERTIFIED PREA AUDITORS at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.**

- Yes
- No

### Non-certified Support Staff

**116. Did you receive assistance from any NON-CERTIFIED SUPPORT STAFF at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.**

- Yes
- No

## AUDITING ARRANGEMENTS AND COMPENSATION

**121. Who paid you to conduct this audit?**

- The audited facility or its parent agency
- My state/territory or county government employer (if you audit as part of a consortium or circular auditing arrangement, select this option)
- A third-party auditing entity (e.g., accreditation body, consulting firm)
- Other

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

<b>115.11</b>	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p>
	<p><b>Auditor Discussion</b></p> <p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> <li>3. NC Department of Adult Correction Organization Chart, dated 1.23.2023</li> <li>4. Rutherford Correctional Center Organization Chart, dated 2.3.2023</li> <li>5. Designation of PREA Compliance Managers, dated 5.10.2022</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Random offenders</li> </ol>

2. Targeted offenders
3. Correctional Officers
4. Administrative staff
5. Facility Compliance Specialist / PREA Compliance Manager

Through interviews with offenders and staff and review of offender and personnel files, it is evident that this facility interweaves requirements for this standard in their daily protocols. Both offenders and staff could speak to facility PREA practices and protocols being used as is described in the agency's Offender Sexual Abuse and Sexual Harassment Policy.

Site Review Observation:

During the tour of the facility, the Auditor witnessed standardized bulletin boards, throughout the facility, in multiple locations, consisting of current agency and facility Audit Notices, PREA Zero-Tolerance, Break the Silence, Prison Rape Elimination Act, Help Prevent Prison Sexual Violence and Red Flag flyers with internal and external reporting information for offenders.

The facility has four dorms; A-B, C-D, E-F and G-H. Each dorm has two sides with a large and small day room and one shared bathroom. Dorms have cameras where beds and dayrooms exist, and cameras cannot see into the bathrooms. Dorms have up to 18 bunkbeds each, some with side pockets with three bunks each. Bathrooms have communal style sinks, toilets behind divider walls and showers behind shower curtains with clear plastic on the top and bottom of the curtain and tan color in the middle to allow for privacy.

During the tour, multiple informal interviews were conducted with offenders and staff. Offenders stated they were aware of PREA and how to report through information posted near telephones. Staff stated they had received training on PREA, understood they would separate offenders if they suspected sexual abuse and immediately report any information received regarding allegations of sexual harassment or sexual abuse to the Officer in Charge.

Although the facility has camera in highly trafficked areas, staff interactive supervision is highly relied upon. Cameras were reviewed in the Warden's office as this facility does not house a Control Center. All cameras were operable and the Corrections Administrative Sergeant maintains, repairs and replaces cameras upon request.

Recommendation:

1. During the tour, the Chapel was toured and the Auditor observed the restroom doors on the exterior of the building locked on the inside of the male and female restroom. Due to possible safety issues, the Auditor requested the facility devise an action plan to ensure offenders cannot lock themselves in restrooms with one another, staff or visitors. Post audit, the facility reported, 'A work order has been submitted for the new locks and keys to be issued to female staff.'

(a) The Rutherford Correctional Center PAQ states the agency Safe Prisons/PREA Plan mandates zero-tolerance toward all forms of sexual abuse and sexual harassment in the facility it operates and those directly under contract.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 5, section .3404, states, "The North Carolina Department of Public Safety is committed to a standard of zero-tolerance of sexual abuse and sexual harassment toward offenders, either by staff, contractors, volunteers, or by offenders (5-ACI-3D-14). Therefore, it is the policy of Prisons to provide a safe, humane and appropriately secure environment, free from the threat of sexual abuse and sexual harassment for all offenders, by maintaining a program of prevention, detection, response, investigation, prosecution and tracking."

(b) The Rutherford Correctional Center PAQ states the agency employs or designates an upper-level, agency-wide PREA Coordinator. The position of the PREA Coordinator in the agency's organizational structure is the PREA Director.

The facility provided a NC Department of Adult Correction Organization Chart. Page 2 of the organization chart demonstrates the PREA Director is in the agency organizational chart and reports directly to the Professional Standards Deputy Secretary.

(c) The Rutherford Correctional Center PAQ states the facility has designated a PREA Compliance manager. The PREA Compliance Manager has sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.

The facility provided documentation demonstrating the facility primary PREA Compliance Manager functions as the Facility Compliance Specialist and the



	<p>secondary PREA Compliance Manager functions as the Program Director 1.</p> <p>The facility provided a Rutherford Correctional Center Organization Chart. The organization chart demonstrates the Program Director 1 reports directly to the Warden.</p> <p>The facility provided a Designation of PREA Compliance Managers document, demonstrating the Program Director I has been designated as the secondary PREA Compliance Manager.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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<b>115.12</b>	<b>Contracting with other entities for the confinement of inmates</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. Memorandum of Agreement, Center for Community Transitions, dated 3.2.2022</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. PREA Director / Head of Agency</li> </ol> <p>During the pre-audit phase, the PREA Director conveyed the agency did have one privatized contract. Such contracts do contain language mandating each private provider comply with PREA standards. In addition, unionized staff are mandated to comply with PREA standards and disciplinary action would swiftly take place should noncompliance exist.</p> <p>(a-b) The Rutherford Correctional Institution PAQ states the agency does contract with one private agency for confinement services of their inmates.</p> <p>The facility provided a Memorandum of Agreement between the State of North</p>

	<p>Carolina and the Center for Community Transitions. Page 10, section PREA, contains language demonstrating the facility is required to comply with the Prison Rape Elimination Standards.</p> <p>Through such reviews, the facility meets the standard requirements.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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<b>115.13</b>	<b>Supervision and monitoring</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p><b>Auditor Discussion</b></p> <p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS PREA Prevention Planning, Policy DPS-PREA-100, dated 10.11.2021</li> <li>3. NCDPS Staffing Plan Analysis - Rutherford Correctional Center, dated 7.8.2022</li> <li>4. Rutherford Correctional Center Shift Logs / Unannounced Round Shift Notes</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Random Inmates</li> <li>2. Targeted Inmates</li> <li>3. Correctional Officers</li> <li>4. Correctional Administrative Sergeant I</li> <li>5. Correctional Program Supervisor / PREA Compliance Manager</li> <li>6. Facility Compliance Specialist</li> <li>7. Correctional Warden I</li> <li>8. PREA Director / Head of Agency</li> </ol> <p>Interviews with staff and inmates demonstrated Sergeants conduct unannounced rounds, each day, often occurring multiple times per day.</p>

The interview with the Correctional Administrative Sergeant demonstrated he conducts rounds about every two hours, staggering his rounds to keep staff on their toes and stay unpredictable. Rounds are conducted throughout the entire facility to include the perimeter fence. Deviations are documented on the shift narrative, and he would utilize call back procedures to ensure at least five staff are on shift at all times.

The interview with the PREA Director demonstrated the Regional Office is responsible for constructing and complying with facility staffing plans.

Site review observation:

During the tour of the facility, facility narratives were found at each Correctional Officer's desk. Unannounced rounds were witnessed to have been documented in red ink during both 12-hour shifts, sometimes more than once per shift.

(a) The Rutherford Correctional Center PAQ states the agency requires the facility to develop, document and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against abuse. Since August 20, 2012, or last PREA audit, whichever is later, the average daily number of inmates is 235. The average daily number of inmates on which the staffing plan was predicated is 242.

(b) The Rutherford Correctional Center PAQ states each time the staffing plan is not complied with, the facility documents and justifies deviations. The facility did not have deviations from the required ratios of their staffing plan.

(c) The Rutherford Correctional Center PAQ states at least once every year the facility/agency, in collaboration with the PREA coordinator, reviews the staffing plan to whether adjustments are needed in (a) the staffing, (b) the deployment of monitoring technology, or (c) the allocation of agency/facility resources to commit to the staffing plan to ensure compliance with the staffing plan.

The facility provided a 115.13 Staffing Plan Analysis, Rutherford Correctional Center. The analysis demonstrates the following plan and review areas:

- NCDPS PREA Report: Staffing Analysis

- General Facility Information

- o Mission
- o Offender Population and Special Vulnerabilities
- o Facility Program and Services
- o Current Staffing Level

- § Facility management

- § Physical Plant Considerations

- § Housing

- § Special Populations

- § Programs

- § Medical/Mental Health

- § Judicial Findings of Inadequacy

- PREA

- o Prevalence of Substantiated and Unsubstantiated Incidents of Sexual Abuse and Harassment

- Previous Audit Findings

- Additional Information and/or Recommendations

- Conclusion

(d) The Rutherford Correctional Center PAQ states facility requires that intermediate level or higher-level staff conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment.

NCDPS PREA Prevention Planning, Policy DPS-PREA-100, page 9, section 5. ii, states, "Prohibit employees from alerting one another that supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility."

The facility provided Rutherford Correctional Center Shift Logs / Unannounced Round Shift Notes for shifts 0600, 1000, 1400, and 1630.

	Through such reviews, the facility meets the standard requirements.
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<b>115.14</b>	<b>Youthful inmates</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Facility Compliance Specialist / PREA Compliance Manager</li> <li>2. Correctional Warden I</li> </ol> <p>Interviews with the PREA Compliance Manager and the Correctional Warden I demonstrated youthful inmates were not housed at this facility.</p> <p>Site Observation:</p> <p>The facility tour, formal and informal interviews with offenders and staff demonstrated youthful inmates were not housed at the facility.</p> <p>(a) The Rutherford Correctional Center PAQ states the facility prohibits placing youthful inmates in a housing unit in which a youthful inmate will have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters. The facility does not house youthful offenders.</p> <p>Through such reviews, the facility meets the standard requirements.</p>

<b>115.15</b>	<b>Limits to cross-gender viewing and searches</b>
	<b>Auditor Overall Determination:</b> Meets Standard

## Auditor Discussion

### Document Review:

1. Rutherford Correctional Center PAQ
2. NCDPS PREA Prevention Planning, Policy Number: DPS-PREA-100, dated 10.11.2021
3. NCDPS Cross Gender Announcement & Acknowledgment, dated 4.19.2013
4. NCDPS Safe Search Practices Outline, dated 7.1.2022

### Interviews:

1. Random offenders
2. Correctional Officers
3. Correctional Administrative Sergeant

The facility did not have any targeted offenders who were of the LGBTQI community. Interviews with random offenders demonstrated searches are conducted respectfully and each stated they felt to be sexually safe in the facility.

Interviews with staff demonstrated cross gender searches had not taken place. Staff could attest to being trained in cross gender search techniques and could use a refresher training on transgender searches.

The interview with the Correctional Administrative Sergeant demonstrated searches are always conducted with two or more staff, regardless if one or multiple searches are occurring.

### Site Review Observation:

During the tour the intake area was observed, where searches are conducted in a search shed, outside the entrance of the facility. The search shed does not have cameras and provides tall cloth, moveable walls that provide privacy from others during searches.

### Recommendation:

1. Due to staff having an inconsistent knowledge base on searches, the Auditor

requested transgender search protocols be reviewed with correctional officers. Post audit, the facility reported, 'Staff have been educated on this subject.'

(a) Rutherford Correctional Center PAQ states the facility does not conduct cross-gender strip or cross-gender visual body cavity searches of their Inmates. In the past 12 months zero cross-gender strip or cross-gender visual body cavity searches of offenders.

NCDPS PREA Prevention Planning, Policy Number: DPS-PREA-100, page 9, section B. a., states, "Each ACJJ facility shall limit cross-gender viewing and searches by: a) Not conducting cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners."

(b) Rutherford Correctional Center PAQ states this standard is not applicable as females are not housed at the Rutherford Correctional Institution.

(c) Rutherford Correctional Center PAQ states the facility policy requires that all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches be documented and justified.

NCDPS PREA Prevention Planning, Policy Number: DPS-PREA-100, page 9, section B. c., states, "Documenting all cross-gender strip searches and cross-gender visual body cavity searches, and documenting all cross-gender pat-down searches of female offenders, residents, and safekeepers."

(d) Rutherford Correctional Center PAQ states the facility has implemented policies and procedures that enable Inmates to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks (this includes viewing via video camera). Policies and procedures require staff of the opposite gender to announce their presence when entering an inmate housing unit.

NCDPS PREA Prevention Planning, Policy Number: DPS-PREA-100, page 9, section B. d., states, "Implementing policies and procedures that enable offenders, residents, and safekeepers to shower, perform bodily functions, and change clothing

without nonmedical employees of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures shall require employees of the opposite gender to announce their presence when entering an offender, resident, and safekeeper housing unit.”

(e) The Rutherford Correctional Center PAQ states the facility has a policy prohibiting staff from searching or physically examining a transgender or intersex Inmate for the sole purpose of determining the Inmate’s genital status. Such searches did not occur in the past 12 months.

NCDPS PREA Prevention Planning, Policy Number: DPS-PREA-100, page 9-10, section B. e., states, “Prohibiting searching or physically examining transgender or intersex offenders, residents, and safekeepers for the sole purpose of determining their genital status. If the offender, resident, or safekeeper’s genital status is unknown, it may be determined during conversations with them, 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.”

(f) The Rutherford Correctional Center PAQ states 100% of security staff at each facility receive training on conducting cross-gender pat-down searches and searches of transgender and intersex Inmates in a professional and respectful manner.

NCDPS PREA Prevention Planning, Policy Number: DPS-PREA-100, page 10, section B. f., states, “Training applicable employees in how to conduct cross-gender pat-down searches, and searches of transgender and intersex offenders, residents, or safekeepers, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.”

The facility provided NCDPS Safe Search Practices Outline. The training objectives include the following:

- Define safe search practices as it relates to prison operations.
- Identify six (6) types of operational searches conducted by officers to control contraband.
- Identify the attitude an officer should have when inspecting for contraband.
- Identify the three (3) types of individual searches.



- Identify the five (5) rules to follow when conducting a body search.
- State the three (3) areas on a person that are common places to hide contraband.
- Identify things to avoid while conducting a routine body search.
- After instructor demonstration, trainees will conduct a routine body search.
- Describe the proper techniques for conducting a complete body search.
- State who is authorized to conduct body cavity searches.
- Describe the proper techniques for conducting a building and living quarters search.
- Describe the techniques used in the care of offender property.
- State the final action to be taken after the completion of a search.
- List proper control of evidence.
- State how correctional staff can control the flow of contraband inside the facility.

The facility provided a NCDPS Cross Gender Announcement & Acknowledgment. This acknowledgment states, "The limits to cross gender viewing and searches by facilities include the following:

1. Shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.
2. Shall not permit cross-gender pat-down searches of female persons in confinements, absent exigent circumstances. Facilities shall not restrict female persons in confinements' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.
3. Shall document all cross-gender strip searches and cross-gender visual body cavity searches, and shall document all cross-gender pat-down searches of female persons in confinements.
4. Shall implement policies and procedures that enable persons in confinements 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. Such policies and procedures shall require staff of the opposite gender to announce their presence when entering a housing unit.
5. Shall not search or physically examine a transgender or intersex persons in confinement or under supervision for the sole purpose of determining the person's genital status. If the person's genital status is unknown, it may be determined during

	<p>conversations with the person's, 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.</p> <p>6. Shall conduct cross-gender pat-down searches, and searches of transgender and intersex persons in confinements, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.</p> <p>I acknowledge that I have been oriented and understand the limitations to cross gender viewing and searches under the standards for Prison Rape Elimination Act of 2003, and Division policy.”</p> <p>The acknowledgment provides the employee and witness printed names, signatures and date form completed.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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<b>115.16</b>	<b>Inmates with disabilities and inmates who are limited English proficient</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> <li>3. NCDPS PREA Prevention Planning, Policy Number: DPS-PREA-100, dated 10.11.2021</li> <li>4. NCDPS Reporting – Help Prevent Prison Sexual Violence Flyer, English and Spanish, dated 1.24.2022</li> <li>5. Language Resource Center Contact Instruction Sheet, not dated</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Targeted offenders</li> </ol>

2. Correctional Officers

3. Correctional Case Manager

Interviews with one hard of hearing offender, he understood PREA and was provided an orientation packet containing information regarding his rights, reporting information and the agency sexual abuse and sexual harassment policy guidelines. The offender attested to being trained on PREA within 72 hours of arrival.

Interviews with Correctional Officers demonstrated they would help offenders would accept any type of allegation report and help them in any way; however, many were unaware of language line services. A recommendation to the facility was to ensure staff were made aware of language services. Post audit the facility reported, 'Staff have been made aware of the use of the Language Services.'

The Correctional Case Manager interview demonstrated orientation packet information, to include the policy on the Prison Rape Elimination Act, Employee responsibilities, North Carolina Statute 14-27.7(a), reporting, rights and sanctions is read to and reviewed with offenders during the orientation process to ensure each understands the information they had received.

Site Review Observation:

Standardized bulletin boards were witnessed throughout the facility. Postings are primarily found in English but made available in Spanish if needed. Posting include Break the Silence, Watch your Step, Prison Rape Elimination Act, Reporting - Help Prevent Sexual Violence, and the Daily Dozen.

(a) The Rutherford Correctional Center PAQ states the agency has established procedures to provide disabled Inmates equal opportunities to be provided with and learn about the agency's efforts to prevent, detect and respond to sexual abuse and sexual harassment.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 10, section (d) Offender Education, 1-2, state, "

1. "RECEPTION: All offenders shall receive, during reception, information explaining

the agency's zero-tolerance policy regarding sexual abuse and sexual harassment, how to report incidents or suspicions of sexual abuse and sexual harassment, prevention/intervention, self-protection, treatment, and counseling."

2. INTAKE: All offenders shall receive comprehensive education about sexual abuse and sexual harassment. Such education shall be completed within 30 days of intake and upon transfer to a different facility.

(A) Comprehensive education shall include:

(i) Offenders' rights to be free from sexual abuse and sexual harassment;

(ii) Offenders' rights to be free from retaliation for reporting incidents of sexual abuse and sexual harassment; and

(iii) Policies and procedures for responding to incidents of sexual abuse and sexual harassment.

(iv) Methods available to offenders for reporting incidents of sexual abuse or sexual harassment internally and to an external agency or entity. (B) Education for Offenders shall be offered by staff that have completed the PREA Train the Trainer Offender Education course.

3. TRANSFER: All offenders shall receive education about sexual abuse and sexual harassment upon transfer to a different facility.

(A) Education shall be completed utilizing the Offender FACTSHEET OPA-T101 Facilitator Talking Points.

(B) Each offender shall receive a copy of the PREA Brochure.

(C) Each offender will sign the Orientation Form and placed in his/her field jacket.

(D) Education for offenders shall be offered by a designated employee at the facility.

4. Appropriate provisions shall be made as necessary for offenders not fluent in English, persons with disabilities and those with low literacy levels.

5. Additional sexual abuse and sexual harassment information shall be provided through offender brochures, handbooks and posters.

6. All materials provided to offenders on the subject of sexual abuse and sexual harassment, and any lesson plans used during any presentations on this topic shall be approved by Department of Public Safety's PREA Office."

NCDPS PREA Prevention Planning, Policy Number: DPS-PREA-100, page 10, section 9. a-e, states, "Each ACJJ facility shall take appropriate steps to ensure that offenders, residents, and safekeepers with disabilities (including, for example, offenders, residents, and safekeepers who are deaf or hard of hearing, those who are blind or

have low vision, or those who have intellectual, psychiatric, or speech disabilities) and offenders, residents, and safekeepers who are Limited English Proficient, have an equal opportunity to participate in or benefit from all aspects of DPS's efforts to prevent, detect, and respond to sexual abuse and sexual harassment by:

- a. Ensuring effective communication with offenders, residents, and safekeepers who are deaf or hard of hearing, by providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary;
- b. Ensuring that written materials are provided in formats or through methods that ensure effective communication with offenders, residents, and safekeepers with disabilities;
- c. Providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary; and
- d. Not relying on offender, resident or safekeeper interpreters, readers, or other types of assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the offender, resident, or safekeeper's safety, the performance of first-response duties under PREA standards §115.64, 115.264, and 115.364 or the investigation of the offender, resident, or safekeeper's allegations.
- e. ACJJ facilities are not required to take actions they can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under Title II of the Americans with Disabilities Act, 28 CFR 35.164."

The facility provided a NCDPS Reporting - Help Prevent Prison Sexual Violence flyers in English and Spanish. These flyers provide instruction on:

- Offender Reporting
  - o To any departmental employee
  - o Through the administrative remedy process (grievance)
  - o By writing to the PREA Office at MSC 4201, Raleigh, NC
  - o To a Third Party - including family members, friends, and outside organizations, or
  - o To the local rape crisis center
  - o Externally to Project Offender Reporting Sexual Abuse (Dial 1.972.535.3499)
  - o Note: Anonymous reports will be investigated

	<p>The facility provided a Language Resource Center Contact Instruction Sheet. The instruction sheet demonstrates the facility has an active contract with a language services and provides contact instructions for Medical staff, Dental staff, Mental Health staff, Programs Staff and ADA and Custody staff.</p> <p>(b) The Rutherford Correctional Center PAQ states the agency has established procedures to provide Inmates with limited English 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.</p> <p>(c) The Rutherford Correctional Center PAQ states the agency prohibits the use of inmate interpreters, inmate readers, or other types of inmate assistants 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. In the last 12 months the facility has had zero instances where inmates were used for interpreters. Policy compliance can be found in provision (a) of this standard.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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<b>115.17</b>	<b>Hiring and promotion decisions</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Policy DPS-PREA-100, dated 10.11.2021</li> <li>3. Employee Statement, PREA Hiring and Promotion Prohibitions, dated 12.2020</li> <li>4. NC DPS Criminal History Check Form, dated 9.2013</li> <li>5. DPS North Carolina Department of Public Safety Applicant Verification, dated 9.2013</li> <li>6. NCDPS Applicant Verification form, dated 12.2020</li> <li>7. NCDPS Employment Statements form, dated 12.2020</li> </ol>

8. NCDPS Professional Reference Check, dated 12.2020

Interviews:

1. Human Resource Manager

The interview with the Human Resource Manager demonstrated during the hiring process, criminal background checks are completed on each employee and contractor and again within five years of the hire date. During the hiring process, applicants' complete administrative adjudication questions and the Human Resource Manager will complete and document institutional reference checks and attempts on applicable individuals.

Site Review Observation:

By utilizing the PREA Audit Adult Prison & Jail Documentation Review Employee File/ Records template, 14 employee files reviewed demonstrated each had background checks upon hire and within five years, thereafter. The facility was able to demonstrate Administrative questions were asked during the application and promotion processes and institutional references are requested or attempted to be requested, during the hiring process.

(a) The Rutherford Correctional Center PAQ states the agency policy prohibits hiring or promoting anyone who may have contact with inmates and prohibits enlisting the services of any contractor who may have contact with inmates who: (1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997); (2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or (3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.

NCDPS Prisons Policy & Procedures, Policy DPS-PREA-100, page 5, section C. 2., states,

1. "DPS shall not hire or promote anyone who may have contact with offenders, residents, or safekeepers, and shall not enlist the services of any contractor who may have contact with offenders, residents, or safekeepers, who:

i. 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);

ii. 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;

iii. Has a substantiated finding of abuse, neglect, or other rights infringement on any applicable NC registry, criminal justice standards commission, or other licensing authorities or bodies; or iv. Has been civilly or administratively adjudicated to have engaged in the activities described in this section.

2. In the event an employee is alleged to have engaged in any of the activities described in Sections IV.C.1.i-iv, they will be reassigned from all offender, resident, and safekeeper contact and management will consult with the DPS PREA Office, DPS Central Human Resources, and the DPS Office of the General Counsel to determine whether an internal investigation is required in accordance with the DPS-SI-100 OSI Authority to Conduct Investigations policy.”

The facility provided an NCDPS Employee Statement, demonstrating applicants have affirmed they have not engaged in sexual harassment and sexual abuse, upon hire.

The facility provided an NCDPS Employee Statement, demonstrating staff have affirmed they have not engaged in sexual harassment and sexual abuse, upon promotion.

The facility provided NCDPS Applicant Verification where applicant affirm agreement with PREA hiring and Promotion Prohibitions in relation to 115.317.

The facility provided NCDPS Public Safety Professional Reference Check demonstrating institutional reference questions are asked for applicable applicants.

The facility provided a NCDPS Criminal History Record Check demonstrating the applicant has no convictions, traffic violations other than those that are considered minor.

(b) The Rutherford Correctional Center PAQ states agency policy requires the consideration of any incidents of sexual harassment when determining to hire and or promote anyone, or to enlist services of any contractor, who may have contact with inmates.



NCDPS Prisons Policy & Procedures, Policy DPS-PREA-100, page 5, section C. 3., states, "DPS shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor or custodial agents, who may have contact with offenders, residents, or safekeepers."

(c) The Rutherford Correctional Center PAQ states agency policy requires that before it hires any new employees who may have contact with inmates, it (a) conducts criminal background record checks, and (b) consistent with federal, state, and local law, makes its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse. In the past 12 months, the number of persons hired who may have contact with inmates who have had criminal background record checks was seven.

NCDPS Prisons Policy & Procedures, Policy DPS-PREA-100, page 5, section C. 4., states, "Before hiring new employees who may have contact with offenders, residents, or safekeepers DPS shall:

- a. Perform a criminal and administrative background records check, to include any applicable North Carolina registry, criminal justice standards commission, or other licensing authorities or bodies; and
- b. Consistent with Federal, State, and local law, make its best effort 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."

(d) The Rutherford Correctional Center PAQ states the agency policy requires that a criminal background records check be completed before enlisting the services of any contractor who may have contact with inmates. In the past 12 months there were zero contracts for services where criminal background record checks were conducted on all contractors covered in the contract who might have contact with inmates. Policy compliance can be found in provision (c) of this standard.

(e) The Rutherford Correctional Center PAQ states the agency requires background checks to be completed every five years.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 6, section C. 5-6, state,

1. "DPS shall perform a criminal background records check before enlisting the

services of any contractor who may have contact with offenders, residents, or safekeepers.

2. For current employees and contractors who may have contact with offenders, residents, or safekeepers, DPS shall conduct criminal background records checks at least once every five years.”

(f) NCDPS Prisons Policy & Procedures, Policy DPS-PREA-100, page 5, page 6, section C. 7, states, “For all applicants and employees who may have contact with offenders, residents, or safekeepers, DPS shall ask about previous misconduct described in this section in written applications, in interviews for hiring or promotions, and in any interviews or written self- evaluations conducted as part of reviews of current employees.”

(g) The Rutherford Correctional Center PAQ states that agency policy states that material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

NCDPS Prisons Policy & Procedures, Policy DPS-PREA-100, page 5, page 6, section C. 8, states, “All employees shall have a continuing affirmative duty to disclose sexual misconduct. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.”

(h) NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 6, section C. 9, states, “Unless prohibited by law, upon receiving a request from an institutional employer for whom an employee or former employee has applied to work, DPS shall provide information on substantiated allegations of sexual abuse or sexual harassment involving the employee or former employee.”

The facility provided a NCDPS Professional Reference Check. Page 2 states and asks the past employer the following: “The NC Department of Public Safety (NCDPS) is required to conduct background checks on all applicants and employees who may have direct contact with offender or resident (juvenile) populations as a requirement by the standards of the Prison Rape Elimination Act (PREA) of 2003 (Public Law 108-79), specifically Hiring and Promotion Prohibitions Standards (§115.17). As part of this background check, we would like to ask you the following question: Are you aware of your employee, being involved in any allegation of sexual abuse or sexual harassment that was found to be true or resigning during a pending investigation of any allegation of sexual abuse or sexual harassment before the investigation was

	<p>finished?"</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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<b>115.18</b>	<b>Upgrades to facilities and technologies</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <p><b>Auditor Discussion</b></p> <p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Correctional Warden I</li> <li>2. PREA Director / Head of Agency</li> </ol> <p>Interviews with facility administrative staff demonstrated the facility has not acquired a new facility or made substantial expansions since the last PREA Audit. The Correctional Warden I explained current cameras were purchased and the Correctional Administrative Sergeant adds and replaces cameras as the facility budget allows.</p> <p>(a) The Rutherford Correctional Center PAQ states the facility has not acquired a new facility or made substantial expansions or modifications to existing facilities since the last PREA audit.</p> <p>(b) The Rutherford Correctional Center PAQ states the facility has installed electronic surveillance system since the last PREA audit.</p> <p>Through such reviews, the facility meets the standard requirements.</p>

<b>115.21</b>	<b>Evidence protocol and forensic medical examinations</b>
	<b>Auditor Overall Determination:</b> Meets Standard

## Auditor Discussion

### Document Review:

1. Rutherford Correctional Center PAQ
2. NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022
3. NCDPS Health Services Policy & Procedure Manual, Policy AD III-1, dated 1.2016
4. Email Correspondence SANE Nurse, dated 3.7.2023
5. Victim Support Memorandum of Agreement, dated 6.20.2022
6. Mutual Aid Agreement with Rutherford Correctional Center and Spindale Police Department, dated 1.5.2023

### Interviews:

1. Registered Nurse

The interview with the Registered Nurse demonstrated she is aware of signs and symptoms of sexual abuse and would immediately report allegations to the Officer in Charge and make arrangements to send inmates to UNC Health Blue Ridge Hospital for forensic exams.

(a) The Rutherford Correctional Center PAQ states the facility is responsible for conducting administrative sexual abuse investigations (including inmate-on-inmate sexual abuse or staff sexual misconduct). The agency/facility is not responsible for conducting criminal sexual abuse investigations (including inmate-on-inmate sexual abuse or staff sexual misconduct).

If another agency has responsibility for conducting either administrative or criminal sexual abuse investigations, the name of the agency that has responsibility is the Spindale Police Department.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 27, section A. i., states, "Investigations into allegations of sexual abuse and sexual harassment, shall be conducted promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports."

(b) The Rutherford Correctional Center PAQ states the protocol is not developmentally appropriate for youth.

The facility provided a NCDPS Health Services Policy & Procedure Manual, Policy#: CP-18, Purpose states, "To provide standardized clinical guidelines for the assessment and treatment of inmates who allege sexual abuse.

Note: This protocol is not intended to be applicable to every clinical situation which practitioners may encounter and is not meant as a substitute for individual judgment and professional expertise."

(c) The Rutherford Correctional Center PAQ states the facility offers all inmates who experience sexual abuse access to forensic medical examinations. Forensic examinations are offered at no cost to the victim. Where possible, all examinations are conducted by SAFE or SANE examiners. There have been zero forensic medical exams performed by a SAFE/SANE exam performed in the last 12 months.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 22-23, section 4. a-b., states,

a. "If an alleged act of sexual abuse has occurred and there may be forensic medical evidence, the offender may need medical assistance, or other circumstances dictate, arrangements shall be promptly made to have the alleged offender-victim examined by medical services.

b. Medical Services will follow medical protocol, which includes provisions for examination, documentation and transport to the local emergency department when appropriate, where the following will occur: collection of forensic evidence, testing for sexually transmitted diseases, counseling, and prophylactic treatment. Medical Services will ensure that the offender receives medical follow-up and is offered a referral for mental health services."

NCDPS Health Services Policy & Procedure Manual, Policy AD III-1, page 4, section 3, states, "If emergency evaluation and/or treatment is provided and the condition is determined to be an emergency or there is an admission to an infirmary or hospital there will be no co-payment charged."

The facility provided email communication from UNC Health, stating the following, "Unfortunately, we do not currently have a SANE nurse. We do train our nurses on how to use the sexual assault kit and the process for chain of custody. For pediatric patients, we call the Gingerbread House in Morganton and they will perform the kit."

On 3.8.2023 at 4:52 pm this Auditor contacted UNC Health Blue Ridge Medical Center at 828.580.5000. After proper introductions and the reason for the call the Charge Nurse in the Emergency Room who explained the facility does not have a SANE; however, the provider on call or on shift can perform the exam.

(d) The Rutherford Correctional Center PAQ states the facility attempts to make a victim advocate from a rape crisis center available to the victim, in person or by other means. All efforts are documented. If a rape crisis center is not available to provide victim advocate services, the facility provides a qualified staff or community member.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 23, section 5. a., states, "Victim Support shall be offered by a PREA Support Person (PSP). The PSP shall: (A) Be made available to provide victim advocate services."

The facility provided a Victim Support Memorandum of Agreement between Rutherford Correctional Center and The Path Shelter, Family Resources of Rutherford County. The agreement states the advocate agency will provide counseling services to survivors of sexual abuse and harassment who are incarcerated at the Rutherford Correctional Center. The agreement appears to be current without an expiration date. The agreement is signed by the Rutherford Institution Head and the Rape Crisis Center Director.

(e) The Rutherford Correctional Center PAQ states a qualified staff or community member accompanies and supports the victim through the forensic medical examination process and investigatory interviews and provides emotional support, crisis intervention, information and referrals.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 22-23, section 5, states, "Victim Support shall be offered by a PREA Support Person (PSP). The PSP shall:

- a. Be made available to provide victim advocate services.
- b. Offender victim of alleged sexual abuse by an employee, contractor, or volunteer, the PSP shall consult with the Warden on a weekly basis for three weeks following the report of sexual abuse to update the victim on the progress of the investigation, answer any questions of the offender victim and provide support.

	<p>c. As requested by the victim, the PREA support person, of the same gender, shall accompany and support the victim through the forensic medical examination process.”</p> <p>(f, g, h) The Rutherford Correctional Center PAQ states the agency is not responsible for investigating administrative or criminal allegations of sexual abuse and relies on another agency to conduct these investigations, the agency has requested that the responsible agency follow the requirements of paragraphs §115.21 (a) through (e) of the standards.</p> <p>The facility provided a Mutual Aid Agreement with Rutherford Correctional Center and Spindale Police Department. The last paragraph of the Agreement states, “Assist with PREA criminal investigation involving staff and offender.”</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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<b>115.22</b>	<b>Policies to ensure referrals of allegations for investigations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Correctional Officers</li> <li>2. Registered Nurse</li> <li>3. Program Director I / Investigator</li> </ol> <p>Staff interviews demonstrated each would immediately report all allegations to the Officer in Charge, contact the medical department, and or follow the Chain of Command when reporting.</p>

Site Review Observation:

The facility has not received an allegation of sexual harassment or sexual abuse in the past 12 months.

(a) The Rutherford Correctional Center PAQ states the agency ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment (including inmate-on-inmate sexual abuse and staff sexual misconduct). In the past 12 months the facility has had three allegations of sexual abuse and sexual harassment that were received. In the past 12 months, the number of allegations resulting in an administrative investigation was zero. In the past 12 months, the number of allegations referred for criminal investigation was zero.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 33-34, section K, states, "CONFIDENTIALITY: The Facility Investigator and all others involved in the PREA process, to the extent possible, will ensure the confidentiality of PREA complaints as well as all data collected through the investigation of those complaints except as required in the following circumstances: (1) to cooperate with law enforcement in any investigation and prosecution of the incidents alleged in such complaints; (2) to take and enforce disciplinary action against any staff member as a result of the incidents alleged in the complaints; (3) to defend against claims brought by the offender for violation of the offender's rights for having been subjected to sexual abuse; and (4) to otherwise comply with the law."

(b-c) The Rutherford Correctional Center PAQ states the agency has policy that requires allegations of sexual abuse or harassment to be referred for investigation to an agency with the legal authority to conduct criminal investigations.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 31, section C. ii., states, "All substantiated reports of staff on offender sexual abuse or sexual harassment shall be reported in writing to the Region Director who will in turn forward the report to the Commissioner of Prisons. The written report shall include evidence to support the substantiation. The Commissioner of Prisons will forward all substantiated incidents of sexual abuse of an offender by staff to the Secretary of the Department of Public Safety, or designee, for referral to the State Bureau of Investigation (SBI) or other law enforcement agency for further investigation."

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual



Harassment Policy, page 30, section B. 1., states, "Reported allegations, including persons involved and preliminary steps taken, shall be documented in OPUS on the PR (PREA) Incident Report within 72 hours of receiving the report. All PREA investigations shall be consulted (referred) to the Region level for final decision."

(d) The Rutherford Correctional Center PAQ states if the agency is responsible for conducting administrative or criminal investigations of alleged sexual abuse, and another state entity has that responsibility, this other entity has a policy governing how such investigations are conducted is not applicable.

The agency policy is available on the agency website at: [https://files.nc.gov/ncdps/documents/files/Divisions/DAC/Prisons/F.340\\_0\\_-\\_Offender\\_Sexual\\_Abuse\\_and\\_Sexual\\_Harrassment.pdf](https://files.nc.gov/ncdps/documents/files/Divisions/DAC/Prisons/F.340_0_-_Offender_Sexual_Abuse_and_Sexual_Harrassment.pdf)

Through such reviews, the facility meets the standard requirements.

115.31	Employee training
	<b>Auditor Overall Determination:</b> Meets Standard
	<p><b>Auditor Discussion</b></p> <p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> <li>3. NCDPS DAC Office of Staff Development and Training 101, dated 7.1.2022</li> <li>4. PREA Staff Training Acknowledgment of Understanding, dated 1.1.2023</li> <li>5. Post Audit: NC Department of Adult Correction Memorandum, Re: Action Plan, dated 3.30.2023</li> <li>6. Post Audit: Training Progress Summary Pie Chart, PREA Sexual Abuse and Sexual Harassment SAH 101 (On-Line)(In-Service) Training Report</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Facility staff</li> </ol>

## 2. Facility Compliance Specialist / PREA Compliance Manager

Interviews with staff demonstrated each were aware of and received initial, annual and refresher PREA training. Facility staff stated training is delivered to them once a year through in-service training attendance at an offsite location, the learning management system twice per year and through shift discussion when a possible topic is being discussed throughout the state.

### Site Observation:

Through utilization of the PREA Audit Adult Prison & Jail Documentation Review Employee File / Records Review template, 13 of 14 employee training files demonstrate annual training had been completed in 2021. 10 of 14 employee training files demonstrate refresher training has not been completed in the past two or more years.

### Action Plan:

- The facility to have employees complete refresher training. Post audit, the facility provided a Training Progress Summary Pie Chart, PREA Sexual Abuse and Sexual Harassment SAH 101 (On-Line)(In-Service) Training Report. This report demonstrates 29 security staff completed the required refresher training in the month of April 2023.
- The facility to upload completed training documentation to the supplemental files
- The facility/agency to provide a sustainable action plan to ensure training is completed within required timeframes. Post audit, the facility provided a NC Department of Adult Correction Memorandum, from the facility Warden, stating, "Inconsistencies were found concerning training related to PREA standard 115.31. All staff were signed the PREA 101 course in our online training program. Warden Godwin will monitor this to ensure completion. Associate Warden Shelton will monitor all staff training to insure it was correctly entered."

(a) The Rutherford Correctional Center PAQ states the agency trains all employees who may have contact with Inmates in all required provisions of this standard.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 10, section 3., states, "Understanding the Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Population New and current employees shall receive training specific to the care and custody of LGBTI offenders as follows:

- a. Sexual Abuse and Harassment 101/201 in accordance with Chapter F .3400 policy (Annually).
- b. PREA Understanding the LGBTI Offender
- c. Multicultural Awareness training
- d. Professional Ethics in the Workplace
- e. Safe Search Practices (certified staff)
- f. Annual Refresher: All staff shall receive refresher training in accordance with policy.”

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 6, section (a) (1) (A-L), states, “New Employees: shall receive the Sexual Abuse and Harassment 101 training that addresses the following:

- A. The agencies standard of zero-tolerance of sexual abuse and sexual harassment toward offenders, either by staff, contractors, volunteers, or by offenders.
- B. Employees’ responsibilities when responding to sexual abuse and harassment;
- C. Offenders’ right to be free from sexual abuse and sexual harassment;
- D. Offenders’ and employees’ right to be free from retaliation for reporting sexual abuse and harassment;
- E. The dynamics of sexual abuse and sexual harassment in confinement;
- F. Common reactions of sexual abuse and sexual harassment victims;
- G. Detect and respond to signs of threatened and actual sexual abuse;
- H. How to avoid inappropriate relationships with offenders;
- I. How to communicate effectively and professionally with offenders, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming offenders;
- J. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities;
- K. Relevant laws regarding age of consent; and
- L. Unique attributes of working with males and/or females in confinement/ supervision.”

The facility provided a NCDPS DAC Office of Staff Development and Training Plan 101. The plan includes the following components:

1. Identify the "Prison Rape Elimination Act (PREA) of 2003" and the agency's zero-tolerance policy of sexual abuse and sexual harassment for offenders/persons under supervisions.
2. Define sexual abuse and sexual harassment.
3. Define offenders'/persons under supervisions' right to be free from sexual abuse and sexual harassment; and from retaliation for reporting.
4. Identify relevant laws.
5. Define employee responsibilities when responding to sexual abuse and sexual harassment.
6. Define the unique attributes of working with females in confinement/under supervision.
7. Define the unique attributes of working with males in confinement/under supervision.
8. Define the vulnerabilities of persons in confinement/under supervision.
9. Identify the dynamics of sexual abuse and sexual harassment in confinement/under supervision.
10. Identify how to detect signs of threatened and actual sexual abuse in confinement/under supervision.
11. Identify the common reactions to sexual abuse and sexual harassment.
12. Identify methods of avoiding inappropriate relationships with offenders/persons under supervisions. DPS In-Service Training PREA: Sexual Abuse and Sexual Harassment 101 Course Code: DPS-556 Revision Date: 07/01/2022 Academic Checklist Page 2
13. Identify techniques for communicating effectively and professionally with offenders/persons under supervisions including lesbian, gay, bisexual, transgender, intersex (LGBTI) and gender nonconforming populations.

(b) The Rutherford Correctional Center PAQ states training is tailored to the unique needs and attributes and gender of Inmates at the facility. Employees who are reassigned from facilities housing the opposite gender are given additional training.

(c) The Rutherford Correctional Center PAQ states between trainings the agency provides employees who may have contact with inmates with refresher information about current policies regarding sexual abuse and sexual harassment. The facility completes PREA 101 trainings annually.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 7, section (2), states, "All staff shall receive SAH 101 refresher training every two years and receive SAH 201 refresher information during the alternate years on offender sexual abuse and sexual harassment issues emphasizing the zero-tolerance and duty to report, as well as covering current sexual abuse and sexual harassment policies and procedures."

(d) The Rutherford Correctional Center PAQ states the agency documents that employees who may have contact with Inmates, understand the training they have received through employee signature or electronic verification.

The facility provided a PREA Staff Training Acknowledgment of Understanding form. This form documents, "I acknowledge understanding of the Prison Rape Elimination Act of 2003, NC General Statute Chapter 14-27.31, and NCDPS zero-tolerance policy for sexual abuse and sexual harassment. I also acknowledge that I must report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment immediately."

Through such reviews, the facility meets the standard requirements.

<b>115.32</b>	<b>Volunteer and contractor training</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> <li>3. PREA Staff Training Acknowledgment of Understanding, dated 1.1.2023</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Religious Volunteers</li> </ol>

Interviews with two religious volunteers demonstrated each had received information on the facility sexual abuse policy and to report any type of information they may hear or receive regarding allegations of sexual harassment and sexual abuse to the any staff. One volunteer stated the facility is very thorough with their training. Neither volunteer has had to report any type of sexual harassment or sexual abuse allegation.

(a) The Rutherford Correctional Center PAQ states all volunteers and contractors who have contact with Inmates have been trained on their responsibilities under the agency's policies and procedures regarding sexual abuse and harassment prevention, detection, and response. 125 total contract staff and volunteers who have contact with Inmates, have completed the required training.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 7, section (b)(1)(A), states, "Volunteers (with the exception of One-Time volunteers who have no direct contact with offenders), custodial agents, contractors and other persons providing services to offenders:

(i) Shall receive the Sexual Abuse and Harassment 101 training as part of initial orientation which addresses:

- The agencies standard of zero-tolerance of sexual abuse and sexual harassment toward offenders, either by staff, contractors, volunteers, or by offenders; and

- Applicable methods to report incidents of sexual abuse and sexual harassment.

(ii) The application process will not be complete until the volunteer verifies understanding of training by signing the PREA Acknowledgement Form and returning the form to the facility."

(b) The Rutherford Correctional Center PAQ states the level and type of training provided to volunteers and contractors is based on the services they provide and level of contact they have with inmates.

All volunteers and contractors who have contact with inmates have been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

The facility provided a NCDPS DAC Office of Staff Development and Training Plan 101. The plan includes the following components:

1. Identify the "Prison Rape Elimination Act (PREA) of 2003" and the agency's zero-

tolerance policy of sexual abuse and sexual harassment for offenders/persons under supervisions.

2. Define sexual abuse and sexual harassment.
3. Define offenders'/persons under supervisions' right to be free from sexual abuse and sexual harassment; and from retaliation for reporting.
4. Identify relevant laws.
5. Define employee responsibilities when responding to sexual abuse and sexual harassment.
6. Define the unique attributes of working with females in confinement/under supervision.
7. Define the unique attributes of working with males in confinement/under supervision.
8. Define the vulnerabilities of persons in confinement/under supervision.
9. Identify the dynamics of sexual abuse and sexual harassment in confinement/under supervision.
10. Identify how to detect signs of threatened and actual sexual abuse in confinement/under supervision.
11. Identify the common reactions to sexual abuse and sexual harassment.
12. Identify methods of avoiding inappropriate relationships with offenders/persons under supervisions. DPS In-Service Training PREA: Sexual Abuse and Sexual Harassment 101 Course Code: DPS-556 Revision Date: 07/01/2022 Academic Checklist Page 2
13. Identify techniques for communicating effectively and professionally with offenders/persons under supervisions including lesbian, gay, bisexual, transgender, intersex (LGBTI) and gender nonconforming populations.

(c) The Rutherford Correctional Center PAQ states the agency maintains documentation confirming that the volunteers and contractors understand the training they have received.

The facility provided a PREA Staff Training Acknowledgment of Understanding form. This form documents, "I acknowledge understanding of the Prison Rape Elimination Act of 2003, NC General Statute Chapter 14-27.31, and NCDPS zero-tolerance policy for sexual abuse and sexual harassment. I also acknowledge that I must report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual

	<p>harassment immediately.”</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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<b>115.33</b>	<b>Inmate education</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p><b>Auditor Discussion</b></p> <p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> <li>3. NCDPS PREA Prevention Planning DPS-PREA-100, dated 10.11.2021</li> <li>4. Facilitator Talking Points – Inmate Sexual Abuse &amp; Sexual Harassment Intake Upon Transfer, not dated</li> <li>5. NCDPS Reporting – Help Prevent Prison Sexual Violence Flyer, not dated</li> <li>6. NCDPS Offender PREA Education Acknowledgement, dated 10.26.2017</li> <li>7. End the Silence Brochure, dated 2023</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Random offenders</li> <li>2. Targeted offenders</li> <li>3. Correctional Case Manager</li> </ol> <p>Interviews with the 19 random and one targeted offender demonstrated each were provided PREA education of their rights, the agency sexual harassment and sexual abuse policy. Reporting options were provided to inmates upon intake, to include *63 for support services, utilizing hotline numbers posted near payphones, verbally telling staff, PREA information on pamphlets, reporting anonymously and or through filing a sick call, grievances, or a request form.</p> <p>The interview with the Correctional Case Manager demonstrated she provides all</p>



intakes with a complete Orientation Packet to include the agency End the Silence Brochure with internal and external reporting contact information and the Reporting Help Prevent Prison Sexual Violence flyer.

Site Observation:

Through utilization of the PREA Audit Adult Prison & Jail Documentation Review Inmate File / Records Review template demonstrated 15 of 15 inmates received PREA education within 72 hours of intake to include orientation and comprehensive education.

(a) The Rutherford Correctional Center PAQ states Inmates receive information at time of intake about the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment. The number of inmates admitted in the past 12 months who were given this information at intake was 318.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 10, section (d) Offender Education, 1-2, state,

1. "RECEPTION: All offenders shall receive, during reception, information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment, how to report incidents or suspicions of sexual abuse and sexual harassment, prevention/intervention, self-protection, treatment, and counseling (5-ACI-3D
2. INTAKE: All offenders shall receive comprehensive education about sexual abuse and sexual harassment. Such education shall be completed within 30 days of intake and upon transfer to a different facility. (A) Comprehensive education shall include: (i) Offenders' rights to be free from sexual abuse and sexual harassment; (ii) Offenders' rights to be free from retaliation for reporting incidents of sexual abuse and sexual harassment; and (iii) Policies and procedures for responding to incidents of sexual abuse and sexual harassment. (iv) Methods available to offenders for reporting incidents of sexual abuse or sexual harassment internally and to an external agency or entity."

(b) The Rutherford Correctional Center PAQ states the number of those inmates admitted during the past 12 months (whose length of stay in the facility was for 30 days or more) who received comprehensive education on their rights to be free from both sexual abuse and sexual harassment and retaliation for reporting such incidents and on agency policies and procedures for responding to such incidents within 30 days of intake was 240.

(c) The Rutherford Correctional Center PAQ states of those who were not educated during 30 days of intake, all inmates have been subsequently educated. Agency policy requires that inmates who are transferred from one facility to another be educated regarding their rights to be free from both sexual abuse and sexual harassment and retaliation for reporting such incidents and on agency policies and procedures for responding to such incidents, to the extent that the policies and procedures of the new facility differ from those of the previous facility.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 10, section (d) Offender Education, 3, states, "TRANSFER: All offenders shall receive education about sexual abuse and sexual harassment upon transfer to a different facility.

- a. Education shall be completed utilizing the Offender FACTSHEET OPA-T101 Facilitator Talking Points.
- b. Each offender shall receive a copy of the PREA Brochure.
- c. Each offender will sign the Orientation Form and placed in his/her field jacket.
- d. Education for offenders shall be offered by a designated employee at the facility."

(d) The Rutherford Correctional Center PAQ states Inmate PREA education is available in accessible formats for all inmates including those who are limited English proficient, deaf, visually impaired, otherwise disabled or have limited reading skills.

NCDPS PREA Prevention Planning, Policy Number: DPS-PREA-100, page 10, section 9. a-e, states, "Each ACJJ facility shall take appropriate steps to ensure that offenders, residents, and safekeepers with disabilities (including, for example, offenders, residents, and safekeepers who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) and offenders, residents, and safekeepers who are Limited English Proficient, have an equal opportunity to participate in or benefit from all aspects of DPS's efforts to prevent, detect, and respond to sexual abuse and sexual harassment by:

- a. Ensuring effective communication with offenders, residents, and safekeepers who are deaf or hard of hearing, by providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary;
- b. Ensuring that written materials are provided in formats or through methods that ensure effective communication with offenders, residents, and safekeepers with disabilities;
- c. Providing interpreters who can interpret effectively, accurately, and impartially,

both receptively and expressively, using any necessary specialized vocabulary; and

d. Not relying on offender, resident or safekeeper interpreters, readers, or other types of assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the offender, resident, or safekeeper's safety, the performance of first-response duties under PREA standards §115.64, 115.264, and 115.364 or the investigation of the offender, resident, or safekeeper's allegations.

e. ACJJ facilities are not required to take actions they can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under Title II of the Americans with Disabilities Act, 28 CFR 35.164."

The facility provided Facilitator Talking Points – Inmate Sexual Abuse & Sexual Harassment Intake Upon Transfer. Talking points include the following:

1. Inmates' rights to be free from sexual abuse and sexual harassment.
2. How you can report an allegation
3. What you need to know about our response to allegations
4. Outside Confidential Support Services for victims of sexual abuse and sexual harassment

(e) The Rutherford Correctional Center PAQ states the facility maintains documentation of inmate participation in PREA education sessions.

The facility provided a NCDPS Offender PREA Education Acknowledgement. The acknowledgement is signed and dated by the offender and a witness attesting to the following. "The North Carolina Department of Public Safety has committed to a standard of zero-tolerance of sexual abuse and sexual harassment of offenders either by staff, offenders, volunteers, contracted agents, or individuals having custody of or responsibility for the safety, security, care, and/or treatment of offenders. Sexual acts between an offender and departmental staff, correctional agents, agency vendors, and volunteers will not be tolerated and these relationships are criminal and may be prosecuted under state and federal statutes. I have received education on the Prison Rape Elimination Act, information on Rape Crisis Center services, and have been afforded an opportunity to ask questions related to the material presented. I understand that I am encouraged to report any threat or occurrence of undue familiarity or offender sexual abuse and harassment to Department of Public Safety staff so that any potential victim may be protected and the abuser can be prosecuted to the fullest extent of the law."

(f) The Rutherford Correctional Center PAQ states the agency ensures that key information about the agency's PREA policies is continuously and readily available or visible through posters, inmate handbooks, or other written formats.

The facility provided a NCDPS Reporting - Help Prevent Prison Sexual Violence Flyer. This flyer provides instruction on:

- Offender Reporting
  - o To any departmental employee
  - o Through the administrative remedy process (grievance)
  - o By writing to the PREA Office at MSC 4201, Raleigh, NC
  - o To a Third Party - including family members, friends, and outside organizations, or
  - o To the local rape crisis center
  - o Externally to Project Offender Reporting Sexual Abuse (Dial 1.972.535.3499)
  - o Note: Anonymous reports will be investigated

The facility provided an End the Silence Brochure. The brochure includes the following topics.

- Zero Tolerance
- What is Sexual Harassment
- What is Sexual Abuse
- What is Staff Voyeurism
- Examples of Staff Voyeurism
- Tips for Avoiding Sexual Abuse and Sexual Harassment
- Right to Report
- How to Report
- External Reporting Option
- If you are abused
- What to Do if You Have Been Sexually Abused

	<p>· Notice for Failure to Report</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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<b>115.34</b>	<b>Specialized training: Investigations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> <li>3. NCDPS In-Service Specialized Investigations: Sexual Abuse and Harassment Response and Investigations, dated 1.31.2013</li> <li>4. PREA: Sexual Abuse and Sexual Harassment Investigator’s Training Certificates</li> </ol> <p>Interviews and on site file review:</p> <ol style="list-style-type: none"> <li>1. Program Director I / Investigator</li> </ol> <p>Interviews with the Investigator and personnel file review demonstrated that the investigator had completed investigator training through the NCDPS Investigator curriculum. File review demonstrated the investigator completed annual training as mandated in 115.31; however, she is one employee mentioned in § 115.31 who needs to complete refresher training.</p> <p>(a) The Rutherford Correctional Center PAQ states the agency policy requires that investigators are trained in conducting sexual abuse investigations in confinement settings.</p> <p style="text-align: center;">NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 9, section C. 1., states, “Investigators: Sexual Abuse and Harassment</p>

- A. Shall complete appropriate employee training defined in section .3406(a)
- B. Shall receive training on conducting sexual abuse and harassment investigations in a confinement setting. Such training shall include:
- (i) Techniques for interviewing sexual abuse victims;
  - (ii) Proper use of Miranda and Garrity Warnings;
  - (iii) Sexual abuse evidence collection in a confinement setting; and
  - (iv) Criteria and evidence required to substantiate a case for administrative action or prosecution referral.
- C. Completion of training shall be documented on form OSDT-1 and in appropriate agency training tracking system.”

(b) The agency states investigator training has been completed on the National Institute for Corrections Specialized Investigator training website, which includes techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The facility provided a NCDPS In-Service Specialized Investigations: Sexual Abuse and Harassment Response and Investigations curriculum. The course introduced the following:

- Provides an overview of the PREA standards relevant to investigations, including a discussion of the compliance requirements of each.
- Describes effective interviewing techniques, including those specifically targeted to women, and minority populations.
- A discussion on how an organization’s culture can affect or influence an investigation as well as how to develop positive cultural norms.
- Explanation of the need for a coordinated response in a reported sexual abuse or sexual harassment incident and explores the unique characteristics of investigations in a confinement setting.
- Guidance on conducting administrative investigations, relevant agency policies and North Carolina General Statutes.

	<p>· Presents information that will help investigators understand and work effectively with victims of sexual abuse and/or sexual harassment.</p> <p>(c) The Rutherford Correctional Center PAQ states the agency shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations. The facility has two employees who have completed investigator training.</p> <p>The facility provided two employee PREA: Sexual Abuse and Sexual Harassment Investigator’s training information from the agency training database.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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<b>115.35</b>	<b>Specialized training: Medical and mental health care</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> <li>3. Sexual Abuse and Sexual Harassment Medical and Mental Health Response Course #0011725, dated 6.1.2015</li> <li>4. Training Records</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Registered Nurse</li> <li>2. Western Region Mental Health Licensed Psychological Associate</li> </ol> <p>Interviews demonstrated medical and mental health staff interviewed spoke to completing annual PREA training as well as completing specialized medical and mental health training and the proper protocols of reporting, separating victims from abusive situations, acute and follow up care in accordance with their department responsibilities.</p>

Site Observation:

Medical and mental health staff certifications were uploaded to the on line audit system during the pre-audit phase.

(a) The Rutherford Correctional Center PAQ states the agency has a policy related to the training of medical and mental health practitioners who work regularly in its facilities. one staff, 100% of medical and mental health staff who work at the facility who have received training required by agency policy.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 9-10, section 2. A-C, states, "Medical and Mental Health care practitioners:

A. Shall complete mandated training defined in section .3406(a) for Employees; or mandated training defined in section .3406(b) for Volunteers, Custodial Agents, Contractors, and Other Persons Providing Services to Offenders for contractors. All full- and part-time medical and mental health care practitioners who work regularly in its facilities shall be trained in:

- I. Detecting and assessing signs of sexual abuse and sexual harassment;
- II. Preserving physical evidence of sexual abuse;
- III. Responding effectively and professionally to victims of sexual abuse and sexual harassment; and
- IV. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

B. Verification of employee training shall be documented on form OSDT-1 and in appropriate agency training tracking system."

The facility provided a Sexual Abuse and Sexual Harassment Medical and Mental Health Response Course #0011725. The curriculum includes the following objectives.

1. Define PREA - Prison Rape Elimination Act
2. Describe how and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
3. Describe how to detect and assess signs of sexual abuse and sexual harassment.



	<p>4. Describe how to respond effectively to victims of sexual abuse and sexual harassment.</p> <p>5. Describe how to preserve physical evidence of sexual abuse within the scope of the facility, per policy CP-18.</p> <p>(b) The Rutherford Correctional Center PAQ states their medical staff do not conduct forensic medical exams.</p> <p>(c) The Rutherford Correctional Center PAQ states the agency maintains documentation showing that medical and mental health practitioners have completed the required training.</p> <p>The facility provided training records demonstrating medical and mental health staff have completed PREA Sexual Abuse and Sexual Harassment Medical and Mental Health Response training.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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<b>115.41</b>	<b>Screening for risk of victimization and abusiveness</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> <li>3. NCDPS OPA-S010 Screening for Risk, dated 10.18.2021</li> <li>4. Post Audit: Warden Memorandum, RE: Action Plan 115.41, dated 3.30.2023</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Random offenders</li> </ol>

2. Targeted offenders
3. Correctional Case Manager
4. Program Director I

Interviews with offenders demonstrated most had remembered being asked risk questions during the intake process and could remember being asked like questions again within two to three weeks of their intake date.

Interviews with the Correctional Case Manager demonstrated that risk assessments are completed with each offender upon admission and or at least within 72 hours of intake. The Correctional Case Manager stated that the OPUS system flags Offenders within 15 days of intake to remind them to reassess again, within 30 days of the intake date.

The Program Director stated she assigns intakes to Case Managers within three days of intake.

#### Site Observation:

Through utilization of the PREA Audit Adult Prison & Jail Documentation Review Inmate File / Records Review template, five of 15 offender risk screenings were completed outside of the required 72-hour time frame and three of 15 offender 30 day re-assessments were completed outside of the 30 day requirement.

#### Action Plan:

Facility Warden to provide a memorandum with a sustainable action plan to ensure risk assessments are completed within the required timeframe. During the onsite review, the facility provided the requested memorandum, stating, "During the Case Management PREA intake screening audit, inconsistencies were found. To remedy this, the following actions will take place. Program Director will assign the offender with 72 hours of their arrival to the facility. In the absence of the Program Director, offenders will be assigned by Program Supervisor or by Case Manager. Program Director will also monitor programs staff to ensure offenders are screened in compliance with PREA standard 115.41."

(a) The Rutherford Correctional Center PAQ states the facility has a policy that requires screening, upon admission or transfer, for risk of sexual abuse victimization or sexual abusiveness toward other Inmates.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 11-12, section (e) General Provision, (1)(A) states, "Screening for risk of victimization and abusiveness:

A. All offenders and safekeepers shall receive a screening inventory, administered via the web-based OPUS intake system, within 24 hours after admission to Prisons (5-ACI-3D-10). Diagnostic Services staff shall conduct screening to determine an offender's risk of being sexually abused by other offenders or their risk of being sexually abusive towards other offenders (5-ACI-3D-12, 5-ACI-3D-13). The screening shall use an objective screening instrument that obtains the following minimum biographical data about the offender:

- (i) Whether the offender has a mental, physical, or developmental disability;
- (ii) The age of the offender;
- (iii) The physical build of the offender;
- (iv) Whether the offender has previously been incarcerated;
- (v) Whether the offender's criminal history is exclusively nonviolent;
- (vi) Whether the offender has prior convictions for sex offenses against an adult or child;
- (vii) Whether the offender is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- (viii) Whether the offender has previously experienced sexual victimization;
- (ix) The offender's own perception of vulnerability; (x) Whether the offender is detained solely for civil immigration purposes; and
- (x) The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing offenders for risk of being sexually abusive."

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 12, section (G), states, "Upon transfer to another facility, within 24 hours, the PCM and/or OIC shall review an offender's risk of victimization and abusiveness by reviewing the dashboard and acknowledging housing placement is appropriate."

(b) The Rutherford Correctional Center PAQ states the number of inmates entering the facility (either through intake or transfer) within the past 12 months (whose

length of stay in the facility was for 72 hours or more) who were screened for risk of sexual victimization or risk of sexually abusing other inmates with 72 hours of their entry into the facility was 311, 100% of inmates. Policy compliance can be found in provision (a) of this standard.

(c-e) The Rutherford Correctional Center PAQ states the facility conducts risk assessments by using an objective screening instrument. The facility does not house offenders solely for civil immigration purposes.

The facility provided a NCDPS OPA-S010 Screening for Risk. The screening includes the following components:

A. Ask the Person in Confinement

1. (§115.41(d)1-3 and 115.241(d)1-3 (fig.1, q.1-3, 10)

i. General information such as gender, body build, race, age, date of birth, and height

ii. Health class information to include physical capability and mental health

iii. Education level to include: Highest grade completed (if Person in Confinement is a HS graduate or has a GED? Years of college-if applicable

iv. If the Person in Confinement has any ADA status requirements?

v. Status as Developmental Disability?

2. (§115.41(d)4-6 and 115.241(d)4-6 (fig.1, q.4-6)

i. Previous incarceration

ii. Criminal History (Fig 2)

iii. Prior convictions for sex offenses against an adult or child

Note: This information reassesses in the event new charges have been added.

3. (§115.41(d)7-9 and 115.241(d)7-9 (fig.1, q.7,11-13)

i. If the Person in Confinement is gay, lesbian, bisexual, transgender, intersex, or gender non-conforming

ii. If the Person in Confinement has experienced prior sexual victimization

iii. Offender's/resident's own perception of vulnerability (115.81(a-c)), they will be afforded an opportunity for a follow-up meeting with mental health. (fig.1, q.13)

B. Observe the Person in Confinement

1. (§115.41(d)7 and 115.241(d)7 (fig.1, q.14)

Does the screener perceive the Person in Confinement to be gay, lesbian, bisexual, transgender, intersex or gender nonconforming?

C. Alerts and Referrals

1. An automatic referral is made to mental health when there is a "Yes" response to any question 1-6."

(f) The Rutherford Correctional Center PAQ states the policy requires that the facility reassess each inmate's risk of victimization or abusiveness within a set time period, not to exceed 30 days after the inmate's arrival at the facility, based upon any additional, relevant information received by the facility since the intake screening. The number of inmates entering the facility (either through intake or transfer) within the past 12 months (whose length of stay in the facility was for 30 days or more) who were reassessed for their risk of sexual victimization or of being sexually abusive with 30 days after their arrival at the facility based upon any additional relevant information received since intake was 347. The Case Managers are the only staff who access to the completed risk screening.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 12, section (F), states, "Within a set time period, not to exceed 30 days from the offender's arrival at the facility, the facility will reassess the offender's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening."

(g) The Rutherford Correctional Center PAQ states the policy requires that an inmate's risk level be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 13, section (H), states, "An offender's risk level shall be

reassessed when warranted due to a referral, request, incident of sexual abuse and/or sexual harassment, or receipt of additional information that bears on the offender’s risk for sexual victimization or abusiveness.”

(h) The Rutherford Correctional Center PAQ states the policy prohibits disciplining inmates for refusing to answer (or for not disclosing complete information related to) questions regarding: (a) whether or not the inmate has a mental, physical, or developmental disability; (b) whether or not the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming; (c) whether or not the inmate has previously experienced sexual victimization; and (d) the inmate's own perception of vulnerability.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 12, section (E), states, “Offenders may not be disciplined for refusing to answer or for not disclosing complete information during screening or assessment.”

(i) NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 11, section (D), states, “The responses to the MHSI, are confidential; therefore, the facility shall implement appropriate controls on the dissemination of responses to questions asked in order to ensure that sensitive information is not exploited to the offender’s detriment by staff or other offenders.”

Through such reviews, the facility meets the standard requirements.

<b>115.42</b>	<b>Use of screening information</b>
	<b>Auditor Overall Determination:</b> Exceeds Standard
	<b>Auditor Discussion</b>
	<p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> <li>3. Screen Print - PREA Report – High Risk Aggressor</li> <li>4. Screen Print - PREA Report – High Risk for Victimization</li> </ol>

Interviews:

1. Facility Compliance Specialist / PREA Compliance Manager
2. Program Director I
3. Correctional Warden I
4. PREA Director / Head of Agency

Interviews with administrative staff demonstrated the PREA Director, Agency Program Analysts, Facility Compliance Specialist, Associate Wardens and Wardens and Program Director I are the only personnel who have access to completed risk assessment. Interviews demonstrated the facility has specific housing assignments for potential victims and are kept separate from potential abusers. After review of inmate incident history through the classification process, work and education assignments are assigned in kind to ensure cross over of potential victims and abusers does not occur within the facility. Sergeants are the only staff who are able to assign and or make changes to room assignment.

The interview with the PREA Director demonstrated the agency has a Transgender Accommodation Review Committee that reviews all special requests from individual transgender inmates. In addition, the PREA Director stated the agency system will not allow potential victims and potential aggressors to be placed in work or education assignments at the same time, preventing any possible ongoing victimization and or perpetration incidents from taking place.

Site Observation:

Review of staff protocols and inmate placement in particular dorms and dorm placement, demonstrated thought and consideration is placed on inmates who could be considered victims and or aggressors in order to ensure sexual safety throughout the facility.

(a) The Rutherford Correctional Center PAQ states the facility uses information from the risk screening required by §115.341 to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 13-14, section (3) Use of screening information, (C) states,

“Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.”

The facility provided a screen print of a PREA Report - High Risk Aggressor. The report includes the following information:

- Action
- Last reviewed (all dates 2.2023)
- OPUS #
- Inmate Name
- Facility
- Bed/Cell
- Sex Offender
- Primary Assignment
- MH Grade
- Control
- Projected Release
- Conflict

The facility provided a screen print of a PREA Report - High Risk for Victimization. The report includes the following information:

- Action
- Last reviewed (all dates 2.2023)
- OPUS #
- Inmate Name
- Facility
- Bed/Cell
- Primary Assignment



- MH Grade
- Control
- Projected Release

(b) The Rutherford Correctional Center PAQ states the agency/facility makes individualized determinations about how to ensure the safety of each inmate. Policy compliance can be found in provision (a) of this standard.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 15, section 3 (B)(iv), states, “) The facility shall make individualized determination for bed assignments, based on facility housing designs, to ensure the safety of each offender.”

(c) The Rutherford Correctional Center PAQ states the agency/facility makes housing and program assignments for transgender, or intersex inmates in the facility on a case-by-case bases.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 15, section (E) states, “In deciding whether to assign a transgender or intersex offender to a facility for male or female offenders, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the offender’s health and safety, and whether the placement would present management or security problems.”

(d) NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 15, section (F) states, “Placement and programming assignments for each transgender or intersex offender shall be reassessed by the case manager at least twice each year to review any threats to safety experienced by the offender.”

(e) NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 15, section (G) states, “A transgender or intersex offender’s own views with respect to his or her own safety shall be given serious consideration.”

(f) NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 16, section (H) states, "Transgender and intersex offenders shall be given the opportunity to shower separately from other offenders."

(g) NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 14, section (I) states, "The agency shall not place lesbian, gay, bisexual, transgender, or intersex offenders in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such offenders."

Through such reviews, of the agency Transgender Accommodation Review Committee and agency database not allowing potential victims and potential aggressors to be assigned work and or education assignments to take place at the same time, the facility exceeds the standard requirements.

<b>115.43</b>	<b>Protective Custody</b>
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	<b>Auditor Overall Determination:</b> Meets Standard
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	<b>Auditor Discussion</b>
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Document Review:

1. Rutherford Correctional Center PAQ
2. NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022

Interviews:

1. Sergeant I
2. Warden

Interviews administrative staff demonstrated protective custody is not utilized in this facility.

(a) The Rutherford Correctional Center PAQ states the agency has a policy prohibiting the placement of inmates at high risk for sexual victimization in involuntary segregated housing unless and an assessment of all available alternatives

has been made and a determination has been made that there is not available alternative means of separation from likely abusers. The number of inmates at risk of sexual victimization who were held in involuntary segregated housing the past 12 months for one to 24 hours awaiting completion of assessment was zero.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 16, section (4)(A) Protective Custody A., states, "Offenders at high risk for sexual victimization shall not be placed in restrictive 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 (5-ACI-4B-34). If a facility cannot conduct such an assessment immediately, the facility may hold the offender in restrictive housing for less than 24 hours while completing the assessment."

(b) NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 16, section (4) (B)., states, "Offenders placed in restrictive housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document:

- i. The opportunities that have been limited;
- ii. The duration of the limitation; and
- iii. The reasons for such limitations."

(c) The Rutherford Correctional Center PAQ states the number of inmates at risk of sexual victimization who were assigned to involuntary segregated housing in the past 12 months, for longer than 30 days while awaiting alternative placement was zero.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 17, section (4) (C)., states, "The facility shall assign such offenders to restrictive housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.

(i) Alternative placements can include, but are not limited to, the following temporary options:

- Relocation to a different housing unit;

- Placement in a cell or bed closer to the Corrections Officer’s desk within the unit;
- Any other housing area that the facility head or designee deems appropriate to separate from likely abusers.”

(d) The Rutherford Correctional Center PAQ states from a review of case files of inmates at risk of sexual victimization who were held in involuntary segregated housing in the past 12 months, the number of case files that include BOTH (a) a statement of the basis for facilities concern for the inmate’s safety, and (b) the reason or reason why alternative means of separation could not be arranged was zero.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 17, section (4)(D), states, “If a restrictive housing assignment is made pursuant to paragraph (a) of this section, the facility shall clearly document:

- i. The basis for the facility’s concern for the offender’s safety; and
- ii. The reason why no alternative means of separation can be arranged.
- iii. The other alternative means for separation that were explored;

(e) The Rutherford Correctional Center PAQ states if an involuntary segregated housing assignment is made, the facility affords each such inmate a review every 30 days to determine whether there is a continuing need for separation from the general population.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 17, section (4)(E), states, “Every 30 days, the facility shall afford each such offender a review to determine whether there is a continuing need for separation from the general population.”

Through such reviews, the facility meets the standard requirements.

<b>115.51</b>	<b>Inmate reporting</b>
	<b>Auditor Overall Determination:</b> Meets Standard

## Auditor Discussion

### Document Review:

1. Rutherford Correctional Center PAQ
2. NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022
3. NCDPS Reporting - Help Prevent Prison Sexual Violence Flyer, dated 1.24.2022
4. End the Silence Brochure, dated 1.2023

### Interviews:

1. Random offenders
2. Targeted offenders
3. Correctional Officers

Interviews with the 19 random and one targeted offender demonstrated each were provided PREA education of their rights, the agency sexual harassment and sexual abuse policy. Reporting options were provided to inmates upon intake, to include \*63 for support services, utilizing hotline numbers posted near payphones, verbally telling staff, PREA information on pamphlets, reporting anonymously and or through filing a sick call, grievances, or a request form.

Correctional Officers stated they would accept and report any type of allegation received, heard or rumored regarding sexual harassment and sexual abuse to the Officer in Charge.

### Site Observations:

Standardized bulletin boards with Audit Notices, PREA Zero-Tolerance, Break the Silence, Prison Rape Elimination Act, Help Prevent Prison Sexual Violence and Red Flag flyers with internal and external reporting information for offenders.

(a) The Rutherford Correctional Center PAQ states the agency has established procedures allowing for multiple internal ways for inmates to report privately to agency officials about: (a) sexual abuse or sexual harassment; (b) retaliation by other inmates or staff for reporting sexual abuse and sexual harassment; and (c) staff neglect or violation of responsibilities that may have contributed to such incidents.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 18, section (f)(1)(A)(i), states, "Multiple internal ways shall be provided for offenders to privately report sexual abuse and sexual harassment, retaliation by other offenders or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents."

The facility provided a NCDPS Reporting - Help Prevent Prison Sexual Violence Flyer. This flyer provides instruction on:

- Offender Reporting
  - o To any departmental employee
  - o Through the administrative remedy process (grievance)
  - o By writing to the PREA Office at MSC 4201, Raleigh, NC
  - o To a Third Party - including family members, friends, and outside organizations, or
  - o To the local rape crisis center
  - o Externally to Project Offender Reporting Sexual Abuse (Dial 1.972.535.3499)
  - o Note: Anonymous reports will be investigated

The facility provided an End the Silence Brochure. The brochure includes the following topics.

- Zero Tolerance
- What is Sexual Harassment
- What is Sexual Abuse
- What is Staff Voyeurism
- Examples of Staff Voyeurism
- Tips for Avoiding Sexual Abuse and Sexual Harassment
- Right to Report
- How to Report
- External Reporting Option

- If you are abused
- What to Do if You Have Been Sexually Abused
- Notice for Failure to Report

(b) The Rutherford Correctional Center PAQ states facility provides at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency. The agency does not have a policy requiring inmates detained solely for civil immigration purposes be provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 18, section (f)(ii), states, "At least one way shall be provided for offenders to report abuse or sexual harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward offender reports of sexual abuse and sexual harassment to agency officials, allowing the offender to remain anonymous upon request. There shall also be no time limit on when an offender may report sexual misconduct."

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 18, section (f) Reporting and Investigation of Sexual Abuse and Sexual Harassment, (1)(A)(iii), states, "Offenders detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the US Department of Homeland Security."

(c) The Rutherford Correctional Center PAQ states the agency has a policy mandating that staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties. Staff are required to document verbal reports.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 18, section (f) Reporting and Investigation of Sexual Abuse and Sexual Harassment, (1)(A)(iv), states, "Ways of reporting incidents of sexual abuse and harassment:

- i. To any Department of Public Safety employee;
- ii. Administrative remedy process;

- iii. PREA/Grievance locked box where applicable; and
- iv. Toll free telephone number for reporting directly to an external agency or entity, incidents of sexual abuse and sexual harassment.”

(d) The Rutherford Correctional Center PAQ states the agency has established procedures for staff to privately report sexual abuse and sexual harassment of inmates.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 17, section (C) Staff and Agency Reporting Duties, state,

(i) All staff are required to report immediately 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.

(ii) Staff has a duty to report any allegations that offenders are having sexual relationships with other offenders or with staff.

(iii) Any retaliation against offenders or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

(iv) Staff may report allegations privately. Ways to report include but are not limited to:

i. The PREA office by email at [PREA@ncdps.gov](mailto:PREA@ncdps.gov), or by telephone at (919) 825-2754.

ii. Anonymously by contacting the Fraud, Waste, Abuse & Misconduct Hotline at (844) 208-4018.

iii. Local law enforcement agency.

(v) All reports of sexual abuse and sexual harassment, however made, are to be forwarded to the Facility Head and the PREA Office.”

Through such reviews, the facility meets the standard requirements.

<b>115.52</b>	<b>Exhaustion of administrative remedies</b>
	<b>Auditor Overall Determination:</b> Meets Standard



## Auditor Discussion

### Document Review:

1. Rutherford Correctional Center PAQ
2. NCDPS Policy & Procedures Chapter G.0300 Administrative Remedy Procedure, dated 12.18.2021

### Interviews:

1. Random offenders
2. Targeted offenders
3. Facility Compliance Specialist / PREA Compliance Manager
4. Correctional Warden I

Offenders interviewed were aware of the grievance procedures, stated grievances are available at the Correctional Officer desk and are provided without ever having an issue. Offenders stated they have access to or have writing utensils at all times.

### Site Observation:

Grievance and mail boxes were observed near the Correctional Officer desks in each dorm. Boxes were locked with a padlock.

(a) The Rutherford Correctional Center PAQ states the agency has an administrative procedure for dealing with Inmate grievances regarding sexual abuse.

NCDPS Policy & Procedures Chapter G.0300 Administrative Remedy Procedure, page 1, section (a)-(d), state, “

a. “The policy of the North Carolina Department of Public Safety is to provide inmates an opportunity for administrative settlement of legitimate grievances. Most grievances can be resolved quickly through informal communication with responsible authorities at the facility in which the problem arose. An inmate should be encouraged to use this method prior to the initiation of a formal grievance. When this method is not possible, the Department of Public Safety seeks to reduce tension and provide a stable atmosphere by providing formal channels of communication of grievances.

b. A grievance is a written complaint by an inmate on the inmate's own behalf

concerning an action, incident, policy, or condition within the facility or within Prisons as a whole.

c. The Administrative Remedy Procedure shall afford a successful grievant a meaningful remedy to include but not be limited to, an order requiring that specific action be taken, modification of Prisons policy, restoration or restitution for personal property, and such other remedies that will meaningfully resolve the grievance presented.

d. Employees who intentionally obstruct the grievance process shall be subject to disciplinary action.”

(b) The Rutherford Correctional Center PAQ states agency policy or procedure allows an inmate to submit a grievance regarding an allegation of sexual abuse at any time, regardless of when the incident is alleged to have occurred.

NCDPS Policies & Procedures Chapter G Section .0300, page 6, section (c) 1-3, states,  
“

“If an emergency grievance alleges an inmate is subject to a substantial risk for imminent sexual abuse, the facility shall:

1. immediately forward the grievance (or any portion thereof that alleges such substantial risk) to a level of review at which immediate corrective action can be taken,
2. provide an initial response with 48 hours, and
3. issue a final agency decision with 5 calendar days.

The initial response and final agency decision shall document the agency’s determination that the inmate is at substantial risk of imminent sexual abuse about and the action taken in response to the emergency grievance.”

(c) The Rutherford Correctional Center PAQ states the agency’s policy and procedure allows an inmate to submit a grievance alleging sexual abuse without submitting it to the staff member who is the subject of the complaint. The agency’s policy and procedure requires that an inmate grievance alleging sexual abuse not be referred to the staff member who is the subject of the complaint.

NCDPS Policies & Procedures Chapter G Section .0300, page 3, section .0305

Screening Officer, states, "Facility Heads will appoint one or more screening officers to review grievances and decide whether they should be accepted or rejected under the criteria set forth in Sections .0304 and .0306 herein. Facility Heads may designate screening officers or screen grievances themselves. The appointment of fair and knowledgeable screening officers will insure compliance with the grievance procedure and facilitate mediation of grievances at the facility level. No employee who appears to be involved in a grievance shall participate in any capacity in the resolution process, except as a witness where necessary. In addition, no employee who appears to be involved in an inmate sexual abuse or harassment allegation shall accept a grievance which suggests such personal involvement or shall participate in any capacity in the response to the grievance."

(d) The Rutherford Correctional Center PAQ states the agency's policy and procedures that require a decision on the merits of any grievance or portion of a grievance alleging sexual abuse be made within 90 days of the filing of the grievance. In the past 12 months there were zero grievances.

NCDPS Policy & Procedures Chapter G.0300 Administrative Remedy Procedure, page 4, section .0307 Time Limits (a), states, "From filing to final disposition, all grievances shall be processed within ninety (90) days. For purpose of counting days under the grievance procedure, all references to days shall be interpreted to mean calendar days. The 90-day period commences the day after the grievance has been accepted."

NCDPS Policy & Procedures Chapter G.0300 Administrative Remedy Procedure, page 5-6, section .0307 Time Limits (5)(6), state,

5. "If at any level of the administrative remedy process, including the final level, the inmate does not receive a response within the time provided for reply, including any properly noticed extension, the absence of a response shall be a denial at that level which the inmate may appeal, but the 24 hours' time limit to request an appeal does not begin until the inmate receives a written denial.

6. Prisons may grant an extension of time to respond for up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the inmate in writing of any such extension and provide a date by which a decision will be made."

(e) The Rutherford Correctional Center PAQ states agency policy and procedure permits third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and to file such requests on behalf of inmates. Agency policy and procedure requires that if an inmate

declines to have third-party assistance in filing a grievance alleging sexual abuse, the agency documents the inmate's decision to decline. The number of grievances alleging sexual abuse filed by inmates in the past 12 months in which the inmate declined third-party assistance, containing documentation of the inmate's decision to decline was zero.

NCDPS Policy & Procedures Chapter G.0300 Administrative Remedy Procedure, page 2, section .0302 Accessibility, section (4), states, "Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates shall be permitted to assist inmates in submitting a grievance relating to allegations of sexual abuse and shall be permitted to submit such a grievance on behalf of an inmate. If a third party submits a grievance on behalf of an inmate, the facility may require, as a condition of processing the grievance, that the alleged victim agree to have the grievance submitted on his or her behalf and also may require the alleged victim personally to pursue any subsequent steps in the grievance process. If the inmate declines to have the grievance processed on his or her behalf, the facility shall document the inmate's decision. (A)

If the inmate declines to have the grievance processed on his or her behalf, the facility shall document the inmate's decision."

(f) The Rutherford Correctional Center PAQ states the facility has a policy and established procedures for filing an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse. The facilities policy and procedures for emergency grievances alleging substantial risk of imminent sexual abuse require an initial response within 48 hours. The facilities policy and procedure for emergency grievances alleging substantial risk of imminent sexual abuse require that a final agency decision be issued within five days. Zero grievances were received alleging substantial risk of imminent sexual abuse, that were filed in the past 12 months.

NCDPS Policy & Procedures Chapter G.0300 Administrative Remedy Procedure, page 2, section .0308 Emergency Grievances, section (e), states, "If an emergency grievance alleges an inmate is subject to a substantial risk for imminent sexual abuse, the facility shall:

1. immediately forward the grievance (or any portion thereof that alleges such substantial risk) to a level of review at which immediate corrective action can be taken,
2. provide an initial response with 48 hours, and

3. issue a final agency decision with 5 calendar days.

The initial response and final agency decision shall document the agency's determination that the inmate is at substantial risk of imminent sexual abuse about and the action taken in response to the emergency grievance."

(g) The Rutherford Correctional Center PAQ states the facility has a written policy that limits its ability to discipline an inmate for filing a grievance alleging sexual abuse to occasions where the agency demonstrates that the Inmate filed the grievance in bad faith. In the past 12 months, there have been zero grievances alleging sexual abuse to occasions where the agency demonstrated that the Inmate filed the grievance in bad faith.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 31, section (4) Offenders, (e), states, "For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation."

Through such reviews, the facility meets the standard requirements.

115.53	Inmate access to outside confidential support services
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>  Document Review: <ol style="list-style-type: none"><li>1. Rutherford Correctional Center PAQ</li><li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li><li>3. Victim Support Memorandum of Agreement, dated 6.20.2022</li></ol> Interviews:

2. Random offenders
3. Targeted offenders
4. Correctional Officers
5. Specialized staff

During the tour, and informal and formal interviews, offenders were asked to demonstrate how they could make hotline calls via dorm payphones. Offenders stated they could dial \*63 on their pay phones.

Site Observation:

The facility had advocate and hotline calling instructions posted in-between payphones in each dorm. During the tour, the Auditor dialed \*63 and was connected to the advocate. The advocate stated they would help the offenders in any way, would report all calls to the facility and law enforcement and would provide needs individual to the offender to include meeting victims at the hospital for forensic exams.

(a) The Rutherford Correctional Center PAQ states the facility provides Inmates with access to outside victim advocates for emotional support services related to sexual abuse by:

- The facility provides inmates with access to such services by giving inmates mailing addresses and telephone numbers (including toll-free hotline numbers where available) for local, state, or national victim advocacy or rape crisis organizations.
- The facility does not provide inmates with access to such services by giving inmates mailing addresses and telephone numbers (including toll-free hotline numbers where available) for immigrant services agencies for persons detained solely for civil immigration purposes.
- The facility provides inmates with access to such services by enabling reasonable communication between inmates and these organizations in as confidential a manner as possible.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 23, section (5)(E), states, "Offender victim shall be provided access to outside victim advocates for emotional support services related to sexual abuse by giving the offenders mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations. The facility shall enable reasonable communication between offenders and these organizations and agencies, in as confidential a manner

as possible.”

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 23, section (E), states, “Offender victim shall be provided access to outside victim advocates for emotional support services related to sexual abuse by giving the offenders mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations. The facility shall enable reasonable communication between offenders and these organizations and agencies, in as confidential a manner as possible.”

(b) The Rutherford Correctional Center PAQ states the facility informs Inmates, prior to giving them access to outside support services, the extent to which such communications will be monitored. The facility informs inmates, prior to giving them access to outside support services, of the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply for disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant Federal, State, or local law.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 23, section (F), states, “The facility shall inform the offenders, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.”

(c) The Rutherford Correctional Center PAQ states the facility maintains memoranda of understanding with community service providers that are able to provide inmates with emotional support services related to sexual abuse.

The facility provided a Victim Support Memorandum of Agreement between the Rutherford Correctional Center and The Path Shelter, Family Resources of Rutherford County. The agreement is signed by the Institution Head and the Rape Crisis Director. The agreement appears to be current without rules of termination.

On 3.8.2023 at 2:53 pm, this Auditor contacted the Path Shelter at 828.245.8595. After proper introductions and the reason for the call and being transferred to a supervisor, she stated once an offender phoned the office she would call the prison and let them know an offender has made a report. The supervisor stated she would

	<p>route an advocate to the hospital, at the request of the offender. When speaking to the supervisor regarding ongoing services to offender she stated this has not happened and was unsure of how she would access offenders in the facility. The Auditor suggested contact be made with the facility in order to ensure barriers did not exist should the need arise for such services.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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<b>115.54</b>	<b>Third-party reporting</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> <li>3. NCDPS Reporting – Help Prevent Prison Sexual Violence Flyer, dated 1.24.2022</li> <li>4. Post Audit: Photos of Ways to Report Flyers - Third Party Reporting Information</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Random offenders</li> <li>2. Targeted offenders</li> <li>3. Correctional Officers</li> <li>4. Supervisory staff</li> </ol> <p>Interviews demonstrated many offenders and staff were aware of third party reporting options and where reporting information could be located. Those who were not aware were educated during the interview.</p> <p>Site Observation:</p> <p>During the tour of the facility, standardized bulletin boards were available to include postings with third party reporting information. However, the bulletin board where visitors sign in at the Sergeants building had a third party posting that had fallen and</p>



needed to be replaced.

Action plan:

- The Auditor requested the facility replace the current posting to ensure all visitors had access to third party reporting information
- The facility to provide a photo of the replaced posting.
- Post audit the facility provided four photos demonstrating the Ways to Report flyer is properly posted in the shadow board behind glass where visitors report upon entering the facility and outside the visitation area.

(a) The Rutherford Correctional Center PAQ states the facility provides a method to receive third-party reports of inmate sexual abuse or sexual harassment. The agency publicly distributes information on how to report Inmate sexual abuse or sexual harassment on behalf of Inmates.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 19, section (B) states, "Third Party Reporting: can be made via email, phone or letter."

NCDPS PREA Fraud, Waste, Abuse and Misconduct Website Link:  
<https://www.ncdps.gov/contact/report-fraud-waste-or-financial-mismanagement-department-assets>

NCDPS PREA Website Link: <https://www.ncdps.gov/dps-services/prison-rape-elimination-act>

The facility provided a NCDPS Reporting - Help Prevent Prison Sexual Violence Flyer. The flyer speaks to the following external ways to report.

- To a third party - including family members, friends, and outside organizations; or
- To the local rape crisis center (a signed consent form must be received before the facility can be informed)
- Externally by using the people in confinement hot-line. Dial 1-972-535-3499.

On 2.26.2023 at 7:54PM this Auditor emailed to SVC.dac.prea@dac.nc.gov, stating, "My name Karen Murray and I am a PREA Auditor preparing to audit the Lincoln Correctional Center. (Please know Lincoln Correctional Center is noted as this was the facility tested annually for 2023.) In testing systems, could you please tell me your processes that would occur when you receive a third party report through this website. Thank you in advance for your time and response."

On 2.26.2023 at 7:55PM, the following response was received.

\*\*\*AUTOMATED MAIL RESPONSE FROM PREA ADMINISTRATION\*\*\*

Please keep this email for future references.

Your mail to PREA Administration has been received.

This is a receipt notification only. A personal response will be made by PREA Administration as soon as possible.

If your request is urgent, please call PREA Administration at 919-825-2757. Please leave a message on the voicemail if we are unavailable. Slowly say your name, staff id and phone number."

On 2.27.2023 at 5:12 AM the following message was received from the North Carolina Department of Public Safety. "We would immediately refer the report to the DAC PREA Office via phone and follow up email if phone was not successful on our first attempt."

Through such reviews, the facility meets the standard requirements.

115.61	Staff and agency reporting duties
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	Document Review:

1. Rutherford Correctional Center PAQ
2. NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022

Interviews:

1. Correctional Officers
2. Medical and Mental Health staff
3. Program Director I / Investigator
4. Facility Compliance Specialist / PREA Compliance Manager
5. Correctional Warden I

Interviews with the facility staff and offenders demonstrated each actively practices and understood the importance of immediately reporting all allegations of sexual abuse and sexual harassment.

Site Observations:

The facility has not received an allegation of sexual harassment or sexual abuse in the past 12 months.

(a) The Rutherford Correctional Center PAQ states the agency requires all staff to report immediately and according to agency policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency. The agency requires all staff to report immediately and according to agency policy any retaliation against inmates or staff who reported such an incident. The agency requires all staff to report immediately and according to agency policy any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 19, section (C) Staff and Agency Reporting Duties, (i)-(iii), state,

- i. "All staff are required to report immediately 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.
- ii. Staff has a duty to report any allegations that offenders are having sexual

relationships with other offenders or with staff.

iii. Any retaliation against offenders or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.”

(b) The Rutherford Correctional Center PAQ states, apart from reporting to designated supervisors or official and designated state or local service agencies, agency policy prohibits staff from revealing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 33-34, section (k), states, “CONFIDENTIALITY: The Facility Investigator and all others involved in the PREA process, to the extent possible, will ensure the confidentiality of PREA complaints as well as all data collected through the investigation of those complaints except as required in the following circumstances: (1) to cooperate with law enforcement in any investigation and prosecution of the incidents alleged in such complaints; (2) to take and enforce disciplinary action against any staff member as a result of the incidents alleged in the complaints; (3) to defend against claims brought by the offender for violation of the offender’s rights for having been subjected to sexual abuse; and (4) to otherwise comply with the law.”

(c) NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 19, section (vi), states, “Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse to inform offenders of the practitioner’s duty to report, and the limitations of confidentiality, at the initiation of services.”

(d) NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 19, section (vii), states, “If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person’s statute, reporting such allegation to the local NC Department of Social Services is required.”

(e) NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 19, section (viii) Staff and Agency Reporting Duties, states, “The facility shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility’s designated investigators.”

	Through such reviews, the facility meets the standard requirements.
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<b>115.62</b>	<b>Agency protection duties</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Correctional Officers</li> <li>2. Program Director I / Investigator</li> <li>3. Facility Compliance Specialist / PREA Compliance Manager</li> </ol> <p>Interviews with offenders demonstrated none had reported allegations of sexual harassment or sexual abuse.</p> <p>Interviews with staff demonstrated the facility staff act promptly and responds properly at the discovery of any incident involving sexual harassment or sexual abuse.</p> <p>Site Observation:</p> <p>The facility has not received an allegation of sexual harassment or sexual abuse in the past 12 months.</p> <p>(a) The Rutherford Correctional Center PAQ states when the agency or facility learns that an inmate is subject to a substantial risk of imminent sexual abuse, it takes immediate action to protect the Inmate. In the past 12 months, the facility reports zero inmates were subject to substantial risk of imminent sexual abuse. Upon discovery of inmates being subject to substantial risk, the facility immediately</p>

	<p>separates the victim from the perpetrator, made notification and completed incident reporting requirements.</p> <p>NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 20, section (2), states, "Protection Duties: When the staff learns that an offender is subject to a substantial risk of imminent sexual abuse immediate action shall be taken to protect the offender."</p> <p>Through such reviews the facility meets the standard requirements.</p>
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<b>115.63 Reporting to other confinement facilities</b>	
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Correctional Warden I</li> </ol> <p>The interview with the Correctional Warden I demonstrated that he was aware that upon receiving an allegation that an inmate was sexually abused while confined at another facility within 72 hours and he would follow the agency guidelines when reporting and or accepting a report from another facility.</p> <p>(a) The Rutherford Correctional Center PAQ states the agency has a policy requiring that, upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility must notify the head of the facility or appropriate office of the agency or facility where sexual abuse is alleged to have occurred. The agency's policy also requires that the head of the facility notify the appropriate investigative agency. In the past 12 months the has received zero allegations that an inmate was abused while in confinement at another facility.</p>

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 20, section (D)(i), states, "Upon receiving an allegation that an offender was sexually abused while confined at another facility, the Warden of the facility that received the allegation shall notify the Warden of the facility or appropriate office of the agency where the alleged abuse occurred."

(b) The Rutherford Correctional Center PAQ states agency policy requires that the facility head provides such notification as soon as possible, but no later than 72 hours after receiving the allegation.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 18, section (D)(ii), states, "Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation."

(c) The Rutherford Correctional Center PAQ states the facility documents that it has not had a need to provide such notification within 72 hours of receiving the allegation.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 20, section (D)(iii), states, "The Facility Head shall document such notification by completing a memorandum to file, and uploading into the correspondence tracking system (CTS)."

(d) The Rutherford Correctional Center PAQ states facility policy requires that allegations received from other agencies or facilities are investigated in accordance with the PREA standards. In the last 12 months, there have been zero allegations of sexual abuse.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 20, section (D)(iv), states, "Upon receiving notification from another facility or agency that an allegation of sexual abuse or sexual harassment has been reported, the Warden shall ensure that the allegation is investigated in accordance with these standards."

Through such reviews, the facility meets the standard requirements.

<b>115.64</b>	<b>Staff first responder duties</b>
	<p data-bbox="256 188 959 221"><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p data-bbox="256 264 544 297"><b>Auditor Discussion</b></p> <p data-bbox="256 340 523 374">Document Review:</p> <ol data-bbox="256 412 1442 560" style="list-style-type: none"> <li data-bbox="256 412 831 445">1. Rutherford Correctional Center PAQ</li> <li data-bbox="256 483 1442 560">2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> </ol> <p data-bbox="256 669 416 703">Interviews:</p> <ol data-bbox="256 741 1198 846" style="list-style-type: none"> <li data-bbox="256 741 619 775">1. Correctional Officers</li> <li data-bbox="256 813 1198 846">2. Correctional Program Supervisor / PREA Compliance Manager</li> </ol> <p data-bbox="256 884 1461 1126">Interviews with Correctional Officers demonstrated they were aware of their first responder responsibilities. If sexual abuse occurred, Correctional Officers stated they would immediately stop abuse, separate victims and perpetrators, make sure the victim was aware from the aggressor and they felt safe, not allow them to smoke, drink, washing, close off the area, don't clean it and leave it like it is until the proper authorities arrive.</p> <p data-bbox="256 1236 517 1270">Recommendation:</p> <p data-bbox="256 1308 1469 1424">Discuss and simulate where victims and perpetrators are placed in the facility when a sexual abuse occurs. Post audit the facility reported, 'Staff have been made aware of the procedures.'</p> <p data-bbox="256 1534 1469 2033">(a) The Rutherford Correctional Center PAQ states the agency has a first responder policy for allegations of sexual abuse. The policy requires that, upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to separate, preserve, protect, collect physical evidence, 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, 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. In the past 12 months, zero allegations occurred where an inmate was sexually abused.</p>



NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 20-22, section (3)(A), states, "Upon learning of an allegation that an offender was sexually abused, the first security staff member to respond to the report shall be required to:

i. Take necessary steps to separate the alleged victim and abuser. If the Facility Head, in consultation with the PREA Support Person, determines that the safety of the offender victim requires placement in administrative segregation, then:

- Such restrictive housing shall be administered in accordance with the applicable policies and procedures for restrictive housing for administrative purposes.

- The Warden has the discretion regarding how separation occurs, who is moved, and where. Should the alleged victim be placed in restrictive housing, then an analysis of 1) information from the Preliminary Review to include the type of allegation, 2) prior complaints filed against the alleged abuser, 3) will the movement appear punitive toward an alleged victim shall be considered, and 4) documentation of the decision to move the alleged victim.

- The Region Director and the DPS PREA Office shall be notified of the use of restrictive housing and the reasons therefore.

- To the maximum extent possible, the offender victim while in restrictive housing for administrative purposes shall have the same privileges of access to the canteen, telephone, visitation and property as they were afforded prior to reporting.

- Within 3 business days of the offender victim's release from restrictive housing for administrative purposes, the Warden or designee will return the offender victim to the gain time job assignment the offender victim had prior to period of restrictive housing for administrative purposes, if available. If, for operational reasons, the offender victim's prior job assignment is unavailable, the Warden or designee will place the offender victim in another gain time job assignment that is at least equal to the prior gain time job assignment.

- The Warden or designee will notify the Region Director in writing, that the offender victim has either been returned to prior job assignment or placed in equivalent one.

- Within three business days of the receipt of the written notification from the Warden or designee, the Region Director, or their designee will request in writing to the Director of Rehabilitative Services that the offender victim's gain time be restored.

- When offender victim is released from restrictive housing, whenever possible shall be allowed to return to previously assigned housing unit unless, in the discretion of the Warden, doing so exposes the offender to an increased risk to the offender victim's safety and security or the orderly operation of the facility."

(b) The Rutherford Correctional Center PAQ states the facility's' policy requires that if the first staff responder is not a security staff member, that responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence and notify security staff. Of the allegations that an inmate was sexually abused made in the past 12 months, the number of times a non-security staff member was the first responder was zero.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 22, section (3) First Responder, (B) states, "If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff."

Through such reviews, the facility meets the standard requirements.

115.65	Coordinated response
	<p><b>Auditor Overall Determination:</b> Meets Standard</p>
	<p><b>Auditor Discussion</b></p> <p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. PREA Sexual Abuse Institutional Response Plan Rutherford Correctional Center, 4.19.2016</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Correctional Officers</li> <li>2. Facility Compliance Specialist / PREA Compliance Manager</li> </ol> <p>Interviews with the PREA Compliance Manager and facility staff demonstrated the response to allegations of sexual assault is written to coordinate actions taken in response to sexual abuse and sexual harassment incidents.</p> <p>Site Observation:</p>

	<p>Review of the facilities Coordinated Response Plan demonstrates clear direction to staff to ensure first responder duties are fulfilled.</p> <p>(a) The Rutherford Correctional Center PAQ states the facility developed a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership.</p> <p>The facility provided a PREA Sexual Abuse Institutional Response Plan Rutherford Correctional Center. The plan includes instruction for the following:</p> <ol style="list-style-type: none"> <li>I. First Responder Duties <ul style="list-style-type: none"> <li>· Evidence Preservation</li> <li>· Notification</li> <li>· Additional Information</li> </ul> </li> <li>II. Medical</li> <li>III. Notification Procedures</li> <li>IV. Investigations</li> <li>V. PREA Compliance Manager</li> <li>VI. PREA Support Person</li> <li>VII. Sexual Abuse Response Team</li> <li>VIII. Mental Health and Aftercare</li> </ol> <p>Through such reviews, the facility meets the standard requirements.</p>
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<b>115.66</b>	<b>Preservation of ability to protect inmates from contact with abusers</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	Document Review:

	<p>1. Rutherford Correctional Center PAQ</p> <p>(a) The Rutherford Correctional Center PAQ states the agency, facility, or any other governmental entity responsible for collective bargaining on the agency’s behalf has not entered into or renewed any collective bargaining agreement or other agreement since August 20, 2012, or since the last PREA audit, whichever is later.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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<b>115.67</b>	<b>Agency protection against retaliation</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> <li>3. NCDPS Prison Rape Elimination Act (PREA) Offender/Juvenile Retaliation Monitoring and Period Status Checks Form OPA-124, dated 1.5.2016</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Program Director I / Investigator</li> <li>2. Facility Compliance Specialist / PREA Compliance Manager</li> </ol> <p>The interview with the administrative staff demonstrated they would collaborate with the PREA Support Person who would initiate contact with the victim and explain the retaliation monitoring processes. If the victim wanted retaliation monitoring, monitoring would begin at that point, for up to 90 days or as long as necessary.</p> <p>On Site Observation:</p> <p>The facility has not received an allegation of sexual harassment or sexual abuse in the past 12 months or a need for retaliation monitoring.</p>

(a) The Rutherford Correctional Center PAQ states the agency has 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. The agency designates staff member(s) or charges department(s) with monitoring for possible retaliation. The facility designates the PREA Support Personnel for retaliation monitoring.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 31, section (g)(1) -(2), state, "RETALIATION: Retaliation against staff or offenders making an allegation of offender sexual abuse or sexual harassment is prohibited.

(1) Offender monitoring - see section .3406 (f)5 victim support.

(2) Staff monitoring - see section .3406 (f)6 PREA compliance manager."

The facility provided an NCDOS Prison Rape Elimination Act (PREA) Offender/Juvenile Retaliation Monitoring and Period Status Checks Form OPA-124. This form states, "periodic status checks are required." "Note: It is recommended that periodic status checks be documented in this section at a minimum of every 30 days." The form provides an area to include the date, comments and PSP Initials, signs of retaliation, yes or no and any additional comments.

(b) NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 24, section (l)(v), states, "Continue monitoring for a minimum of 90 days or beyond 90 days if the initial monitoring indicates a continuing need."

(c) The Rutherford Correctional Center PAQ states the facility monitors the conduct or treatment of inmates or staff who reported sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are any changes that may suggest possible retaliation by inmates or staff. The length of time that the facility monitors the conduct of treatment is 90 days. The facility acts promptly to remedy any such retaliation. The agency/facility continues such monitoring beyond 90 days if the initial monitoring indicates a continuing need. In the past 12 months, the facility has had zero incidents of retaliation.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 24, section (l)(i)(ii), state,

i. "Upon notification of a Sexual Abuse or Sexual Harassment allegation the

	<p>PSP will initiate monitoring the alleged victim and offender who reported the allegation or cooperated with officials during the investigation.</p> <p>ii. The PSP shall monitor retaliation against the victim and the offender who either report allegations, or cooperate with investigations, of sexual abuse or sexual harassment.”</p> <p>(e) NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 22, section (I) Monitor for Retaliation, (ii), states, “In the case of offenders, such monitoring shall also include periodic status checks.”</p> <p>(f) NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 24, section (I) Monitor for Retaliation, (v), states, “Termination of monitoring prior to minimum of 90 days requires:</p> <p>I. Allegation to be determined unfounded</p> <p>II. Approval by Warden”</p> <p>Through such reviews the facility meets the standard requirements.</p>
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<b>115.68</b>	<b>Post-allegation protective custody</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Sergeant I</li> </ol> <p>The interview with the Sergeant I demonstrated the facility does not utilize protective custody.</p>

(a) The Rutherford Correctional Center PAQ states the agency has a policy prohibiting the placement of inmates who allege to have suffered sexual abuse in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers. The number of inmates who allege to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 months for one to 24 hours awaiting completion of assessment was zero. The PAQ states the facility does not have segregated housing.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 27, section (7)(A)(5) states, "Alleged offender abuser - A determination shall be made, based upon the amount of time that has passed since the alleged incident and the possibility of evidence still existing, as to whether the alleged offender abuser, if known, should be placed in a restrictive housing cell to preserve forensic evidence. If an offender is placed in a restrictive housing cell for purposes of preserving forensic evidence, the offender shall be strip searched in accordance with the policies set forth in section F.0100, et seq. of Prisons Policy and Procedure Manual and all possessions taken from him or her and a paper gown issued."

Through such reviews, the facility meets the standard requirements.

115.71	Criminal and administrative agency investigations
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Program Director I / Investigator</li> </ol> <p>Interviews with the Investigator demonstrated she had completed investigator training through NCDPS. The investigator clearly articulated processes required during an investigation, to include notifying the Warden, secluding the victim, offering</p>

medical services, completing preliminary interviews of the victim, abuser, witnesses and staff, reviewing cameras, policies and the area where the allegation occurred. The investigator stated she would determine an outcome and document the investigation.

Site Observation:

The facility has not received an allegation of sexual harassment or sexual abuse in the past 12 months.

(a) The Rutherford Correctional Center PAQ states the agency/facility has a policy related to criminal and administrative agency investigations.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 27, section (7) Investigations (A)(i) states, "Investigations into allegations of sexual abuse and sexual harassment, shall be conducted promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports."

(b) NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 9, section (c) Specialized Training, (1) (A-B), states, "Investigators: Sexual Abuse and Harassment

A. Shall complete appropriate employee training defined in section .3406(a).

B. Shall receive training on conducting sexual abuse and harassment investigations in a confinement setting. Such training shall include:

(i) Techniques for interviewing sexual abuse victims;

(ii) Proper use of Miranda and Garrity Warnings;

(iii) Sexual abuse evidence collection in a confinement setting; and

(iv) Criteria and evidence required to substantiate a case for administrative action or prosecution referral."

(c) NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 28, section (viii), states, "Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data including video and/or audio recordings; shall interview alleged victims, suspected perpetrators, and



witnesses.”

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 29, section (x), states, “Review prior complaints and reports of sexual abuse involving the suspected perpetrator, included in the incident package and considered when determining credibility of the allegations.”

(d) NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 29, section (x), states, “When the quality of evidence appears to support criminal prosecution, the Department of Public Safety sexual abuse and harassment investigators shall only be permitted to continue interviews after consulting with local law enforcement agency as to whether interviews may be an obstacle for subsequent criminal prosecution.”

(e) NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 29-30, section (xii), states, “When the quality of evidence appears to support criminal prosecution, the Department of Public Safety sexual abuse and harassment investigators shall only be permitted to continue interviews after consulting with local law enforcement agency as to whether interviews may be an obstacle for subsequent criminal prosecution examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.”

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 30, section (xiv), states, “Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.”

(f) NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 30, section (xiii), states, “Shall include an effort to determine whether staff actions or failures to act contributed to the abuse.”

(g) NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 30, section (xiv), states, “Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.”

(h) The Rutherford Correctional Center PAQ states there has been zero allegations of conduct that appears to be criminal that was referred for prosecution, since the last audit date.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 31, section (C)(i), states, “Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.”

(i) The Rutherford Correctional Center PAQ states the agency retains all written reports pertaining to administrative or criminal investigation of alleged sexual abuse or sexual harassment for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 33, section (J)(1), states, “Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.”

(j) NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 29, section (xvi), states, “The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.”

(l) NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 29, section (xvii), states, “When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.”

Through such reviews the facility meets the standard requirements.

<b>115.72</b>	<b>Evidentiary standard for administrative investigations</b>
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	<b>Auditor Overall Determination:</b> Meets Standard
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	<p><b>Auditor Discussion</b></p> <p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Program Director I / Investigator</li> </ol> <p>The interview with the Investigator demonstrated the facility shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.</p> <p>(a) The Rutherford Correctional Center PAQ states the agency imposes a standard of a preponderance of the evidence or a lower standard of proof for determining whether allegations of sexual abuse or sexual harassment are substantiated.</p> <p>NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 3, section (t)(4) "The agency shall impose no standard higher than a preponderance of evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated, §115.72 of the national standards."</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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<b>115.73</b>	<b>Reporting to inmates</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <p><b>Auditor Discussion</b></p> <p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> </ol>

3. NCDPS PREA Support Services Status Notification, dated 1.1.2023

Interviews:

1. Program Director I / Investigator

The interview with the Investigator demonstrated notification requirements to victims was given verbally and in writing. Documentation of notifications are documented on the Offender Notification Form.

On Site Observation:

The facility has not received an allegation of sexual harassment or sexual abuse in the past 12 months.

(a) The Rutherford Correctional Center PAQ states the agency has a policy requiring that any inmate who makes an allegation that he or she suffered sexual abuse in an agency facility is informed, verbally or in writing, as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded following an investigation by the agency. The number of criminal and/or administrative investigations of alleged inmate sexual abuse that were completed by the agency/facility in the past 12 months was zero. Of the alleged sexual abuse investigations that were completed in the past 12 months, the number of inmates who were notified, verbally or in writing, of the results of the investigations was zero.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 24, section (J)(i), states, "Following an investigation into an offender's allegation that he or she suffered sexual abuse in a facility, the PSP shall inform the offender as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. Notification shall be documented on Form OPA-I30 Support Services."

(b) The Rutherford Correctional Center PAQ states If an outside entity conducts such investigations, the agency requests the relevant information from the investigative entity in order to inform the Inmate as to the outcome of the investigation. The number of investigations of alleged inmate sexual abuse in the facility that were completed by an outside agency in the past 12 months was zero.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 24-25, section (J)(ii), states, "If the Department of Public Safety did not conduct the investigation, the PSP shall request, through the

chain of command, the relevant information from the investigative agency in order to inform the offender.”

(c) The Rutherford Correctional Center PAQ states following an inmate’s allegation that a staff member has committed sexual abuse against the inmate, the agency/facility subsequently informs the Inmate (unless the agency has determined that the allegation is unfounded) whenever:

- The staff member is no longer posted within the Inmate’s unit;
- The staff member is no longer employed at the facility;
- The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
- The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.”

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 25, section (J)(iii), states, “Following an offender’s allegation that a staff member has committed sexual abuse against the offender, the PSP shall subsequently inform the offender (unless the allegation is unfounded) whenever:

- The staff member is no longer posted within the offender’s unit;
- The staff member is no longer employed at the facility;
- The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
- The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

Notification shall be documented on Form OPA-130A PREA Support Person Services.”

(d) The Rutherford Correctional Center PAQ states following an inmate’s allegation that he or she has been sexually abused by another Inmate in an agency facility, the agency subsequently informs the alleged victim whenever: the agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or the agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility. Policy compliance can be found in provision (c) of this standard.

(e) The Rutherford Correctional Center PAQ states the agency has a policy that all notifications to inmates described under this standard are documented. In the past 12 months, there has been zero notifications to an inmate, pursuant to this standard.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 26, section (J)(v), states, "All such notifications or attempted notifications shall be documented."

The facility provided a NCDPS PREA Support Services Status Notification. The notification documents the following:

Note, the OPA-I30A Support Services form is used to document the following:

#### Staff

- The staff member is temporarily reassigned away from the alleged victim's housing until
- The staff member is no longer posted within the alleged victims housing unit.
- The staff member is no longer employed at the facility.
- NCDPS has learned that the staff member has been indicted on a charge related to sexual abuse within the facility.
- NCDPS has learned that the staff member has been convicted on a charge related to sexual abuse within the facility.

#### Offender/Juvenile

- The alleged abuser has been temporarily reassigned away from the alleged victims housing unit.
- NCDPS has learned the alleged abuser has been indicted on a charge related to sexual abuse within the facility
- NCDPS has learned that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

The notification is signed and dated by the alleged victim and PREA Support Person.

(e) NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 25, section (J)(vi), states, "Obligation to report shall terminate if the offender is released from NC Department of Public Safety custody."

	Through such reviews the facility meets the standard requirements.
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<b>115.76</b>	<b>Disciplinary sanctions for staff</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p><b>Auditor Discussion</b></p> <p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Correctional Warden I</li> </ol> <p>Interview with the Correctional Warden I demonstrated staff would face disciplinary action for misconduct, be investigated and possibly prosecuted.</p> <p>Site Observation:</p> <p>In the last 12 months, the facility had zero staff who was disciplined for violation of an agency sexual abuse or sexual harassment policy.</p> <p>(a) The Rutherford Correctional Center PAQ states staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.</p> <p>NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 31, section (h)(2)(A), states, "Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies."</p> <p>(b) The Rutherford Correctional Center PAQ states in the last 12 months, there has been one staff from the facility that had violated agency sexual abuse or sexual harassment policies.</p>

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 32, section (h)(2)(B), states, "Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse."

(c) The Rutherford Correctional Center PAQ states disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are 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. In the past 12 months, the number of staff from the facility who have been disciplined, short of termination, for violation of agency sexual abuse or sexual harassment policies (other than actually engaging in sexual abuse) is zero.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 32, section (h)(2)(C), states, "Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories."

(d) The Rutherford Correctional Center PAQ states all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. In the past 12 months, zero staff have been terminated for sexual abuse or harassment.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 32, section (h)(2)(D), states, "All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies."

Through such reviews, the facility meets the standard requirements.



**Auditor Overall Determination:** Meets Standard

**Auditor Discussion**

Document Review:

1. Rutherford Correctional Center PAQ
2. NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022

Interviews:

1. Correctional Warden I

The interview with the Correctional Warden I demonstrated any volunteer or contractor would suspended permanently and not be allowed any further contact with offenders.

Site Observation:

During the last audit cycle, the facility did not have any volunteers or contractors subject to disciplinary action due to violating sexual abuse or sexual harassment policies.

(a) The Rutherford Correctional Center PAQ states agency policy requires that any contractor or volunteer who engages in sexual abuse be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. agency policy requires that any contractor or volunteer who engages in sexual abuse be prohibited from contact with Inmates. In the past 12 months, there have been zero contractors or volunteers reported to law enforcement or relevant licensing bodies for engaging in sexual abuse of inmates.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 32, section (3)(A), states, "Any contractor or volunteer who engages in sexual abuse shall be immediately prohibited from contact with offenders and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

(b) The Rutherford Correctional Center PAQ states the facility takes appropriate remedial measures and considers whether to prohibit further contact with Inmates in

	<p>the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.</p> <p style="text-align: center;">NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 32, section (3) (B-C), states,</p> <p>B. “Appropriate remedial measures shall be considered whether to prohibit further contact with offenders in the case of any other violation of sexual abuse or sexual harassment policies.</p> <p>C. If an allegation of sexual abuse is which a volunteer or contracting agent is the alleged abuser is substantiated the volunteer or contracting agent shall be terminated from the relationship with NCDPS.”</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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<b>115.78</b>	<b>Disciplinary sanctions for inmates</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> <li>3. NCDPS Policy and Procedure Chapter B .0300 Offender Conduct Rules, dated 12.14.2021</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Correctional Warden I</li> </ol> <p>The interview with the Correctional Warden I demonstrated residents would be disciplined through the agency disciplinary process and moved to a different facility.</p> <p>(a) The Rutherford Correctional Center PAQ states inmates are subject to disciplinary sanctions only pursuant to a formal disciplinary process following a criminal finding of guilt for inmate-on-inmate sexual abuse. Inmates are subject to disciplinary sanctions</p>

only pursuant to a formal disciplinary process following a criminal finding of guilt for inmate-on-inmate sexual abuse. In the past 12 months there have been zero administrative findings of inmate-on-inmate sexual abuse. In the past 12 months there have zero criminal findings of guilt for inmate-on-inmate sexual abuse.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 32, section (4)(A), states, "Shall be subject to disciplinary sanctions pursuant to formal disciplinary process following an administrative finding that the offender engaged in offender-on-offender sexual abuse or following a criminal finding of guilt for offender-on-offender sexual abuse."

(b) NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 32, section (4)(B), states, "Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the offender's disciplinary history, and the sanctions imposed for comparable offenses by other offenders with similar histories."

(c) NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 31, section (4)(C), states, "The disciplinary process shall consider whether an offender's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed."

(d) The Rutherford Correctional Center PAQ states the facility offers therapy, counseling, or other interventions designed to address and correct the underlying reasons or motivations for abuse. The facility offers therapy, counseling, or other interventions designed to address and correct the underlying reasons or motivations for abuse, the facility considers whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 33, section (4) (D), states, "A mental health evaluation shall be conducted after a substantiated incident and the offender shall be offered treatment when deemed appropriate by mental health practitioners. If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending offender to participate in such interventions as a condition of access to programming or other benefits."

(e) The Rutherford Correctional Center PAQ states the agency disciplines inmates for sexual contact with staff only upon finding that the staff member did not consent to such contact.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 33, section (4)(F), states, "The agency may not discipline an offender victim for sexual contact with staff unless a finding that the staff member did not consent to such contact."

(f) The Rutherford Correctional Center PAQ states the agency prohibits disciplinary action for a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 33, section (4)(E), states, "For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation."

(g) The Rutherford Correctional Center PAQ states the agency prohibits all sexual activity between inmates. If the agency prohibits all sexual activity between inmates and disciplines inmates for such activity, the agency deems such activity to constitute sexual abuse only if it determines that the activity is coerced.

NCDPS Policy and Procedure Chapter B .0300 Offender Conduct Rules, page 4, section (n), states, "Sexual Misconduct. Committing, soliciting, or inciting others to commit a sexual act will be subject to disciplinary action."

Through such reviews, the facility meets the standard requirements.

<b>115.81</b>	<b>Medical and mental health screenings; history of sexual abuse</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>

Document Review:

1. Rutherford Correctional Center PAQ
2. NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022

Interviews:

1. Registered Nurse
2. Western Region Mental Health Licensed Psychological Associate
3. PREA Program Analyst / PREA Coordinator

Interviews with mental health staff demonstrated disclosure reports are automatically flagged in the OPUS system and forwarded to mental health staff, which are typically responded to in five days of each disclosure. At the time of the onsite review the facility did not have any inmates who had disclosed prior sexual abuse or sexual perpetration against another individual.

(a, c) The Rutherford Correctional Center PAQ states all Inmates at this facility who have disclosed any prior sexual victimization during a screening pursuant to §115.341 are offered a follow-up meeting with a medical or mental health practitioner. Follow up meetings are offered within 14 days of the intake screening. In the past 12 months one offender, 100 percent disclosed prior victimization during the intake screening. Medical and mental health staff maintain secondary materials, documenting compliance with the above required services.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 13, section (2)(A), states, "If the screening for risk of victimization and abusiveness indicates that a prison offender has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the offender is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening."

(b) The Rutherford Correctional Center PAQ states all Inmates who have previously perpetrated sexual abuse, as indicated during the screening pursuant to § 115.41, are offered a follow-up meeting with a mental health practitioner. All Inmates are allowed a follow-up meeting offered within 14 days of the intake screening. In the past 12 months, one offender, 100 percent of inmates who perpetrated sexual abuse were offered a follow up meeting with a mental health practitioner.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 14, section (2)(B), states, "If the screening for risk of victimization and abusiveness indicates that a prison offender has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the offender is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening."

(d) The Rutherford Correctional Center PAQ states, Information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 14, section (2)(C), states, "Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law."

(e) The Rutherford Correctional Center PAQ states, Medical and mental health practitioners do not obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institution setting unless the inmate is under the age of 18.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 14, section (2)(D), states, "Medical and mental health practitioners shall obtain informed consent from offenders before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the offender is under the age of 18."

Through such reviews, the facility meets the standard requirements.

<b>115.82</b>	<b>Access to emergency medical and mental health services</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>

Document Review:

1. Rutherford Correctional Center PAQ
2. NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022
3. NCDPS Health Services Policy & Procedures Manual Administrative Managed Care, dated 1.2016
4. G.S. 143B-1200 Part 7. Office of External Affairs, not dated

Interviews:

1. Registered Nurse
2. Western Region Mental Health Licensed Psychological Associate

Interviews with medical and mental health staff demonstrated each are aware of access to emergency medical and mental health services upon receipt of an allegation of sexual abuse. The mental health Psychologist stated he is not specifically trained in sexual abuse; however, he would align the victim with a trained mental health professional.

Site Observation:

The facility has not experienced the need for emergency medical and or mental health services in the past 12 months.

(a) The Rutherford Correctional Center PAQ states Inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The nature and scope of such services are determined by medical and mental health practitioners according to their professional judgment. Medical and mental health staff maintain secondary materials (e.g., form, log) documenting the timeliness of emergency medical treatment and crisis intervention services that were provided; the appropriate response by non-health staff in the event health staff are not present at the time the incident is reported; and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection prophylaxis

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 20, section (4) (a-b), state, “

A. “If an alleged act of sexual abuse has occurred and there may be forensic

medical evidence, the offender may need medical assistance, or other circumstances dictate, arrangements shall be promptly made to have the alleged offender-victim examined by medical services.

B. Medical Services will follow medical protocol, which includes provisions for examination, documentation and transport to the local emergency department when appropriate, where the following will occur: collection of forensic evidence, testing for sexually transmitted diseases, counseling, and prophylactic treatment. Medical Services will ensure that the offender receives medical follow-up and is offered a referral for mental health services.”

(b) The Rutherford Correctional Center PAQ states inmate If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim pursuant to § 115.62 and shall immediately notify the appropriate medical and mental health practitioners.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 27, section (7)(a)(iv), states, “If an alleged act of sexual abuse or sexual harassment is reported or discovered, an immediate preliminary review shall be conducted to determine if the incident meets the standards of PREA.”

(c) The Rutherford Correctional Center PAQ states inmate victims of sexual abuse while incarcerated are 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. Policy compliance can be found in provision (a) of this standard.

(d) The Rutherford Correctional Center PAQ states treatment services are provided to every victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

G.S. 143B-1200 Part 7. Office of External Affairs, page 1, section (c), states, “No Billing of Victim. - A medical facility or medical professional that performs a forensic medical examination shall accept payment made under this section as payment in full of the amount owed for the cost of the examination and other eligible expenses and shall not bill victims, their personal insurance, Medicaid, Medicare, or any other collateral source for the examination. Furthermore, a medical facility or medical professional shall not seek reimbursement from the Program after one year from the date of the examination.”



Through such reviews, the facility meets the standard requirements.

<b>115.83</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Document Review:</p> <ol style="list-style-type: none"><li>1. Rutherford Correctional Center PAQ</li><li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li><li>3. NCDPS Health Services Policy &amp; Procedure Manual Policy #CP-18, dated 2.2014</li><li>4. NCDPS Health Services Policy &amp; Procedure, Section Clinical Practice Guidelines #CP-18, dated 2.2014</li><li>5. G.S. 143B-1200 Part 7. Office of External Affairs, not dated</li></ol> <p>Interviews:</p> <ol style="list-style-type: none"><li>1. Registered Nurse</li><li>2. Western Region Mental Health Licensed Psychological Associate</li></ol> <p>Interviews with medical and mental health staff demonstrated a continuum of medical and mental health treatment would continue after allegations of sexual abuse. The Registered Nurse stated she would consult with facility staff, mental health and community resources to ensure the victims needs were met.</p> <p>On Site Observation:</p> <p>The facility has not experienced the need for emergency medical and or mental health services in the past 12 months.</p> <p>(a-b) The Rutherford Correctional Center PAQ states the facility offers 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.</p>

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 33, section (4)(D), states, "A mental health evaluation shall be conducted after a substantiated incident and the offender shall be offered treatment when deemed appropriate by mental health practitioners. If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending offender to participate in such interventions as a condition of access to programming or other benefits."

NCDPS Health Services Policy & Procedure, Section Clinical Practice Guidelines #CP-18, page 1, section B. 2, states, "The nurse's exam will be documented in the medical record using the DC-387D 'Use of Force / Trauma Assessment Form;' and DC-387 'Chronological Record of Health Care Inpatient / Outpatient Notes' if additional space is needed."

(c) Per NCDPS Health Services Policy & Procedure Manual Policy #CP-18, the facility provides victims with medical and mental health services consistent with the community level of care.

(d) This provision is not applicable as the Rutherford Correctional Institution does not house females.

(e) This provision is not applicable as the Rutherford Correctional Institution does not house females.

(f) The Rutherford Correctional Center PAQ states inmate victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate.

NCDPS Health Services Policy & Procedure Manual Policy #CP-18, page 2, section H. 2, states, "For sexual abuse reported within 72 hours, consideration of post-exposure prophylaxis (PEP) for HIV, chlamydia, gonorrhea trichomonas and bacterial vaginosis, will be based on current CDC guidelines."

(g) The Rutherford Correctional Center PAQ states treatment services are provided to

	<p>the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.</p> <p>G.S. 143B-1200 Part 7. Office of External Affairs, page 1, section (c), states, “No Billing of Victim. – A medical facility or medical professional that performs a forensic medical examination shall accept payment made under this section as payment in full of the amount owed for the cost of the examination and other eligible expenses and shall not bill victims, their personal insurance, Medicaid, Medicare, or any other collateral source for the examination. Furthermore, a medical facility or medical professional shall not seek reimbursement from the Program after one year from the date of the examination.”</p> <p>(h) The Rutherford Correctional Center PAQ states they attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offers treatment when deemed appropriate by mental health practitioners.</p> <p>NCDPS Health Services Policy &amp; Procedure, Section Clinical Practice Guidelines, page 4, section 5. F., states, “Once an investigation has been completed and an inmate has been determined to be an inmate-on-inmate abuser, within 60 days, a mental health clinician will attempt to conduct an evaluation and offer treatment when deemed appropriate.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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<b>115.86</b>	<b>Sexual abuse incident reviews</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> </ol> <p>Interviews:</p>

1. Facility Compliance Specialist / PREA Compliance Manager

2. Correctional Warden I

The team on-site were aware of the requirements to document and safeguard investigations of sexual abuse.

Site Observation:

The facility did not have any unsubstantiated or substantiated investigations of sexual abuse.

(a) The Rutherford Correctional Center PAQ states the facility conducts a sexual abuse incident review at the conclusion of every criminal or administrative sexual abuse investigation, unless the allegation has been determined to be unfounded. In the past 12 months there has been zero investigations of alleged sexual abuse completed within in 30 days.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 26, section (B)(i), states, "A PIR shall be completed for all substantiated and unsubstantiated allegations of sexual abuse, and documented on Form OPA-I10 Post Incident Review (PIR)."

(b) The Rutherford Correctional Center PAQ states sexual abuse incident reviews are ordinarily conducted within 30 days of concluding the criminal or administrative investigation. In the past 12 months, the number of criminal and/or administrative investigations of alleged sexual abuse completed at the facility that were followed by a sexual abuse incident review within 30 days, excluding only "unfounded" incidents were zero.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 26, section (B)(iv), states, "The PIR shall be completed by the facility within 30 days of the conclusion of the sexual abuse investigation."

(c) The Rutherford Correctional Center PAQ states the sexual abuse incident review team includes upper-level management officials and allows for input from line supervisors, investigators, and medical or mental health practitioners.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 26, section B. (ii), states, “The PIR is completed with input from upper-level management officials, investigators, and medical or mental health practitioners.”

(d) The Rutherford Correctional Center PAQ states the facility prepares a report of its findings from sexual abuse incident reviews, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1) -(d)(5) of this section, and any recommendations for improvement and submits such report to the facility head and PREA Compliance Manager.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 26-27, section (B)(iii), states, “The review team shall consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status or perceived status; or gang affiliation; or motivated or otherwise caused by other group dynamics in the facility; examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; assess the adequacy of staffing levels in that area during the different shifts; and assess whether monitoring technology should be deployed or augmented to supplement supervision by staff and prepare a report of its findings pursuant to standards, and any recommendations for improvement. Submit such reports to the Warden and PREA compliance manager.”

(e) The Rutherford Correctional Center PAQ states, the facility implements the recommendations for improvement or documents its reasons for not doing so. Policy compliance can be found in provision (d) of this standard.

Through such reviews, the facility meets the standard requirements.

<b>115.87</b>	<b>Data collection</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	Document Review:
	1. Rutherford Correctional Center PAQ

2. NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022

1. PREA Director / Head of Agency

The interview with the PREA Director demonstrated the agency reviews all incident reports of sexual harassment and sexual abuse, staff and inmates involved in allegations, compile year end reports, and investigations referred for criminal prosecution and look for common trends. The agency focuses on areas to address in the past year and identifies areas needing corrective action.

(a) The Rutherford Correctional Center PAQ states the agency collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 33, section (j) (1-3), state,

(1) "All written investigation reports will be retained as long as the alleged abuser is incarcerated or employed by the agency, plus five years; or sexual abuse data collected for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise, whichever is greater (5-ACI-3D-16).

(2) Accurate, uniform data for every allegation of sexual abuse shall be documented in OPUS by all facilities.

(3) Ensure that data is securely retained."

(b) The Rutherford Correctional Center PAQ states the agency aggregates the incident-based sexual abuse data at least annually.

(c) The Rutherford Correctional Center PAQ states the standardized instrument includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice.

(d) The Rutherford Correctional Center PAQ states the agency maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. Policy compliance can

	<p>be found in provision (a) of this standard.</p> <p>(e) The Rutherford Correctional Center PAQ states the agency does not obtains incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates as the agency does not have private contracts.</p> <p>(f) The Rutherford Correctional Center PAQ states the Department of Justice has not requested agency data for the previous calendar year.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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<b>115.88</b>	<b>Data review for corrective action</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> <li>3. NCDPS Prison Rape Elimination Act (PREA) of 2003 Sexual Abuse Annual Report 2021</li> </ol> <p>(a) The Rutherford Correctional Center PAQ states the agency reviews data collected and aggregated pursuant to §115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, and training, including:</p> <ul style="list-style-type: none"> <li>· Identifying problem areas;</li> <li>· Taking corrective action on an ongoing basis; and</li> <li>· Preparing an annual report of its findings from its data review and any corrective actions for each facility, as well as the agency as a whole.</li> </ul> <p>The facility provided the NCDPS Prison Rape Elimination Act (PREA) of 2003 Sexual Abuse Annual Report 2021. The report demonstrates the following information is documented in the annual report.</p>

- Overview: North Carolina Department of Public Safety
- Division of Adult Correction (DAC)
- Adult Correction
- Juvenile Justice
- Departmental Accomplishments
- Definitions Related to Sexual Abuse and Sexual Harassment
- Sexual Abuse
- Sexual Harassment
- Comparative Data
- 2021: The Department's Year in Review
- 2021 Adult Correction Facilities: Substantiated Sexual Abuse Cases with Corrective Actions
- 2021 Juvenile Justice Facilities: Substantiated Sexual Abuse Cases with Corrective Actions
- 2020: The Department's Year in Review
- 2020 Juvenile Justice Facilities: Substantiated Sexual Abuse Cases with Corrective Actions
- 2020 Adult Correction Facilities: Substantiated Sexual Abuse Cases with Corrective Actions
- Comparison Charts for Years 2020-2021
- Victim Data Overview
- Audit Findings
- Conclusion
- Agency Information

(b) The Rutherford Correctional Center PAQ states the annual report includes a comparison of the current year's data and corrective actions to those from prior years. The annual report provides an assessment of the agency's progress in addressing sexual abuse.



	<p>(c) The Rutherford Correctional Center PAQ states the agency makes its annual report readily available to the public, at least annually, through its website. Annual reports are approved by the agency head. Policy compliance can be found in provision (a) of this standard.</p> <p>Annual reports from 2015 through 2021 are available at <a href="https://www.ncdps.gov/dps-services/prison-rape-elimination-act">https://www.ncdps.gov/dps-services/prison-rape-elimination-act</a></p> <p>(d) The Rutherford Correctional Center PAQ states when the agency redacts material from an annual report for publication, the redactions are limited to specific materials where publication would present a clear and specific threat to the safety and security of the facility. The agency indicates the nature of material redacted.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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<b>115.89</b>	<b>Data storage, publication, and destruction</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Document Review:</p> <ol style="list-style-type: none"> <li>1. Rutherford Correctional Center PAQ</li> <li>2. NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022</li> </ol> <p>(a) The Rutherford Correctional Center PAQ states the agency ensures that incident-based and aggregate data are securely retained.</p> <p>NCDPS Prisons Policy &amp; Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 33, section (j)(1), states, "All written investigation reports will be retained as long as the alleged abuser is incarcerated or employed by the agency, plus five years; or sexual abuse data collected for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise, whichever is greater."</p>

(b) The Rutherford Correctional Center PAQ states agency policy requires that aggregated sexual abuse data from facilities under its direct control and private facilities with which it contracts be made readily available to the public at least annually through its website.

NCDPS Prisons Policy & Procedures, Section F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 32, section (j) Record Retention and Data Collection, (2)(D), states, "The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its offenders."

(c-d) The Rutherford Correctional Center PAQ states before making aggregated sexual abuse data publicly available, the agency removes all personal identifiers. The agency maintains sexual abuse data collected pursuant to §115.87 for at least 10 years after the date of initial collection, unless federal, state, or local law requires otherwise. Policy compliance can be found in provision (a) of this standard.

Through such reviews, the facility meets the standard requirements.

<b>115.401</b>	<b>Frequency and scope of audits</b>
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	<b>Auditor Overall Determination:</b> Meets Standard
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	<b>Auditor Discussion</b>
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	(a) During the prior three-year audit period, the agency ensured that each facility operated was audited, once.
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	(b) This is the fourth audit cycle for Rutherford Correctional Institution and the first year of the fourth audit cycle.
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	(h) The Auditor was granted complete access to, and the ability to observe, all areas of the facility.
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	(i) The Auditor was permitted to request and receive copies of any relevant documents (including electronically stored information).
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	<p>(m) The Auditor was permitted to conduct private interviews with residents.</p> <p>(n) Residents permitted to send confidential information or correspondence to the Auditor in the same manner as if they were communicating with legal counsel.</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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<b>115.403</b>	<b>Audit contents and findings</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>(b) The agency has posted the current 2019 PREA audit report, on their website.</p> <p>Through such reviews, the facility meets the standard requirements.</p>

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

	that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	
<b>115.13 (a)</b>	<b>Supervision and monitoring</b>	
	Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into	yes

	consideration: Any applicable State or local laws, regulations, or standards?	
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors?	yes
<b>115.13 (b)</b>	<b>Supervision and monitoring</b>	
	In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.)	na
<b>115.13 (c)</b>	<b>Supervision and monitoring</b>	
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan?	yes
<b>115.13 (d)</b>	<b>Supervision and monitoring</b>	
	Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment?	yes
	Is this policy and practice implemented for night shifts as well as day shifts?	yes
	Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility?	yes

<b>115.14 (a)</b>	<b>Youthful inmates</b>	
	Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
<b>115.14 (b)</b>	<b>Youthful inmates</b>	
	In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
<b>115.14 (c)</b>	<b>Youthful inmates</b>	
	Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
<b>115.15 (a)</b>	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?	yes
<b>115.15 (b)</b>	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.)	na
	Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the	na

	facility does not have female inmates.)	
<b>115.15 (c)</b>	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?	yes
	Does the facility document all cross-gender pat-down searches of female inmates (N/A if the facility does not have female inmates)?	na
<b>115.15 (d)</b>	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility have policies that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility have procedures that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit?	yes
<b>115.15 (e)</b>	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status?	yes
	If an inmate's genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner?	yes
<b>115.15 (f)</b>	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes
	Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes



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

	with inmates with disabilities including inmates who: Have intellectual disabilities?	
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: are blind or have low vision?	yes
<b>115.16 (b)</b>	<b>Inmates with disabilities and inmates who are limited English proficient</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
	Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes
<b>115.16 (c)</b>	<b>Inmates with disabilities and inmates who are limited English proficient</b>	
	Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations?	yes
<b>115.17 (a)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the hiring or promotion of anyone who	yes

	may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
<b>115.17 (b)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates?	yes
	Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with inmates?	yes
<b>115.17 (c)</b>	<b>Hiring and promotion decisions</b>	
	Before hiring new employees who may have contact with inmates, does the agency perform a criminal background records check?	yes
	Before hiring new employees who may have contact with inmates, does the agency, consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse?	yes
<b>115.17 (d)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates?	yes

<b>115.17 (e)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees?	yes
<b>115.17 (f)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions?	yes
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees?	yes
	Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?	yes
<b>115.17 (g)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes
<b>115.17 (h)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.)	yes
<b>115.18 (a)</b>	<b>Upgrades to facilities and technologies</b>	
	If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)	na
<b>115.18 (b)</b>	<b>Upgrades to facilities and technologies</b>	

	If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)	na
<b>115.21 (a)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
<b>115.21 (b)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
	Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
<b>115.21 (c)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate?	yes
	Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?	yes
	If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?	yes

	Has the agency documented its efforts to provide SAFEs or SANEs?	yes
<b>115.21 (d)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?	yes
	If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency always makes a victim advocate from a rape crisis center available to victims.)	na
	Has the agency documented its efforts to secure services from rape crisis centers?	yes
<b>115.21 (e)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews?	yes
	As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?	yes
<b>115.21 (f)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.)	yes
<b>115.21 (h)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency always makes a victim advocate from a rape crisis center available to victims.)	na
<b>115.22 (a)</b>	<b>Policies to ensure referrals of allegations for investigations</b>	

	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse?	yes
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment?	yes
<b>115.22 (b)</b>	<b>Policies to ensure referrals of allegations for investigations</b>	
	Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior?	yes
	Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?	yes
	Does the agency document all such referrals?	yes
<b>115.22 (c)</b>	<b>Policies to ensure referrals of allegations for investigations</b>	
	If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).)	yes
<b>115.31 (a)</b>	<b>Employee training</b>	
	Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?	yes
	Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?	yes

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



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

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

	Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	
	Does this specialized training include sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
<b>115.34 (c)</b>	<b>Specialized training: Investigations</b>	
	Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
<b>115.35 (a)</b>	<b>Specialized training: Medical and mental health care</b>	
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or	yes

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

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

	Whether the inmate is detained solely for civil immigration purposes?	
<b>115.41 (e)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior acts of sexual abuse?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior convictions for violent offenses?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: history of prior institutional violence or sexual abuse?	yes
<b>115.41 (f)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening?	yes
<b>115.41 (g)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Does the facility reassess an inmate's risk level when warranted due to a referral?	yes
	Does the facility reassess an inmate's risk level when warranted due to a request?	yes
	Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse?	yes
	Does the facility reassess an inmate's risk level when warranted due to receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness?	yes
<b>115.41 (h)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section?	yes
<b>115.41 (i)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive	yes

	information is not exploited to the inmate's detriment by staff or other inmates?	
<b>115.42 (a)</b>	<b>Use of screening information</b>	
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments?	yes
<b>115.42 (b)</b>	<b>Use of screening information</b>	
	Does the agency make individualized determinations about how to ensure the safety of each inmate?	yes
<b>115.42 (c)</b>	<b>Use of screening information</b>	
	When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)?	yes
	When making housing or other program assignments for transgender or intersex inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would	yes

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



	solely for the placement of LGBT or I inmates pursuant to a consent degree, legal settlement, or legal judgement.)	
<b>115.43 (a)</b>	<b>Protective Custody</b>	
	Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers?	yes
	If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment?	yes
<b>115.43 (b)</b>	<b>Protective Custody</b>	
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible?	yes
	If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	na
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	na
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	na
<b>115.43 (c)</b>	<b>Protective Custody</b>	

	Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged?	yes
	Does such an assignment not ordinarily exceed a period of 30 days?	yes
<b>115.43 (d) Protective Custody</b>		
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The basis for the facility's concern for the inmate's safety?	yes
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged?	yes
<b>115.43 (e) Protective Custody</b>		
	In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS?	yes
<b>115.51 (a) Inmate reporting</b>		
	Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?	yes
<b>115.51 (b) Inmate reporting</b>		
	Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?	yes
	Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the inmate to remain	yes

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

	this standard.)	
	Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	yes
<b>115.52 (d)</b>	<b>Exhaustion of administrative remedies</b>	
	Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)	yes
	If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)	yes
	At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)	yes
<b>115.52 (e)</b>	<b>Exhaustion of administrative remedies</b>	
	Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Are those third parties also permitted to file such requests on behalf of inmates? (If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.)	yes
	If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)	yes
<b>115.52 (f)</b>	<b>Exhaustion of administrative remedies</b>	

	Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)	yes
	Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
	Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
<b>115.52 (g)</b>	<b>Exhaustion of administrative remedies</b>	
	If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.)	yes
<b>115.53 (a)</b>	<b>Inmate access to outside confidential support services</b>	
	Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations?	yes
	Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers,	na

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

	abuse or sexual harassment or retaliation?	
<b>115.61 (b)</b>	<b>Staff and agency reporting duties</b>	
	Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions?	yes
<b>115.61 (c)</b>	<b>Staff and agency reporting duties</b>	
	Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section?	yes
	Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services?	yes
<b>115.61 (d)</b>	<b>Staff and agency reporting duties</b>	
	If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws?	yes
<b>115.61 (e)</b>	<b>Staff and agency reporting duties</b>	
	Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators?	yes
<b>115.62 (a)</b>	<b>Agency protection duties</b>	
	When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate?	yes
<b>115.63 (a)</b>	<b>Reporting to other confinement facilities</b>	
	Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred?	yes
<b>115.63 (b)</b>	<b>Reporting to other confinement facilities</b>	
	Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?	yes

<b>115.63 (c)</b>	<b>Reporting to other confinement facilities</b>	
	Does the agency document that it has provided such notification?	yes
<b>115.63 (d)</b>	<b>Reporting to other confinement facilities</b>	
	Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?	yes
<b>115.64 (a)</b>	<b>Staff first responder duties</b>	
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes
<b>115.64 (b)</b>	<b>Staff first responder duties</b>	
	If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff?	yes
<b>115.65 (a)</b>	<b>Coordinated response</b>	
	Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in	yes



	response to an incident of sexual abuse?	
<b>115.66 (a)</b>	<b>Preservation of ability to protect inmates from contact with abusers</b>	
	Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes
<b>115.67 (a)</b>	<b>Agency protection against retaliation</b>	
	Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff?	yes
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes
<b>115.67 (b)</b>	<b>Agency protection against retaliation</b>	
	Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations?	yes
<b>115.67 (c)</b>	<b>Agency protection against retaliation</b>	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of	yes

	sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff?	yes
	Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?	yes
<b>115.67 (d)</b>	<b>Agency protection against retaliation</b>	
	In the case of inmates, does such monitoring also include periodic status checks?	yes
<b>115.67 (e)</b>	<b>Agency protection against retaliation</b>	
	If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?	yes
<b>115.68 (a)</b>	<b>Post-allegation protective custody</b>	
	Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43?	yes
<b>115.71 (a)</b>	<b>Criminal and administrative agency investigations</b>	
	When the agency conducts its own investigations into allegations	yes

	of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	
	Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
<b>115.71 (b)</b>	<b>Criminal and administrative agency investigations</b>	
	Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34?	yes
<b>115.71 (c)</b>	<b>Criminal and administrative agency investigations</b>	
	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
	Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
	Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes
<b>115.71 (d)</b>	<b>Criminal and administrative agency investigations</b>	
	When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?	yes
<b>115.71 (e)</b>	<b>Criminal and administrative agency investigations</b>	
	Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes
<b>115.71 (f)</b>	<b>Criminal and administrative agency investigations</b>	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes

	Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?	yes
<b>115.71 (g)</b>	<b>Criminal and administrative agency investigations</b>	
	Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?	yes
<b>115.71 (h)</b>	<b>Criminal and administrative agency investigations</b>	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
<b>115.71 (i)</b>	<b>Criminal and administrative agency investigations</b>	
	Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	yes
<b>115.71 (j)</b>	<b>Criminal and administrative agency investigations</b>	
	Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?	yes
<b>115.71 (l)</b>	<b>Criminal and administrative agency investigations</b>	
	When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
<b>115.72 (a)</b>	<b>Evidentiary standard for administrative investigations</b>	
	Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?	yes
<b>115.73 (a)</b>	<b>Reporting to inmates</b>	
	Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	yes

<b>115.73 (b) Reporting to inmates</b>		
	If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)	yes
<b>115.73 (c) Reporting to inmates</b>		
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the inmate's unit?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility?	yes
<b>115.73 (d) Reporting to inmates</b>		
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility?	yes
	Following an inmate's allegation that he or she has been sexually	yes

	abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?	
<b>115.73 (e)</b>	<b>Reporting to inmates</b>	
	Does the agency document all such notifications or attempted notifications?	yes
<b>115.76 (a)</b>	<b>Disciplinary sanctions for staff</b>	
	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes
<b>115.76 (b)</b>	<b>Disciplinary sanctions for staff</b>	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes
<b>115.76 (c)</b>	<b>Disciplinary sanctions for staff</b>	
	Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories?	yes
<b>115.76 (d)</b>	<b>Disciplinary sanctions for staff</b>	
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?	yes
<b>115.77 (a)</b>	<b>Corrective action for contractors and volunteers</b>	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes

	Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?	yes
<b>115.77 (b)</b>	<b>Corrective action for contractors and volunteers</b>	
	In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates?	yes
<b>115.78 (a)</b>	<b>Disciplinary sanctions for inmates</b>	
	Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process?	yes
<b>115.78 (b)</b>	<b>Disciplinary sanctions for inmates</b>	
	Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories?	yes
<b>115.78 (c)</b>	<b>Disciplinary sanctions for inmates</b>	
	When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior?	yes
<b>115.78 (d)</b>	<b>Disciplinary sanctions for inmates</b>	
	If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits?	yes
<b>115.78 (e)</b>	<b>Disciplinary sanctions for inmates</b>	
	Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact?	yes
<b>115.78 (f)</b>	<b>Disciplinary sanctions for inmates</b>	
	For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish	yes

	evidence sufficient to substantiate the allegation?	
<b>115.78 (g)</b>	<b>Disciplinary sanctions for inmates</b>	
	If the agency prohibits all sexual activity between inmates, does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.)	yes
<b>115.81 (a)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison).	yes
<b>115.81 (b)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)	yes
<b>115.81 (c)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a jail).	yes
<b>115.81 (d)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?	yes
<b>115.81 (e)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior	yes



	sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	
<b>115.82 (a)</b>	<b>Access to emergency medical and mental health services</b>	
	Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?	yes
<b>115.82 (b)</b>	<b>Access to emergency medical and mental health services</b>	
	If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62?	yes
	Do security staff first responders immediately notify the appropriate medical and mental health practitioners?	yes
<b>115.82 (c)</b>	<b>Access to emergency medical and mental health services</b>	
	Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate?	yes
<b>115.82 (d)</b>	<b>Access to emergency medical and mental health services</b>	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
<b>115.83 (a)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?	yes
<b>115.83 (b)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody?	yes
<b>115.83 (c)</b>	<b>Ongoing medical and mental health care for sexual abuse</b>	

	<b>victims and abusers</b>	
	Does the facility provide such victims with medical and mental health services consistent with the community level of care?	yes
<b>115.83 (d)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	na
<b>115.83 (e)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	na
<b>115.83 (f)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes
<b>115.83 (g)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
<b>115.83 (h)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)	yes

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

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

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

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

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