

# PREA Facility Audit Report: Final

**Name of Facility:** Elmwood Correctional Center for Men

**Facility Type:** Prison / Jail

**Date Interim Report Submitted:** NA

**Date Final Report Submitted:** 04/03/2023

| Auditor Certification   |   |
|---|---|
| The contents of this report are accurate to the best of my knowledge.   | <input type="checkbox"/>                    |
| No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.   | <input 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 type="checkbox"/>                    |
| <b>Auditor Full Name as Signed:</b> Amy Fairbanks   | <b>Date of Signature:</b><br>04/03/<br>2023 |

| AUDITOR INFORMATION                 |                     |
|-------------------------------------|---------------------|
| <b>Auditor name:</b>                | Fairbanks, Amy      |
| <b>Email:</b>                       | fairbaa@comcast.net |
| <b>Start Date of On-Site Audit:</b> | 08/15/2022          |
| <b>End Date of On-Site Audit:</b>   | 08/18/2022          |

| FACILITY INFORMATION              |  |
|-----------------------------------|--|
| <b>Facility name:</b>             | Elmwood Correctional Center for Men                  |
| <b>Facility physical address:</b> | 701 South Able Street , Milpitas, California - 95035 |
| <b>Facility mailing address:</b>  |  |

| <b>Primary Contact</b>   |                               |
|--------------------------|-------------------------------|
| <b>Name:</b>             | Roman Mosqueda                |
| <b>Email Address:</b>    | roman.mosqueda@shf.sccgov.org |
| <b>Telephone Number:</b> | 408-808-3692                  |

| <b>Warden/Jail Administrator/Sheriff/Director</b> |                            |
|---|----------------------------|
| <b>Name:</b>                                      | Mark Padget                |
| <b>Email Address:</b>                             | Mark.Padget@shf.sccgov.org |
| <b>Telephone Number:</b>                          | 408-957-5303               |

| <b>Facility PREA Compliance Manager</b> |                                |
|---|--------------------------------|
| <b>Name:</b>                            | Maritza Ortiz                  |
| <b>Email Address:</b>                   | Maritza.Ortiz01@shf.sccgov.org |
| <b>Telephone Number:</b>                | O: 408-957-5300                |

| <b>Facility Health Service Administrator On-site</b> |                            |
|--|----------------------------|
| <b>Name:</b>   | Eureka Daye                |
| <b>Email Address:</b>                                | eureka.daye@hhs.sccgov.org |
| <b>Telephone Number:</b>                             | 408-808-3657               |

| <b>Facility Characteristics</b>  |      |
|--|------|
| <b>Designed facility capacity:</b>   | 2331 |
| <b>Current population of facility:</b>   | 1801 |
| <b>Average daily population for the past 12 months:</b>                        | 1596 |
| <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>  | 18-71+            |
| <b>Facility security levels/inmate custody levels:</b>   | Minimum to Medium |
| <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>                       | 336               |
| <b>Number of individual contractors who have contact with inmates, currently authorized to enter the facility:</b> | 108               |
| <b>Number of volunteers who have contact with inmates, currently authorized to enter the facility:</b>             | 147               |

#### AGENCY INFORMATION

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|--|--|
| <b>Name of agency:</b>                                       | Santa Clara County Sheriff's Office                  |
| <b>Governing authority or parent agency (if applicable):</b> |  |
| <b>Physical Address:</b>                                     | 55 West Younger Avenue, San Jose, California - 95110 |
| <b>Mailing Address:</b>                                      |  |
| <b>Telephone number:</b>                                     |  |

#### Agency Chief Executive Officer Information:

|                          |  |
|--------------------------|--|
| <b>Name:</b>             |  |
| <b>Email Address:</b>    |  |
| <b>Telephone Number:</b> |  |

#### Agency-Wide PREA Coordinator Information

|              |              |                       |                             |
|--------------|--------------|-----------------------|-----------------------------|
| <b>Name:</b> | Thomas Duran | <b>Email Address:</b> | thomas.duran@shf.sccgov.org |
|--------------|--------------|-----------------------|-----------------------------|

## SUMMARY OF AUDIT FINDINGS

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

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

### Number of standards exceeded:

0

### Number of standards met:

45

### Number of standards not met:

0

## POST-AUDIT REPORTING INFORMATION

### GENERAL AUDIT INFORMATION

#### On-site Audit Dates

|   |            |
|---|------------|
| 1. Start date of the onsite portion of the audit: | 2022-08-15 |
| 2. End date of the onsite portion of the audit:   | 2022-08-18 |

#### Outreach

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

### AUDITED FACILITY INFORMATION

|  |  |
|--|--|
| 14. Designated facility capacity:  | 2331   |
| 15. Average daily population for the past 12 months:                             | 1596   |
| 16. Number of inmate/resident/detainee housing units:                            | 38   |
| 17. Does the facility ever hold youthful inmates or youthful/juvenile detainees? | <input type="radio"/> Yes<br><input checked="" type="radio"/> No<br><input type="radio"/> Not Applicable for the facility type audited (i.e., Community Confinement Facility or Juvenile Facility) |

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

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

|  |      |
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| <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>   | 1981 |
| <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>  | 2    |
| <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> | 5    |
| <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>  | 4    |
| <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>   | 5    |

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| <p><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></p>   | <p>3</p>  |
| <p><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></p>   | <p>5</p>  |
| <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>4</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>Total reported does not reflect abuse only, it may be sexual harassment or who reported prior to the 12 month review period.</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>65</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>4</p>  |

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| <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>66</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>Numbers are best estimates of volunteers during the four days of the audit.</p>  |
| <p><b>INTERVIEWS</b></p>  |   |
| <p><b>Inmate/Resident/Detainee Interviews</b></p>   |   |
| <p><b>Random Inmate/Resident/Detainee Interviews</b></p>  |   |
| <p><b>53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:</b></p>  | <p>20</p>   |
| <p><b>54. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)</b></p>   | <p> <input checked="" type="checkbox"/> Age<br/> <input checked="" type="checkbox"/> Race<br/> <input checked="" type="checkbox"/> Ethnicity (e.g., Hispanic, Non-Hispanic)<br/> <input checked="" type="checkbox"/> Length of time in the facility<br/> <input checked="" type="checkbox"/> Housing assignment<br/> <input checked="" type="checkbox"/> Gender<br/> <input type="checkbox"/> Other<br/> <input type="checkbox"/> None </p> |
| <p><b>55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?</b></p>  | <p>The auditor was provided the racial make up of the population for the first day of the audit and tried to ensure, with the other factors, that a balance reflecting the operation was interviewed.</p>   |



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| <b>56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?</b>   | <input checked="" type="radio"/> Yes<br><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>   | 30   |
| <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>   | 2  |
| <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>  | 5  |

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| <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>Overall observations of activities throughout the facility (interviews in housing areas, observation of programs and food service operations) did not reveal any one blind, or a\ who appeared to be legally blind.</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>4</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>5</p>  |

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| <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>3</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>5</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>4</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 entire audit process, I did not find any evidence to support that those who were vulnerable or alleged sexual abuse were placed in restricted housing. All investigations reviewed provided evidence that moves were made to other housing units to prevent further abuse/harassment.</p>                             |

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| <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>Starting with random interviews, revealed many targeted issues.</p> |
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**Staff, Volunteer, and Contractor Interviews**

**Random Staff Interviews**

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| <p><b>71. Enter the total number of RANDOM STAFF who were interviewed:</b></p> | <p>12</p> |
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| <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 checked="" type="checkbox"/> Other (e.g., gender, race, ethnicity, languages spoken)</p> <p><input type="checkbox"/> None</p> |
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| <p><b>If "Other," describe:</b></p> | <p>Gender, race, Ethnicity, languages spoken.</p> |
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| <p><b>73. Were you able to conduct the minimum number of RANDOM STAFF interviews?</b></p> | <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> |
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|---|--------------------------|
| <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>No text provided.</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.

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| <p><b>75. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):</b></p> | <p>22</p>   |
| <p><b>76. Were you able to interview the Agency Head?</b></p>  | <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>   |
| <p><b>77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?</b></p>                                | <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>   |
| <p><b>78. Were you able to interview the PREA Coordinator?</b></p>   | <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>   |
| <p><b>79. Were you able to interview the PREA Compliance Manager?</b></p>  | <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if the agency is a single facility agency or is otherwise not required to have a PREA Compliance Manager per the Standards)</p> |

**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 checked="" type="checkbox"/> Other   |
| <b>If "Other," provide additional specialized staff roles interviewed:</b>  | Director YWCA, Grievance Coordinator<br>Training Coordinator  |
| <b>81. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?</b>                           | <input checked="" type="radio"/> Yes<br><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 checked="" type="checkbox"/> Education/programming<br><input type="checkbox"/> Medical/dental<br><input type="checkbox"/> Mental health/counseling<br><input checked="" type="checkbox"/> Religious<br><input type="checkbox"/> Other  |
| <b>82. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility?</b>                          | <input checked="" type="radio"/> Yes<br><input type="radio"/> No  |
| <b>a. Enter the total number of CONTRACTORS who were interviewed:</b>   | 3   |
| <b>b. Select which specialized CONTRACTOR role(s) were interviewed as part of this audit from the list below: (select all that apply)</b> | <input type="checkbox"/> Security/detention<br><input type="checkbox"/> Education/programming<br><input checked="" type="checkbox"/> Medical/dental<br><input type="checkbox"/> Food service<br><input type="checkbox"/> Maintenance/construction<br><input type="checkbox"/> Other |

|   |                   |
|---|-------------------|
| <b>83. Provide any additional comments regarding selecting or interviewing specialized staff.</b> | No text provided. |
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**SITE REVIEW AND DOCUMENTATION SAMPLING**

**Site Review**

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

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

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

|   |  |
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| <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> | <input checked="" type="radio"/> Yes<br><br><input type="radio"/> No |
|---|--|

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|--|--|
| <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> | <input checked="" type="radio"/> Yes<br><br><input type="radio"/> No |
|--|--|

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|---|--|
| <b>87. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)?</b> | <input checked="" type="radio"/> Yes<br><br><input type="radio"/> No |
|---|--|



|  |   |
|--|---|
| <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> |
|--|--------------------------|

**Documentation Sampling**

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

|  |   |
|--|---|
| <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> |
|--|---|

|   |                          |
|---|--------------------------|
| <p><b>91. Provide any additional comments regarding selecting additional documentation (e.g., any documentation you oversampled, barriers to selecting additional documentation, etc.).</b></p> | <p>No text provided.</p> |
|---|--------------------------|

**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> | 1                                    | 0                                   | 1   | 0  |
| <b>Staff-on-inmate sexual abuse</b>  | 1                                    | 0                                   | 1   | 0  |
| <b>Total</b>                         | 2                                    | 0                                   | 2   | 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> | 23  | 0                                   | 23  | 0  |
| <b>Staff-on-inmate sexual harassment</b>  | 0   | 0                                   | 0   | 0  |
| <b>Total</b>                              | 23  | 0                                   | 23  | 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         | 2               | 0             |
| <b>Staff-on-inmate sexual abuse</b>  | 0       | 1         | 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       | 2                        | 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       | 2         | 20              | 0             |

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

**Sexual Abuse Investigation Files Selected for Review**

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

3

|   |   |
|---|---|
| <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>1</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 checked="" type="radio"/> Yes</p> <p><input 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>1</p>  |
| <p><b>104. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</b></p>   | <p><input checked="" type="radio"/> Yes</p> <p><input 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 checked="" type="radio"/> Yes</p> <p><input 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>22</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>22</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 checked="" type="radio"/> Yes</p> <p><input 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> |

| <b>Staff-on-inmate sexual harassment investigation files</b>   |  |
|--|--|
| <b>111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</b>  | 0  |
| <b>112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?</b>  | <input type="radio"/> Yes<br><input checked="" type="radio"/> No<br><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files) |
| <b>113. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</b>  | <input type="radio"/> Yes<br><input checked="" type="radio"/> No<br><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files) |
| <b>114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.</b>  | No text provided.  |
| <b>SUPPORT STAFF INFORMATION</b>   |  |
| <b>DOJ-certified PREA Auditors Support Staff</b>   |  |
| <b>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.</b> | <input type="radio"/> Yes<br><input checked="" type="radio"/> 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>   |  |
|--|--|
| <b>Auditor Overall Determination Definitions</b>   |  |
| <ul style="list-style-type: none"> <li>• Exceeds Standard<br/>(Substantially exceeds requirement of standard)</li> <br/> <li>• Meets Standard<br/>(substantial compliance; complies in all material ways with the stand for the relevant review period)</li> <br/> <li>• Does Not Meet Standard<br/>(requires corrective actions)</li> </ul>   |  |
| <b>Auditor Discussion Instructions</b>   |  |
| <p>Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.</p> |  |

| <b>115.11</b> | <b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>   |
|---------------|---|
|               | <b>Auditor Overall Determination:</b> Meets Standard  |
|               | <b>Auditor Discussion</b>   |
|               | <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Policy 1.35 Sexual Harassment Policy</li> <li>· Policy14.17 Lesbian, Gay, Bisexual, Transgender, Questioning/Queer and Intersex (LGBTQI) Inmates</li> <li>· Organization Chart</li> <li>· Interview with the PREA Coordinator</li> <li>· Interview with the Assistant Sheriff</li> <li>· Interview with the Complex Captain</li> </ul> |

- Observations during the audit

- Frequently Asked Questions - Clarification of Application to PREA Standards Provisions (FAQ)

The following policy excerpts demonstrate the facility' commitment to the requirements of zero tolerance for sexual abuse and harassment as well as an outline for preventing, detecting, and responding to allegations of sexual harassment and abuse.

Policy 14.15 Inmate Rights: Prison Rape Elimination Act It is the policy of the Office of the Sheriff Custody Bureau/Department of Correction (DOC) to establish a "zero-tolerance" policy related to the sexual assault, sexual harassment and/or sexual abuse of inmates, or sexual misconduct toward any inmate by any person and to recognize these inmates as crime victims. It is also the policy of the DOC to comply with PREA regulations through policy, training, supervision and diligent law enforcement activities to ensure a coordinated response between staff first responders, medical and mental health practitioners, investigators, supervisors and managers, to all incidents of sexual abuse, sexual assault and/or sexual harassment.

Purpose: To establish a "zero-tolerance" standard for the incidence of sexual harassment, sexual abuse or sexual assaults and attempts thereof within custodial facilities.

Policy 1.35 Sexual Harassment Policy states its purpose as - To establish guidelines for the conduct of all Department employees regarding Sexual Harassment.

Policy 14.17 Lesbian, Gay, Bisexual, Transgender, Questioning/Queer and Intersex (LGBTQI) Inmates states, This policy is intended to provide supplemental guidelines to staff on identification of LGBTQI inmates, searches, and decisions regarding housing and programming, and access to programs, services, commissary, toiletry, and clothing items. Staff are expected to treat inmates with respect and maintain professional positive interactions and effective communication with inmates. Staff shall not use racial, ethnic, homophobic or other derogatory language towards an individual's gender.

(a) Policy, as illustrated above, outlines the commitment to, goals for achievement and efforts to prevent, detect and respond to sexual abuse and sexual harassment. The complete policy is fifty-two (52) pages and documents in detail how the agency will implement and comply with all the PREA standards; this is detailed throughout this report. Definitions of prohibited behaviors are addressed in this policy (and noted in the narrative to standard 115.87).

Interviews with the Assistant Sheriff and Complex Captain demonstrated to the auditor that the PREA Coordinator and PREA Compliance Managers have their support as this agency desires to be successful with compliance with the PREA standard provisions and in preventing, detecting and respond to sexual abuse and sexual harassment.

(b) Policy 14.15 Inmate Rights: Prison Rape Elimination Act define the following: PREA Coordinator: The Administrative Services Captain will function as the PREA Coordinator and provide oversight of all PREA-related processes. The PREA Coordinator will report to the Assistant Sheriff in charge of Custody Operations and Services.

The organization chart demonstrates that the PREA Coordinator, who is the rank of Captain, reports directly to the Assistant Sherriff.

During his interview, the PREA Coordinator indicated he has been actively involved in the efforts to prevent, detect and respond to sexual abuse and sexual harassment being assigned to the position. He affirmed that he has the time and authority to ensure such efforts are met. His title is Support Captain, and he oversees programs, classification, ADA, LGBTQI, staff training, programs and use of force reviews. His rank and position afford him the ability to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities. He has been at this agency 22 years. A PREA Manager is assigned to each facility within the complex, and a complex PCM - four total. Each facility has a team who supports the PREA Manager. The interview with the PREA Coordinator and Complex Captain confirmed to the auditor that the PREA Coordinator is given authority to work directly with the Captain and security, medical/mental health staff and investigators on any PREA issues that arise in his role as the PREA Coordinator.

(c) Policy 14.15 Inmate Rights: Prison Rape Elimination Act define the following: PREA Manager: PREA Deputy responsible for all the daily PREA-related processes for both the Main Jail and Elmwood facilities. Each facility will designate a PREA Deputy who will be responsible for the daily PREA operations.

The organization chart demonstrates that this agency has an agency PREA Compliance Manager (PCM), and one assigned at each operation (Main Jail, Elmwood Women's and Elmwood Men's) also have an assigned PCM. According to the organization chart, the PCM reports directly to the PREA Coordinator (Support Captain).

The PCMs for the complex and Elmwood Men's facility were interviewed. It was confirmed to the auditor that they coordinate efforts by working together, meeting regularly and by direct access to the PREA Coordinator who has the authority to implement changes needed. These are full time positions. The team includes a staff person assigned as LGBTQI/PREA Compliance Manager. It was demonstrated to the auditor during the preaudit phase that any documentation needed was provided (uploaded to the secure online audit system) supporting that he has knowledge of overall operations, access to all relevant information and the influence necessary to oversee, implement and monitor processes in place to ensure compliance with the standard provisions. The team was present with the auditor during the entire onsite audit to assist with interviews, review of documentation and address questions. Additionally, the PCM for the complex has completed the PREA 101 course.

Summary of evidence to support a finding of compliance: Policies, organization chart, interview with the Assistant Sheriff, Complex Captain, PREA Coordinator, and PCM's

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|--|--|
|  | and overall audit experience provided the auditor with sufficient evidence to support a finding of compliance. The auditor concludes that this operation and provisions are in compliance in accordance with the FAQ issued December 2015. |
|--|--|

| <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>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Observations</li> <li>· Interview with the Assistant Sheriff and PREA Coordinator</li> <li>· PAQ</li> </ul> <p>The PAQ indicated that there is no contract for the confinement of inmates since the last PREA audit.</p> <p>Summary of evidence to support a finding of compliance: The PAQ indicates there are no contracts during the PREA audit cycle for confinement of inmates. Interviews with the Assistant Sheriff and PREA Coordinator confirmed they do not contract for the confinement of inmates with a private entity. The auditor found no reason to dispute this during the audit process. Therefore, this standard is not applicable - compliant.</p> |

| <b>115.13</b> | <b>Supervision and monitoring</b>  |
|---------------|--|
|               | <b>Auditor Overall Determination:</b> Meets Standard   |
|               | <b>Auditor Discussion</b>  |
|               | <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Policy 1.25 Administration, Organization and Management - Staffing</li> <li>· Interview with the Complex Captain</li> <li>· Interview with the PREA Coordinator</li> <li>· Annual Staffing Plan Review Board Meeting Minutes</li> </ul> |

- Staffing Plan Annual Review February 2022
- Daily population counts
- Randomly requested staffing rosters
- Interviews with supervisors formal and informal
- Documentation of unannounced rounds – pre audit 21 housing units, all shifts
- Random review of logbooks demonstrating regularly supervisory rounds, unannounced
- Informal interviews with staff confirming regular random supervisory rounds
- Random staff interviews
- PAQ

The PAQ indicates that the average daily population since the last PREA audit is 1628. The staffing plan is predicated on an inmate population of 1628; the facility does not deviate from the staffing plan.

Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, Staffing Considerations and Video Monitoring. Prior to the annual Staff Transfer, each custody captain shall assess authorized staffing levels and submit documentation to the PREA coordinator for any recommended changes to authorized staffing levels as well as any requests for video monitoring systems enhancements and other monitoring technology with respect to sexual abuse prevention within the custody facilities. The PREA coordinator will review the information and attach any additional recommendations for staffing and/or monitoring systems enhancements and submit the recommendations, via the chain-of-command, to the undersheriff, Personnel Division captain and the Director of Sheriff's Administrative Services. In determining staffing levels and the need for video monitoring with respect to sexual abuse prevention within the custody facilities, the following criteria shall be taken into consideration: Generally accepted detention and correctional practices; b. Any judicial findings of inadequacy; Any findings of inadequacy from federal investigative agencies; d. Any findings of inadequacy from internal or external oversight bodies; e. All components of the facility's physical plant, including blind spots or areas where staff where inmates may be isolated; f. The composition of the inmate population; g. The number and placement of supervisory staff; h. institution programs occurring on a particular shift; i. Any state or local laws, regulations, or standards; j. The prevalence of substantiated or unsubstantiated incidents of sexual abuse, sexual assault, sexual misconduct and sexual harassment; k. Any other relevant factors.

Each shift sergeant or watch commander will conduct and document unannounced rounds to identify and deter staff sexual abuse with particular attention to remote (isolated) areas of the facility. staff is prohibited from alerting other staff members during supervisory rounds, unless such announcements are related to an emergency or a legitimate operational function.

Policy 1.25 Administration, Organization and Management – Staffing states, It is the policy of the Department of Correction to have a written Staffing Plan, and to identify staffing levels that will adequately meet the safety, security, service, program and legal requirements. This policy addresses, essential operations, services/programs and recreation.

Policy 9.39 Security and Control Inmate Supervision provides requirements for inmate supervision.

(a) The interview with the Complex Captain and review of the staffing plan confirmed the following:

(1) The facility uses generally accepted detention and correctional practices through the American Correctional Association, American Jail Association, National Institute of Corrections for guidance in setting policy.

(2) There is one consent decree judicial findings of inadequacy – Chavez v. County of Santa Clara, N.D. Cal. No. 1:15-cv-05277-RMI (filed Nov. 2015) alleging unconstitutional conditions of confinement. Staff were transparent regarding this consent decree and the changes implemented. Staff reflected that changes have been positive.

(3) There are no findings of inadequacy from federal investigative agencies;

(4) There are no findings of inadequacy from internal or external oversight bodies;

(5) All components of the facility’s physical plant are reviewed. Video monitoring is used; specific information regarding placement of cameras was reviewed during the audit.

(6) The composition of the inmate population has been the same for several years.

(7) The number and placement of supervisory staff has been reviewed and determined to be adequate. Review of rounds and staffing occur regularly.

(8) Institution programs occurring on a particular shift has a detailed evaluation of the time and days of the programs occurring. A lieutenant is assigned to ensure safety and security of programming areas. He was interviewed during the onsite audit.

(9) Any applicable state or local laws, regulations, or standards are reviewed.

(10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse are addressed.

(11) No other relevant factors have been identified.

(b) The PAQ reflects that the facility does not deviate from the staffing plan. It was reported and confirmed through review of randomly requested staffing rosters that overtime is used to ensure that all positions are filled. Random staff interviews confirmed that they work overtime and are from time to time mandated to work overtime to ensure staff positions are filled. During the audit, the auditor observed

that staff were assigned to posts as indicated in the staffing plan, staff stations provide indirect supervision of the housing unit, however, monitors are located at officer station which afford the officers a continual view of the operations. Welfare checks are required at least hourly per policy. Random review of logbooks supported that these checks are occurring. No information was received during inmate interviews that suggested otherwise.

(c) The Jail Staffing Plan 2022 is a detailed review of staffing for each area of the facility, inmate programming with a detailed accounting of Monday through Friday needs related to the programming, training, review of sexual abuse and sexual harassment statistics, security staff assignments (staffing formula), video monitoring and other relevant factors and recommendations. The Annual Staffing Plan Review Board meeting minutes reflects attendance by PREA Coordinator and four PCMs. It is sent to the Undersheriff via Chain of Command. Policy, interviews with the Complex Captain and the PREA Coordinator confirmed this staffing review is conducted.

(d) The auditor asked staff during random interviews if the supervisor comes through the unit regularly, if the time was the same every day and if anyone is alerting them to the rounds being conducted by the supervisor. All interviews confirmed that they do not know when the supervisor is coming to their assigned post for the check, and they are not being alerted to the supervisor making rounds. Additionally, they confirmed knowledge that they are not to alert others when the supervisor is making rounds. Formal and informal interviews with supervisory staff confirmed to the auditor that they conduct rounds at different times, different directions and do not believe that staff have been alerted to their rounds. The auditor randomly reviewed logbooks during the tour and confirmed that supervisory rounds are made each shift (this facility operates on two shifts) daily.

Summary of evidence to support a finding of compliance: Review of the policies, staffing plan, and random selection of rosters support compliance. Interviews with staff such as corrections officers, supervisors, Complex Captain and PREA Coordinator all supported a finding of compliance. Randomly requested documentation of unannounced rounds and overall observations during the audit process did not lead to any evidence that would indicate non-compliance.

|               |  |
|---------------|--|
| <b>115.14</b> | <b>Youthful inmates</b>  |
|               | <b>Auditor Overall Determination:</b> Meets Standard   |
|               | <b>Auditor Discussion</b>  |
|               | <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 13.13 Juvenile Inmates</li> <li>· Interview with the Assistant Sheriff</li> </ul> |

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>· Interview with the PREA Coordinator</li> <li>· Request for records for youngest inmate</li> </ul> <p>In accordance with state law, minors, as defined by a person under 18 years of age, is not committed to this facility. It was explained to the auditor that from time to time, a juvenile is brought to Intake with records/information that reflects he is over 18 years of age, but after review of additional records (i.e. fingerprints) it is determined that he is not, he is temporarily held until arrangements are made to transfer him to the Juvenile facility. The juvenile is housed in an area that is separate from sight and sound of adults until this occurs. This area was observed during the onsite audit.</p> <p>Policy 13.13 Juvenile Inmates confirms this and additionally states that juveniles will be held pending arrival of the arresting agency for transport and booking in Juvenile Hall. After review of the policy, observation of the separate area and interviews, the auditor confirms that juveniles are not housed in this facility and therefore finds the standard non applicable - compliant.</p> |
|--|--|

|               |  |
|---------------|--|
| <b>115.15</b> | <b>Limits to cross-gender viewing and searches</b>   |
|               | <b>Auditor Overall Determination:</b> Meets Standard   |
|               | <b>Auditor Discussion</b>  |
|               | <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Policy 9.05 Security Searches</li> <li>· Policy 14.17 Lesbian, Gay, Bisexual, Transgender, Questioning/Queer and Intersex (LGBTQI) Inmates</li> <li>· Training Curriculum - Searches</li> <li>· Training Records</li> <li>· Interview with the Training staff</li> <li>· Interviews with random staff</li> <li>· Interviews with random inmates</li> <li>· Interviews with supervisory staff</li> <li>· Observations</li> <li>· Review of video monitoring</li> </ul> |



- PAQ

- Frequently Asked Questions - Clarification of Application to PREA Standards Provisions (FAQ)

The PAQ indicates that there has been no cross-gender strip or cross-gender visual body cavity searches of inmates, no cross-gender strip or cross-gender visual body cavity searches of inmates that did not involve exigent circumstances or were performed by non-medical staff. The PAQ indicates that 100% of staff have been trained on conducting cross-gender pat-down searches and searches of transgender and intersex inmates.

The following policy excerpts support compliance with the provisions of this standard:

Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, Staff who supervise inmates will receive cross-gender supervision training. The training shall be tailored to the gender of the inmates at the employees' facility. Employees shall receive refresher training if the employee is reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa. The agency shall train security staff in how to conduct cross-gender patdown searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. Any staff who conducts a cross-gender pat search shall submit a report to the Division Captain describing the incident, the exigent circumstances and the authorizing Supervisor. All staff of the opposite gender than the inmates they are supervising or interacting with shall announce their presence when entering the inmate housing unit. All inmates will be allowed 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 cell checks. Staff shall not conduct a pat search or physical examination of a transgender or intersex inmate for the sole purpose of determining the inmates' genital status. staff shall not conduct cross-gender strip searches except under exigent circumstances. (Refer to DOC Policy 9.05) a. If exigent circumstances require that a cross-gender strip search must be conducted, a Sergeant shall be notified immediately, and an Employee's Report shall be completed. 5 6 staff shall not conduct cross-gender visual body cavity searches except under exigent circumstances. (Refer to DOC Policy 9.05) If exigent circumstances require that a cross-gender visual cavity search must be conducted, a Sergeant shall be notified immediately, and an Employee's Report shall be completed.

Policy 9.05 Security Searches defines type of searches, when searches can be conducted, forms to use and reinforces that staff shall not conduct searches on inmates of the opposite sex.

Policy 14.17 Lesbian, Gay, Bisexual, Transgender, Questioning/Queer and Intersex (LGBTQI) Inmates

SEARCHES OF TRANSGENDER OR INTERSEX INMATES A. Transgender or intersex inmates who identify as female or male shall be searched by a deputy of the same

gender. B. Transgender or intersex inmates who identify as neither female nor male shall be asked to indicate on their Statement of Preference Form (See Appendix C) their preference for the gender of the deputy who searches them. C. All searches will be conducted and documented according to the Sheriff's Office Policy 9.05. D. Searches will only be conducted for a purpose listed on the Statement of Preference Form (See Appendix C). E. No searches shall be performed for the sole purpose of determining an inmate's genital status. F. Strip searches will only be conducted for a purpose listed on the Strip Search Authorization Form (See Appendix B). G. If a strip search is required for a transgender or intersex inmate, the search shall be conducted by a deputy/officer and overseen by a supervisor. The deputy/officer and the supervisor will Policy 14.17-2 LGBTQI be of the same gender as the transgender or intersex inmate if the inmate identifies as male or female, If the transgender or intersex inmate does not identify as male or female, the deputy/officer and supervisor shall be of the gender indicated on the inmate's Statement of Preference Form (See Appendix C).

(a) (b) (c)As indicated, policy restricts cross-gender strip searches or cross-gender visual body cavity searches except is there are exigent circumstances. The PAQ reports that there have been no occurrences of a cross-gender strip search or cross gender visual body cavity search. Additionally, policy restricts cross-gender pat searches, except in exigent circumstances. The review of the training curriculum reinforced this. This operation does not house female inmates.

(d) Policy, all random staff interviews and most random inmate interviews confirmed that the opposite gender announcement is made every time a female staff enters the unit, and, that inmates are able to shower, use the toilet and change clothes without being seen in using the toilet, showering or changing clothes.

During the tour, the auditor observed the showers and bathrooms located in the individual housing units. The facility showers/showers did have curtains that blocked the total view of buttocks and genitalia with the exception of the minimum unit which did not provide any additional coverage, providing a full view of use of toilet and showers if a staff person enters this area. Observations during the tour and informal conversations supported that female staff are rarely assigned to housing units which reduces the likelihood of opposite gender staff viewing genitalia or buttocks, however, the auditor requested better obstruction of these areas, that did not undermine security. Photos were received demonstrating that curtains were placed over the entrance to these bathrooms, covering half of the observation to the entrance, and therefore making this area compliant with this provision.

Additionally, during the tour the auditor observed the area where strip searches are conducted in Intake. It provided appropriate privacy for the inmate during this process, one defined is for males and another room for females. At intake, it was described to the auditor how males and females are not in the same area; the physical plant provided for this separation.

During the tour, the auditor and escort team was announced prior to entering the unit verbally by staff; this did not appear to be odd based on the observations of the

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|  | <p>inmates in the unit at the time. The view of the video monitoring for the facility supports that opposite gender staff cannot view buttocks, or genitalia; they do not show views of the cells, bathroom or showers. For dormitory style units, inmates are informed they are to change in the bathroom/shower area.</p> <p>(e) As stated in the policies below, transgender or intersex offenders are not searched or physically examined to determine genital status. All staff interviews supported that they were knowledgeable regarding this requirement of the standard and this has not occurred at this facility.</p> <p>(f) Techniques on how to search are currently addressed at the academy. This does not fulfil the requirements for the provisions; however, all staff confidently reported that they have been trained in how to conduct cross-gender, transgender/intersex pat searches. The auditor is requiring the facility to include the techniques with their regular cross-gender supervision training to obtain compliance.</p> <p>Update: The facility provided the Academy and In-Service Lesson Plan 19.08 confirming it is included in in service training every year and does address opposite gender search techniques.</p> <p>Additionally, policy support compliance with the FAQ issued December 2016 which indicates clarification for searches of transgender/intersex inmates. Transgender inmates are searched by a staff of their identified gender, or of the gender of preference. Training records were provided demonstrating staff have been trained (see comments to 115.31). Additionally, per the interview with the Training Coordinator, this is provided in new officer orientation and every two years.</p> <p>Summary of evidence to support a finding of compliance: Policies which support compliance, staff interviews demonstrated knowledge of these requirements from training received, the training curriculum, training records, and overall observations made during the audit process provided evidence of compliance. In accordance with FAQ clarifications, policy reflects that a transgender/intersex incarcerated individual can designate the gender of the staff to search in accordance with the inmates self-identified gender. Interviews all confirmed that they have been appropriately trained regarding how to search transgender/intersex persons and cross-gender pat searches.</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>   |
|               | The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard: |

- Policy 14.15 Inmate Rights: Prison Rape Elimination Act
- Policy 13.11 Special Management/Classification Custody ADA Plan
- Observations during the tour
- Interview with the Assistant Sheriff
- Interviews Inmates LEP or disabled
- Random staff interviews
- PAQ
- Language Interpretation demonstration
- Interviews with bilingual staff
- Interview with the ADA Coordinator /PREA Coordinator
- Inmate Rulebook - English, Spanish and Vietnamese
- PREA Posters English, Spanish and Vietnamese.
- PREA Brochure - English, Vietnamese, Spanish
- Records tracking ESL inmates
- Records tracking Mentally Challenged, Cognitively Disabled
- Records tracking Inmate Accommodations
- Training records - ADA training

The following policy excerpt supports compliance with this standard:

Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, Inmates with Disabilities and Inmates who are Limited English Proficient - All inmates will have meaningful access to all aspects of the Department's effort to prevent, detect, and respond to sexual abuse, sexual assault, sexual misconduct and sexual harassment including inmates with disabilities and limited English proficiency. All PREA communications, both written and verbal, will provide effective communication and understanding for disabled and non-English speaking inmates. Staff will document, on the PREA Reporting Information Worksheet, all steps taken to provide effective communication and understanding to inmates with disabilities or limited English proficiency. Inmate interpreters, inmate readers, or other types of inmate assistance will not be used except in limited circumstances where an extended delay in obtaining an effective interpreter would compromise the inmate's safety, the performance of first-response duties, or the investigation of the inmate's allegations.

Policy 13.11 Special Management/Classification Custody ADA Plan describes the process for identifying and providing accommodations. It addresses that disabilities

are identified at booking.

Policy 13.17 Special Management/Classification – Mentally Disordered Inmates addresses specialized treatment, services and housing for inmates who display or have been diagnosed as having mental health or developmental problems. This is evaluated at booking.

The Inmate Rulebook informs Inmates of their rights as follows: Per Title II of the American with Disabilities Act (ADA) and Santa Clara County Jail’s Inmate Disability Program (IDP), all inmates with qualified disabilities will be provided reasonable accommodations for their disabilities and will have equal access to the jail’s programs, services and activities that are offered for your classification and security level. You will not be discriminated against because of your disability. You will not be excluded or denied from participating in the jails’ programs services or activities for which you are qualified.

The ADA Coordinator is responsible for management of the ADA and IDP at the Main Jail and at the Elmwood Complex. This includes but is not limited to; furnishing auxiliary aids and/or services, sign language interpreters, telephone calls via a TTY / TDD machine, volume control telephones, writing material to facilitate visits or other communications, large print material/books, easy read material/books, Braille materials/books, electronic equipment, hearing aid batteries, ADA compliant signage. For hearing-impaired inmates, assistive listening devices or sound amplification devices will be made available to you upon request in order to help you with communication during programs or services. Closed-caption televisions will be made available in designated housing areas for hearing impaired inmates.

During the intake process the following occurs as concluded by review of risk assessments.:

Medical or mental health staff initially access if there is a medical, physical or developmental disability. Does the inmate exhibit any signs of mental, physical or developmental disability?

Based on the lists provided to the auditor for selecting inmates for a “targeted interview”, the auditor concludes that this process is effective and documented.

Effective Communication of Inmate’s Rights Under PREA is assessed. Inmates are informed, and asked to read back the following statement:

“We ill NOT accept any form of sexual abuse & sexual harassmt. You have a right to be free from sexual abuse and sexual harassmt. You have a right to report sexual abuse and sexual harassmt and to not be judged or bullied for reporting. You can report by telling someone in person, writing or call the rape hot line. Do you understand you right?

The intake staff then document if the inmate read aloud the required statement and if they acknowledged verbally, they understood the statement regarding their inmate rights.

Next the following is assessed: Did the inmate require additional verbal or visual explanation of their inmate rights under PREA?

Approximately one third of the inmates interviewed, when asked about if they were informed about this right, informed the auditor that yes, they had to read the statement at intake.

(a)The facility has an Americans with Disabilities Act (ADA) coordinator who addresses all specific needs of inmates which are identified in the intake process or subsequently thereafter. This position is held by the Administrative Captain who also serves as the PREA Coordinator.

The Inmate Rulebook informs Inmates of their rights as follows:

Per Title II of the American with Disabilities Act (ADA) and Santa Clara County Jail's Inmate Disability Program (IDP), all inmates with qualified disabilities will be provided reasonable accommodations for their disabilities and will have equal access to the jail's programs, services and activities that are offered for your classification and security level. You will not be discriminated against because of your disability. You will not be excluded or denied from participating in the jails' programs services or activities for which you are qualified.

The ADA Coordinator is responsible for management of the ADA and IDP at the Main Jail and at the Elmwood Complex.

This includes but is not limited to; furnishing auxiliary aids and/or services, sign language interpreters, telephone calls via a TTY / TDD machine, volume control telephones, writing material to facilitate visits or other communications, large print material/books, easy read

material/books, Braille materials/books, electronic equipment, hearing aid batteries, ADA compliant signage.

For hearing-impaired inmates, assistive listening devices or sound amplification devices will be made available to you upon request in order to help you with communication during programs or services. Closed-caption televisions will be made available in designated housing areas for hearing impaired inmates.

The auditor was provided a list of all accommodations for inmates currently housed at the complex, and special management inmates (mentally challenged and cognitively disabled). This demonstrated that staff identify, and document and provide assistance for those inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech 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.

Additionally, the auditor reviewed training records for twenty-nine (29) randomly selected files which all demonstrated that staff receive training the Americans with Disabilities Act (ADA).

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|  | <p>Observations as well as interview with inmates identified as having physical or mental challenges confirmed to the auditor that special needs are identified, addressed, they are educated regarding their right to be free from sexual abuse and sexual harassment, and are appropriately housed in the facility to further help assist with those needs.</p> <p>(b) Interviews with inmates who have limited English skills revealed that they received the information in the format requested, and that all versions of the Inmate Rulebook are available on tablets which are issued to the inmate population daily. Posters were visible throughout the facility demonstrating the three prominent languages in the area. Informal conversations were conducted with staff that revealed to the auditor that many staff are bi-lingual (both Spanish and Vietnamese) and provide interpretation services when asked. The auditor tested the language line services available to the facility, asked for an interpretation who speaks Burmese, and she was readily available to the auditor for interpretation.</p> <p>(c) The PAQ reports that there have been no instances where an inmate was used to interpret during a PREA investigation in the previous 12 months. The auditor found no reason to dispute this fact during the audit process. All staff interviews confirmed that another inmate would not be used to interpret for an inmate making a PREA allegation or any part of the PREA requirements (intake, investigation, etc). This was supported by interaction and observation with many bi-lingual staff who speak Spanish and some who speak Vietnamese. Additionally, the auditor tested the Language line services, requesting Burmese; an interpreter was available within one minute. Staff who work in intake reinforced knowledge and access to the use of the Language Line when needed. When interviewing limited English inmates, staff, including the PCM, were readily available to interpret for the auditor.</p> <p>Summary of evidence to support a finding of compliance: Policy addresses the requirements of the standard and specifies how they will address needs of inmates with limited English and/or disabilities. It is reinforced in the Inmate Rulebook. Interviews with the ADA Coordinator, limited English and disabled inmates, and several bilingual staff provided additional evidence supporting a finding of compliance with all provisions of this standard.</p> |
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| <b>115.17</b> | <b>Hiring and promotion decisions</b>   |
|               | <b>Auditor Overall Determination:</b> Meets Standard  |
|               | <p><b>Auditor Discussion</b></p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Observations</li> </ul> |

- Interviews Human Administrator
- Employment Application
- Documents - Personnel files of those hired or promoted in the past 12 months
- Documentation randomly requested staff confirmation of background checks
- PAQ
- Contractor personnel files
- Interview with staff hired within the last 12 months
- LE Records check for candidate - lateral
- Pre hire questionnaire
- Hiring flow chart

The PAQ indicates that seventeen staff have been hired who may have contact with inmates in the previous twelve months. Nine contractual staff have been hired.

Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, Employees/ Contractors/Volunteers A. 2 A. All job applicants who may have contact with inmates shall not be eligible for hire or promotion and contractors who may have contact with inmates shall not be enlisted for services if: They have engaged in sexual abuse, sexual assault, sexual misconduct or sexual harassment in any custodial setting; Have 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; Have been civilly or administratively adjudicated to have engaged in sexual activity in the community facilitated by force, overt or implied threat of force, or coercion, or if the victim did not consent or was unable to consent or refuse. B. Any and all incidents of sexual harassment shall be considered in determining whether to hire or promote anyone, or enlist the services of, any contractor who may have contact with inmates. C. Before hiring new employees who may have contact with inmates, the Personnel Division shall, consistent with federal, states, and local laws, perform a criminal background records check on all applicants. The Personnel Division shall also perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates. The agency shall ask all job applicants who may have contact with inmates about previous sexual abuse, sexual assault, sexual misconduct or sexual harassment in written applications and/or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. I. Employees of the DOC have a duty to report if they have: Engaged in or assisted in inflicting sexual abuse, sexual assault, sexual misconduct or sexual harassment on an inmate. b. Have 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; c. Have been civilly or administratively adjudicated to have



engaged 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. The Personnel Division will make its' best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse, sexual assault, sexual misconduct or sexual harassment; or any resignation during a pending investigation of an allegation of sexual abuse, sexual assault, sexual misconduct or sexual harassment. G. Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse, sexual assault, sexual misconduct or sexual harassment involving a former employee upon receiving a written request from an institutional employer for whom such person has applied for work. H. In lieu of the PREA requirement to conduct employee criminal background records checks at least every five years , employees and contractors shall report, within 24 hours, when arrested or charged with any violation of the law associated with sexual abuse, sexual assault, sexual misconduct or sexual harassment. Material omissions regarding sexual abuse, sexual assault, sexual harassment and sexual misconduct, or the provision of materially false information, shall be grounds for termination. a. F I. Policy 14.15 - 25 The Personnel Unit receives notifications from the State of California Department of Justice on any criminal arrest or conviction of an employee hired by the Sheriff s Office/Department of Correction. The Personnel Captain will take immediate and appropriate action upon receipt of such notice.

(a)- (g)The auditor received sufficient examples of background checks for new hires (four total) and verification that new hire candidates are asked the questions in provision (a) (Pre-Hire questionnaire). In the course of review and dialogue with the agency staff, this form was updated to include a question regarding previous sexual harassment, and candidates now sign acknowledging the following: I hereby certify that I have answered the above questions honestly and accurately. I understand that material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination/dismissal. I understand that I have a continuing affirmative duty to disclose any such misconduct. A similar form has been developed for promotional candidates. Twenty nine examples of background checks - contractual and status employees were provided for review. They demonstrate that the following are checked: California Department of Justice, FBI, Bureau of Firearms (peace officers) and Child Abuse Central Index are checked. A specific form is used to check references for those with prior correctional experience .

The interview with the HR Manager yielded the following: The application process does include use of the newly developed questionnaire. Background checks are conducted then a live scan is used to capture any new information. Information on substantiated sexual abuse must be provided in accordance with newly passed regulations, or for information not related to a peace officer, a release will ensure information is provided.

Summary of evidence to support a finding of compliance: Policy, interviews with the Human Resource Director, and review of documentation from personnel files all provided the auditor with consistent information to support that the provisions of the standard are in policy, and policy is followed.

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| <b>115.18</b> | <b>Upgrades to facilities and technologies</b>   |
|               | <b>Auditor Overall Determination:</b> Meets Standard   |
|               | <b>Auditor Discussion</b>  |
|               | <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Interviews Assistant Sheriff</li> <li>· Interview Complex Captain</li> <li>· Observations</li> <li>· Diagram - cameras</li> <li>· PAQ</li> </ul> <p>The PAQ indicates the facility has not acquired any new facilities and have not made substantial expansions or modifications of existing facilities since the last PREA audit but has installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since the last PREA audit.</p> <p>(a,b) The interview with the Assistant Sheriff confirmed that PREA (prevention, detection and response to sexual assault and sexual harassment) will be included in the review and decision regarding any modifications or expansions to the facility. The interview with the Complex Captain additionally supported this requirement, noting that upgrades had been implemented and that inmate safety is considered for determining placement and monitoring. Observation of placement of cameras was analyzed during the facility tour. The facility provided the auditor with diagrams reflecting camera placement.</p> <p>Summary of evidence to support a finding of compliance: The interview with the Assistant Sheriff and the Complex Captain support that no modifications or expansions to the facility have been made. Both confirmed that camera modifications have been implemented and that inmate safety, especially regarding the prevention of sexual abuse and sexual harassment are a high priority when finalizing the plans.</p> |

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| <b>115.21</b> | <b>Evidence protocol and forensic medical examinations</b>   |
|               | <b>Auditor Overall Determination:</b> Meets Standard   |
|               | <b>Auditor Discussion</b>  |
|               | <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> </ul> |

- Policy 9.29 Security and Control Criminal Investigations
- Sexual Assault Checklist (addresses evidence collection for the investigators)
- Interview with the Investigators
- Investigator Training curriculum – uniform evidence protocol and source
- Interview with SANE Coordinator, local hospital
- Interview with victim advocate services - YWCA
- Sixth Amendment to Agreement for Crisis-Line and Counseling Services between the County of Santa Clara and Young Women’s Christian Association of Silicon Valley
- PAQ

The PAQ indicates there have been no forensic medical exams, no SANE/SAFE exams nor exams performed by a qualified medical practitioner during the previous twelve months. The auditor found this credible.

Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, Sexual Misconduct investigations Where sexual abuse is alleged, the investigation shall be conducted by JCI Unit investigators that have received special training in sexual abuse investigations in confinement settings.(Refer to PREA Standard 115.34. and Department Policy 9. 2 9 -Criminal Investigations) B. All sexual abuse, sexual assault, sexual misconduct and sexual harassment allegations will be referred to the JCI Unit. Only criminal investigators who have received special training in investigating sexual abuse will conduct the investigation. Investigators shall use appropriately legal and accepted best practices when conducting all criminal investigations into complaints of sexual abuse, sexual assault, sexual misconduct and sexual harassment. All investigations shall be done promptly, thoroughly and objectively, including anonymous and third-party reports. Staff investigating allegations of sexual abuse and sexual assault shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecution. a. b The protocol shall be developmentally appropriate for youth, where applicable.

In circumstances where evidentiary or medically appropriate forensic medical examinations are necessary to investigate and process complaints of inmate sexual abuse or sexual assault, such examinations will be provided, whether on-site or at an outside facility, without financial cost to the victim inmate. such examination shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs), where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The agency shall document its' efforts to provide SAFEs or SANEs.

If requested by the victim inmate, the rape crisis advocate (YWCA) shall accompany and support the victim throughout the forensic medical examination process and

investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals as necessary.

Treatment services shall be provided without financial cost to the victim inmate regardless of whether the victim names the abuser or cooperates with any investigation arising out of incident.

Policy 9.29 Security and Control Criminal Investigations establishes the procedure for investigations of crimes that occur in the Department of Correction's facility or property.

(a)(b) (c) Investigations and the collection of evidence conforms to the guidelines as required. The interview with the Nurse Manager for the SANE program at the local hospital informed the auditor on the following:

- They use the protocol from "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents", 2012
- Examiners receive training/certification through the California Clinical Forensic Medical Training (CCFMTC)
- They may conduct a SANE exam up to ten days after an incident.
- The exam and all STD testing and treatment is free of charge, regardless of whether the victim names the assailant, or cooperates with the investigation.
- Staff have received Trauma Informed Care training
- Exams are available 24/7 (twenty four hours a day, seven days a week).
- Request for a trained, qualified sexual assault advocate is automatic, until the victim ensure staff they do not want them present.
- A multi-disciplinary Sexual Assault Response Team (SART) is used.

(d)(e) The contract entitled, Sixth Amendment to Agreement for Crisis-Line and Counseling Services between the County of Santa Clara and Young Women's Christian Association of Silicon Valley, states the following:

Contractor shall provide victim advocacy services shall encompass emotional support, counseling, crisis intervention, service referrals, and accompaniment through the forensic medical examination process and investigatory interviews, for reports of In Custody events. x Contractor shall provide victim advocacy services in person, via telephone or both, as individual needs and agency expertise dictates for inmates reporting. In Custody events of sexual assault, sexual abuse, sexual harassment and/or sexual misconduct. x Contractor shall provide victim advocacy services via telephone as individual needs and agency expertise dictates for Out of Custody events. x Contractor shall provide victim advocacy services in person, throughout any part of the judicial process, as requested by the Victim, for reports of In Custody events. Victims will be made aware the status of the victim advocate as a mandated reporter and the implications of the associated status. 3. Support Services x

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|  | <p>Contractor shall provide one full-time equivalent (FTE) staff person on call to provide on-site support services for victims of sexual assault, sexual abuse, sexual harassment and/or sexual misconduct. x Contractor shall provide support services onsite at Santa Clara County Sheriff's Office Detention Facilities on a one-to-one basis for inmates regarding. In Custody reports of sexual assault, sexual abuse, sexual harassment and/or sexual misconduct. 4. Staff Qualifications Contractor shall ensure the hiring of culturally competent personnel for all crisis line, victim advocacy and support services staff utilized to serve Inmates regardless of: Race; color; natural origin; ancestry; religion; sex; gender; sexual orientation; mental or physical disability; medical condition; political beliefs; organizational affiliation or marital status. x Contractor's education, crisis-line, victim advocacy and support services staff, volunteers and or/interns shall each be fully trained in sexual assault counseling by obtaining and maintaining a 65+- hour California State Sexual Assault Counselor Certification. x Contractor's FTE staff person shall also be trained in providing victim advocacy services and shall provide such services as needed.</p> <p>The interview with the YWCA Director of Healing confirmed that they provide a toll-free number for inmates to call that is not recorded, they will provided this service in person at the hospital, staff receive 75 plus hours of training to qualify for this position and pass a background check, staff can speak multiple language or a langue line interpreter is used, all interaction is confidential, they will not report on behalf of an inmate but will provide direction and support to him/her. They confirmed that the relationship with the facility/agency is good.</p> <p>Summary of evidence to support a finding of compliance: Policy excerpts, review of investigations, interviews with the SANE Nurse Manager, interview with the advocacy service all provided the auditor with sufficient evidence to support a finding of compliance.</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   |
|               | <p><b>Auditor Discussion</b></p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Flow chart for PREA Reporting</li> <li>· Interviews Assistant Sheriff</li> <li>· Interviews Investigative Staff</li> <li>· Review of investigations</li> </ul> |

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|  | <p>· PAQ</p> <p>The PAQ indicates there have been 23 allegations of sexual abuse and sexual harassment received, 23 resulting in administrative investigations , 2 referrals for criminal investigation, which were declined by the prosecutor.</p> <p>Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, In response to a report of inmate sexual abuse, sexual assault, sexual harassment or sexual misconduct, the immediate supervisor will advise the watch commander. The watch commander will assess the situation and ensure appropriate response and notifications have been made pursuant to the critical incident policy and coordinate appropriate response actions with medical and mental health, investigators, and inmate advocates. . . .</p> <p>The Sheriff's Office/Department of Correction will immediately respond to allegations, fully investigate reported in-custody incidents, pursue disciplinary action, and refer for criminal investigation and prosecution of those inmates who perpetrate sexual misconduct and threats of sexual assault or intimidation. . . . Where sexual abuse, sexual assault, sexual harassment or sexual misconduct is alleged, the investigation shall be conducted by Jail Crimes Investigation staff that have received special training in sexual abuse investigations in confinement settings.</p> <p>(a)(b) (c)Policy addresses the requirements of these provisions. All investigations are addressed by the Jail Crime Unit (JCU) which is part of the agency. The auditor was provided the investigations through the secure Online Audit System (OAS) for all investigations from the previous year – three allegations of sexual abuse and twenty-two allegations of sexual harassment. Review confirmed to the auditor that they were immediately initiated and fully investigated by the JCU. Interviews with the investigators confirmed to the auditor that they had not had an incident of sexual abuse or sexual harassment not referred to them immediately. The interview with the Assistant Sheriff additionally confirmed commitment to ensuring that all allegations of sexual abuse and sexual harassment are immediately investigated. The complete policy can be viewed on the website. The agency has a Flow Chart to demonstrate the coordinated response which ensures that allegations are referred to the JCU.</p> <p>Summary of evidence to support a finding of compliance: Review of policy, investigations as well as interviews with the Assistant Sheriff and investigators support that any suspicion or knowledge of sexual abuse, sexual harassment, neglect, or retaliation will be reported to the supervisors through to the shift commander to the investigators.</p> |
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| <b>115.31</b> | <b>Employee training</b>  |
|               | <b>Auditor Overall Determination:</b> Meets Standard  |
|               | <b>Auditor Discussion</b>   |
|               | The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard: |

- Policy 14.15 Inmate Rights: Prison Rape Elimination Act
- Orientation, Academy and In-service training curriculum for PREA
- Staff training records
- Interview Training Coordinator
- Interviews Random staff
- Informal interview two food service staff
- Interview with a Rehabilitation officer
- Observations
- PAQ
- FAQ

The PAQ indicates that all employees who have contact with inmates who were trained on PREA requirements as outlined in the provision.

Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, All staff, including contractors and volunteers responsible for supervising inmates or who may come in contact with inmates, in custody facilities and in all out-of custody programs will receive PREA training. PREA training shall, at minimum, consist of the following topics:

The department's "zero-tolerance" policy for sexual abuse, sexual assault, sexual misconduct or sexual harassment;

How to fulfill the responsibilities under agency sexual abuse, sexual assault, sexual misconduct and sexual harassment prevention, detection, reporting, and response policies and procedures;

The right of inmates to be free from sexual abuse, sexual assault, sexual misconduct and sexual harassment;

The right of inmates and employees to be free from retaliation for reporting sexual abuse, sexual assault, sexual misconduct and sexual harassment;

The dynamics of sexual abuse, sexual assault, sexual misconduct and sexual harassment in confinement;

The common reactions of victims of sexual abuse, sexual assault, sexual misconduct and sexual harassment;

How to detect and respond to signs of threatened and actual sexual abuse, sexual assault, misconduct and sexual harassment;

How to avoid unauthorized and inappropriate relationships with inmates;

How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates;

How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

All Sheriff's Office/DOC employees and all other county employees working/assigned to perform services for the Department shall be required to receive PREA training within 90 days of hire and take refresher training every two years. This is to ensure that all employees know the agency's current sexual abuse, sexual assault, sexual harassment and sexual harassment policies and procedures. In years in which an employee does not receive training, the agency shall provide refresher information on current sexual abuse, sexual abuse, sexual misconduct and sexual harassment policies.

The agency shall document, either via employee signature or electronic verification, that the employees understand the training they have received.

The Training Unit staff shall maintain PREA training documentation of badge staff in accordance with applicable Department Policy.

The Facility PREA Manager shall maintain PREA training documentation of contractors and volunteers in accordance with applicable Department policy.

The Facility Administrative Training Officer shall maintain PREA training documentation Custody Support Assistants (CSA's) in accordance with applicable Department policy.

(a) The auditor reviewed the Lesson Plan for PREA for the Academy training. It addresses all topics required by the provision and how to create an inclusive workplace for sexual orientation and gender identity minorities. The interview with training staff and random interviews for newly hired staff confirmed that they receive this training prior to contact with the inmates, reflecting compliance with the FAQ issued October 2014.

(b) As indicated in the review of the lesson plan, it addresses aspects unique to females and males. This agency houses both males and females.

(c) Review of the training records reflected that staff receive "PREA I and PREA II" at least every two years, some records reflected more frequently. They also received Sexual Harassment training, cross-gender supervision and LGBTQI training, reflecting that they receive training regarding PREA at least every year. The interview with training staff and random interviews for newly hired staff confirmed that they receive this training prior to contact with the inmates, reflecting compliance with the FAQ issued October 2014.

(d) Staff have to pass a quiz to document that they understood the training received.

The auditor randomly requested training records for staff with the last name beginning with



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|  | <p>D, L, R, T and W. This yielded a review of twenty-nine records; all demonstrated receipt of the training as described.</p> <p>Summary of evidence to support a finding of compliance: Policies support that training will be conducted at least every two years with refresher information provided annually. Review of the training curriculum demonstrates that the required topics are addressed. Staff interviews additionally provided the auditor with evidence of compliance with the provisions of the standard. As clarified in the FAQ, staff receive PREA training prior to having contact with inmates.</p> |
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| <b>115.32</b> | <b>Volunteer and contractor training</b>  |
|               | <b>Auditor Overall Determination:</b> Meets Standard  |
|               | <b>Auditor Discussion</b>   |
|               | <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Interview contractors/volunteers</li> <li>· Review volunteer/contractor/vendor training records</li> <li>· Interview with the Volunteer Coordinator</li> <li>· Interview with the Training Coordinator</li> <li>· Review Contractor/Volunteer Training Curriculum</li> <li>· Security Clearances for contractors and volunteers</li> <li>· Observations</li> <li>· PAQ</li> </ul> <p>The PAQ indicates there are 94 volunteers and contractors who have been trained in agency policies and procedures regarding sexual abuse/harassment prevention, detection, and response.</p> <p>Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, All staff, including contractors and volunteers responsible for supervising inmates or who may come in contact with inmates, in custody facilities and in all out of custody programs will receive PREA training. PREA training shall, at minimum, consist of the following topics:</p> <p>The department's "zero-tolerance" policy for sexual abuse, sexual assault, sexual misconduct or sexual harassment;</p> |

How to fulfill the responsibilities under agency sexual abuse, sexual assault, sexual misconduct and sexual harassment prevention, detection, reporting, and response policies and procedures;

The right of inmates to be free from sexual abuse, sexual assault, sexual misconduct and sexual harassment;

The right of inmates and employees to be free from retaliation for reporting sexual abuse, sexual assault, sexual misconduct and sexual harassment;

The dynamics of sexual abuse, sexual assault, sexual misconduct and sexual harassment in confinement;

The common reactions of victims of sexual abuse, sexual assault, sexual misconduct and sexual harassment;

How to detect and respond to signs of threatened and actual sexual abuse, sexual assault, misconduct and sexual harassment;

How to avoid unauthorized and inappropriate relationships with inmates;

How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates;

How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

The auditor was required to complete the Contractor and Volunteer Training before entrance to the facility. It consists of the following topics:

Agency's zero tolerance policy

Responsibilities to prevent, detect and report sexual abuse and sexual harassment

Inmates' right to be free from sexual abuse and sexual harassment

Inmate and Employees rights to be free from retaliation for reporting

Dynamics of sexual abuse and sexual harassment in confinement

Common reaction of sexual abuse and sexual harassment victims

How to detect and respond to signs of threatened and actual sexual abuse

How to avoid inappropriate relationships with inmates

Effective communication

Mandatory reporting of sexual abuse to outside authorities

In addition, the following are reviewed:

Sexual Harassment Policy 1.35

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|  | <p>Internal Affairs Policy 1.19</p> <p>PREA Policy 14.15</p> <p>LGBTQI Policy 14.17</p> <p>The Security Clearance has a checkmark for PREA Acknowledgment.</p> <p>During the onsite audit, the auditor interviews one college volunteer, one chaplain volunteer and the Director of Chaplaincy. They articulated to the auditor that they have received the training before entrance, they are aware of the zero tolerance for sexual abuse and sexual harassment. They know there is no such concept as consent by an inmate and that if they see anything, or it is reported to them, they are to report it right away to the nearest Deputy. The assured the auditor that a Deputy is always nearby. Additionally, the auditor requested and received Volunteer/Training records for fifteen staff, reflecting completion of the training, acknowledgement of the training and a security clearance.</p> <p>Summary of evidence to support a finding of compliance: Based on review of the information provided to contractual staff and volunteers, review of the training documentation, interview with the contractual staff and volunteer staff, the auditor finds sufficient evidence to support a finding of compliance with this standard; they exceed the requirement due to the required annual refresher training for volunteers.</p> |
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| <b>115.33</b> | <b>Inmate education</b>  |
|               | <b>Auditor Overall Determination:</b> Meets Standard   |
|               | <b>Auditor Discussion</b>  |
|               | <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Inmate Rulebook (English, Spanish and Vietnamese)</li> <li>· Brochures/pamphlet English, Spanish and Vietnamese</li> <li>· Observations Posters, pamphlets</li> <li>· Observation of the intake process</li> <li>· Interviews Intake staff</li> <li>· Interviews Random inmates</li> <li>· Intake records of orientation</li> </ul> |

- Review of the PREA video

- PAQ

The PAQ indicates that 12,157 inmates were provided information about zero tolerance at intake (100%), 2931 inmates received comprehensive education who remained past 30 days (100%).

Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, A pamphlet entitled "Sexual Assault Awareness" shall be distributed to every inmate in each custody facility, initially at Booking Intake as well as upon transfer between the Main Jail and Elmwood complexes. A PREA informational video shall be shown to inmates within each housing unit at regular intervals. Both the pamphlet and the video explain the Department's "zero-tolerance" policies on sexual abuse, sexual assault, sexual misconduct and sexual harassment. Both the pamphlet and video outline reporting options for victims of sexual abuse, sexual assault, sexual misconduct and sexual harassment, as well as the right for any inmate to grieve his/her condition of their confinement.

Inmate Orientation During the intake/booking process, inmates shall receive information related to their rights and responsibilities, facility and/or out-of-custody program procedures, prohibited acts in the facility/program and types of disciplinary action, which may be taken if they violate the facility/program rules. This information will be disseminated via the Inmate Orientation/Rule Book, "Sexual Assault Awareness" pamphlet, Inmate Orientation video, PREA video and posted signs. The Inmate Orientation/Rule Book and the "Sexual Assault Awareness" pamphlet explain the Department's "zero-tolerance". Each housing unit has posted signs containing information for inmates to report sexual abuse, sexual assault, sexual misconduct and sexual harassment.

Inmate Rulebook: Inmate Rulebook sign "I have a copy of the Sheriff's Office Inmate Rulebook. I must read and follow the rules in this book. If I have questions, I know that I may ask an Officer for help. I have read my PREA rights and/or viewed the PREA/Welcome Video." The rulebook, available on inmate tablets (as confirmed during random inmate interviews) contains the following information:

#### PREA - PRISON RAPE ELIMINATION ACT INMATE EDUCATION - LGBTQI

The Prison Rape Elimination Act (PREA) is a law that provides rules to detect, prevent, and deter rape, sexual harassment, sexual abuse and assault in a detention facility.

All inmates will be interviewed during the intake screening process for their risk of being sexually abused by other inmates or for being sexually abusive to other inmates. During the intake process, inmates will view a PREA video along with pamphlets on Sexual Assault and Sexual Harassment.

The PREA video is also played in all housing units at various times during the day. Posters are available in all housing units in English, Spanish and Vietnamese.

You may also use the Rape Crisis Center YWCA speed dial \*99 (this line is not

recorded and does not require your pin #), Jail Observer Program #37 (this line is not recorded) or Internal Affairs #39.

#### SEXUAL HARASSMENT / MISCONDUCT

The Santa Clara County Jail is committed to providing a safe environment for the persons in custody, this includes sexual safety. Santa Clara County Jail has a zero tolerance for sexual misconduct and will not tolerate ANY form of sexual misconduct by anyone in the jail. This includes inmates, staff, or visitors. You have the right to be free from sexual abuse and harassment.

You also have the right to be free from retaliation for reporting sexual abuse and harassment.

Examples of sexual misconduct are:

Sexual assault

Sexual harassment

Any sexual advance

Requests for sexual favors

Threats or retaliation for refusing sexual advances

Verbal or physical conduct of a sexual nature toward or with another person

Invasion of privacy beyond that reasonably necessary for safety and security

Sexual harassment in any form, such as:

Demeaning references to a person's sex, gender identity or sexual orientation

Derogatory comments about a person's body or clothing

Abusive, threatening, profane or degrading sexual comments or gestures

Touching, attention, or conduct of a sexual nature

Over familiarity, which includes but is not limited to:

Flirting

Exchanging personal gifts or letters

Reporting

It is important for you to report sexual misconduct immediately if you are a victim. Help is available through medical and mental health services. We take these reports seriously and thoroughly investigate all reports of sexual misconduct. We will take immediate action to protect you from further sexual abuse.

If you see or hear of others engaging in any uncomfortable behavior or sexual misconduct, you should report it. This can be done verbally by telling any staff member, including an officer, civilian employee, medical, chaplain, counselor or volunteer.

All reports of sexual misconduct and the investigations are deemed confidential. You may also report in writing by using the Grievance process or Medical Request form (white card), or a note to the unit officer.

You may also use the Rape Crisis Center YWCA speed dial \*99 (this line is not recorded and does not require you pin #), Jail Observer Program #37 (this line is not recorded) or Internal Affairs #39. You may report in confidence or anonymously.

Confidential letters can be sent to the Facility Captain, Chief of Correction or Internal Affairs at the following addresses:

|                       |                          |
|-----------------------|--------------------------|
| Elmwood Complex       | Main Jail Complex        |
| 701 South Abel Street | 150 W. Hedding Street    |
| Milpitas, CA 95035    | San Jose, CA 95110       |
| Chief of Correction   | Internal Affairs Officer |
| 55 W. Younger Avenue  | 55 W. Younger Avenue     |
| San Jose, CA 95110    | San Jose, CA 95110       |

Use the method with which you feel most comfortable

If you are a victim of sexual abuse, assistance is available at no cost for medical and mental health services. We take reporting seriously and investigate for referral for criminal prosecution. We will discipline you if you make a false report on purpose.

If you are the victim of a sexual assault while in jail, immediately report the incident to a staff member. Do not shower, wash areas of your body, use the toilet, brush your teeth, or wash clothes or underwear. This could wash away hair or other bodily fluids that are critical evidence. Also, save anything that touched the person who assaulted you or anything the person left behind. We will take action to protect you from further abuse, gather evidence of the assault, and make sure you receive immediate medical attention and treatment.

Sexual conduct between any persons in the jail, even if it is consensual, is a felony and could lead to formal discipline and/or criminal charges.

Pamphlets are provided to the inmates at intake and whenever a report is made that contains the same information.

The PREA video is also played in all housing units at various times during the day. The auditor observed the video. It is specific to Santa Clara County Jail. It informed the inmates of the following in detail:

- Zero tolerance
- Inmate right to be free of sexual abuse and sexual harassment
- Inmate and staff right to be free of retaliation for reporting, witnessing
- Examples of sexual misconduct
- How to report, to include confidential and anonymous
- Verbal to any staff
- Written - names, addresses provided

Posters provide the same information; they are visible

(a) During the intake process the inmate is provided information verbally of zero tolerance and provided the Inmate Rulebook. Copies of signed acknowledgements were provided to the auditor when reviewing 36 examples of the intake process, randomly requested by asking for the inmate with the last name starting with "A" for each housing unit. This yielded examples throughout the previous 12 months. Inmate interviews did support this process; however, many required prompting but admitted they arrived in an altered state (under the influence of substances).

(b) Upon assignment to the unit, the facility plays the PREA video twice daily. This was confirmed through informally asking staff and inmates that this occurs. Also, during the onsite audit, the auditor heard the announcement over the intercom for the units to play the PREA video. Additionally, the inmates are issued tablets daily. This was confirmed by the inmate interviews. The table contains a copy of the Inmate Rulebook in three languages.

(c) The auditor interviewed the inmate confined the longest, he has been housed at this facility since 2014. He confirmed that education regarding his right to be free from sexual abuse and sexual harassment has been occurring since he arrived. Inmates who arrive from another facility are processed through intake along with any newly arrived inmate.

(d) See comments in 115.16

(e) The auditor reviewed documentation of receipt of the Inmate Handbook as indicated.

(f) PREA and Inmate Orientation Video Reminder played daily twice. Posters were visible throughout the facility that provides the same information as indicated above in the handbook. During inmates' interviews, when asking how they find information on their rights, many referred to the green and white poster, or pointed out the poster to the auditor. The posters were readable (larger font, black on white posters with green borders) and accessible - located in areas visible to the inmate population, typically eye level for an average height person.

Summary of evidence to support a finding of compliance: Policy, inmate handbook, documentation supporting the process, review of the video, pamphlet and posters,

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|  | <p>inmate interviews and observations of the PREA announcement all provided sufficient evidence to support that the facility is compliant with this standard, and provisions. Specific, detailed information is provided to the inmate population in many accessible formats.</p> |
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| <b>115.34</b> | <b>Specialized training: Investigations</b>   |
|               | <p><b>Auditor Overall Determination:</b> Meets Standard</p>   |
|               | <p><b>Auditor Discussion</b></p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Observations</li> <li>· Interviews Investigative staff - three total</li> <li>· Training completion docs - eight total</li> <li>· Curriculum for investigators - NIC</li> <li>· Regular PREA Training documentation for investigators</li> <li>· PAQ # of investigators agency</li> </ul> <p>The PAQ indicates there are eight staff who have received the specialized PREA training for investigators.</p> <p>Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, Sexual Misconduct Investigations - Where sexual abuse is alleged, the investigation shall be conducted by JCI Unit investigators that have received special training in sexual abuse investigations in confinement settings. (Refer to PREA Standard 115.34. and Department Policy 9.29-Criminal Investigations)</p> <p>(a) (b) (c) The auditor interviewed two investigators from the agency Jail Crime Unit and one investigator who conducts internal affairs investigations. All confirmed training the areas of 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. Review of the sexual abuse investigations and training records supported that they were conducted by investigations training in sexual abuse investigations in confinement. Additionally, the auditor was informed that they attend ICI training which is one week long. Documentation was also provided to the auditor for nine trained investigators demonstrating they have attended this specialized investigator training. Additional</p> |



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|  | <p>documentation was requested and received demonstrating that all investigators have received regular PREA training (seventeen total).</p> <p>Summary of evidence to support a finding of compliance: Policy supports the requirements of the standards. Review of the investigations with corresponding certificates of training of those who conducted the investigation supported compliance. Interview with the investigator demonstrated knowledge regarding Miranda and Garrity warnings, interviewing victims, dynamics of abuse in a confinement setting and evidence collection. Investigators are on call if needed. They indicated they are being notified of any need to initiate investigations immediately.</p> |
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| <b>115.35 Specialized training: Medical and mental health care</b> |   |
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|  | <p><b>Auditor Overall Determination:</b> Meets Standard</p>   |
|  | <p><b>Auditor Discussion</b></p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Observations</li> <li>· Interview with the Director of Custody Health &amp; Custody Behavioral Health Services</li> <li>· Interviews Medical staff</li> <li>· Interviews Mental health staff</li> <li>· Training curriculum</li> <li>· Training Records medical and mental health staff</li> <li>· Training records, regular PREA training</li> <li>· PAQ</li> <li>· Interview with Charge nurse</li> </ul> <p>The PAQ indicates that the facility has 173 medical and mental health staff, 100% have received the specialized training.</p> <p>Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, All staff, including contractors and volunteers responsible for supervising inmates or who may come in contact with inmates, in custody facilities and in all out of custody programs will receive PREA training. PREA training shall, at minimum, consist of the following topics:</p> |

The department's "zero-tolerance" policy for sexual abuse, sexual assault, sexual misconduct or sexual harassment;

How to fulfill the responsibilities under agency sexual abuse, sexual assault, sexual misconduct and sexual harassment prevention, detection, reporting, and response policies and procedures;

The right of inmates to be free from sexual abuse, sexual assault, sexual misconduct and sexual harassment;

The right of inmates and employees to be free from retaliation for reporting sexual abuse, sexual assault, sexual misconduct and sexual harassment;

The dynamics of sexual abuse, sexual assault, sexual misconduct and sexual harassment in confinement;

The common reactions of victims of sexual abuse, sexual assault, sexual misconduct and sexual harassment;

How to detect and respond to signs of threatened and actual sexual abuse, sexual assault, misconduct and sexual harassment;

How to avoid unauthorized and inappropriate relationships with inmates;

How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates;

How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

(b) is not applicable to this facility

(a) (c) (d) requires, and it was confirmed through training records, interview with the Director of Custody Health & Custody Behavioral Health Services, interviews with mental health staff, and an informal interview with the Charge Nurse during the onsite audit that medical and mental health staff receive the training as required.

A memo from the Director of Custody Health & Custody Behavioral Health Services confirms that all staff will be trained annually, sign an acknowledgement they have completed the training, and this addresses volunteers and contractors.

The auditor reviewed the training curriculum provided to medical and mental health staff. It addresses the following:

- A review of the law
- Zero tolerance
- Staff Sexual Misconduct
- PREA questions and Answers

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|  | <ul style="list-style-type: none"> <li>· Employee Information Sheet</li> </ul> <p>The Employee Information Sheet, which is acknowledged through signature and acknowledgement of understanding also confirms the following:</p> <p>Key points of PREA</p> <p>Staff Sexual Misconduct</p> <p>Sexual Harassment</p> <p>Avoiding Inappropriate Relationships with Inmates</p> <p>Reporting Sexual Misconduct</p> <p>Effective Communication with Victims</p> <p>Summary of evidence to support a finding of compliance: Policy does not require that medical and mental health staff complete the specialized training nor does the training curriculum address the four topics: : (1) How to detect and assess signs of sexual abuse and sexual harassment; (2) How to preserve physical evidence of sexual abuse; (3) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and (4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment. Training does now address the four topics. Policy Santa Clara Health System Adult Custody Health Services Standards Manual does now address the requirements of the standard. Staff acknowledged receiving training in these topics. The auditor finds that with the updated training curriculum, policy that requires this training and interviews that the facility is compliant with the standard.</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>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Interviews two staff (classification)who perform risk screens</li> <li>· Demonstration of the intake process</li> <li>· Random inmate interviews</li> <li>· Random review of inmate’s risk assessments, first to arrive for the last 11 months</li> </ul> |

- Interview PREA Coordinator
- Observations
- PAQ
- FAQ

The PAQ indicates that 651 inmates entered the facility whose length of stay was for 72 hours or more were screened for risk of sexual victimization or risk of sexually abusing other inmates (100%); 372 remained past 30 days who were reassessed for their risk of sexual victimization or of being sexually abuse with 30 days after their arrival based upon any additional, relevant information received.

Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, All inmates shall be assessed during an intake screening, Classification interview and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive towards other inmates. Information from the risk screening will be used to separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. If an inmate is assessed and housed as an adult and later claims or are suspected to be a juvenile, the inmate will immediately be separated from the adult inmate population. (Refer to DOC Policy 13.13) ab. There shall be complete sight and sound separation between juvenile and adult inmates. (Refe, to DOC Policy 13.13) 4. The assessment shall be objective and consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: a- Whether the inmate has a mental, physical, or developmental disability; The age of the inmate; The physical build of the inmate; Whether the inmate has previously been incarcerated; Whether the inmate's criminal history nonviolent; IS exclusively Whether the inmate has prior convictions for sex offenses against any adult or child; Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; b, c. d. e. f. (tP. Policy 14.15 - 35 5 h. Whether the inmate victimization; has previously experienced sexual i. The inmate's o',vn perception of wlnerability; j. Prior acts ofsexual abuse; k. Prior convictions for violent offenses; L History of prior institutional violence or sexual abuse. Each inmate identified as at-risk for sexual victimization or abusiveness will be reassessed for risk of sexual victimization or abusiveness based on any additional information received by the facility since the intake screening within 30 days from the inmate's arrival at the facility. 6. Continual risk assessment for all inmates will be conducted upon each report, referral, and incident of abuse or receipt of additional information that may affect the inmate's risk of sexual victimization or abusiveness. a. classification staff will create a confidential classification File for each inmate in custody. This file is separate and distinct from an inmate's booking record and is maintained and stored by the Classification Unit staff. b. The classification File is confidential and only accessible by classification staff or under the direction of a classification supervisor. 7 Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked regarding sexual victimization or abusiveness.

Policy additionally states, As part of the Classification assessment, all inmates who

are to be housed in a Department custody facility or who participate in our out-of-custody Department custody facility or who participate in our out-of-custody programs, will be screened for potential vulnerabilities or tendencies of acting out with sexually aggressive behavior. a. Classification staff shall review the inmate's history for any documentation showing the inmate has a history of sexually aggressive behavior.

(a)(b) (c)(d) (e)An example of a completed Risk Assessment was sent to the auditor with the pre-audit documentation.

The screening tool is used considers the following information:

#### Risk of Sexual Victimization

- mental, physical, development disability
- age
- physical build
- first incarceration
- convictions for sex offense against an adult or child
- perception of or self identifies as gay, lesbian, bisexual, transgender, intersex or gender nonconforming (area for notes for the screener's objective opinion)
- crimes exclusively nonviolent
- previous experience as a victim of sexual abuse community and/or while incarcerated.
- inmate's perception of risk for sexual abuse

The risk screen developed and used at this facility addresses all of the requirements of the provision of this standard, except that it did not have an objective measurement. Policy supports the history of prior institutional violence or sexual abuse, as known to the agency, in assessing inmates for risk of being sexually abusive is conducted but it is not documented on the risk screen. This is analyzed in a new updated intake screen. An objective measurement has been implemented. The form was sent to the auditor for review and it is considered compliant with the standards.

(e) The screening tools addresses the following:

#### Risk of Sexual Abusiveness:

- conviction for a crime related to sexual abuse in institutional setting or community
- history of committing institutional sexual aggressive behavior

- convicted of a violent offense
- history of institutional violence

In addition, to areas required by the provisions, the screen addresses crimes against children.

The auditor observed the area in the intake operation and concerned that the risk assessment is conducted privately and verbally with the inmate. The interview with the staff who performs the risk assessment confirmed this as well. A brief demonstration of this process was given to the auditor. For those inmates interviewed who were able to recall the event clearly, it was confirmed to the auditor that they had no issue with answering the questions. Others admitted to the auditor that they were under the influence of a substance, or the auditor could ascertain that he had mental health challenges.

(f) The FAQ states, the 30-day affirmative reassessment requires, at a minimum, that screening staff consult available sources (including the inmate) to determine whether any previously unknown triggering event or information has become available and to document such review. Therefore, 30-day reassessment must include a review with the inmate and therefore Corrective Action is required. Effective in March 2023, this was implemented at the Women's jail and is to be phased into the other operations.

(g) The PREA Coordinator and his team indicated that they ensure that new information generates an updated risk assessment when referred by staff, when requested by staff, when an investigation has been completed which revealed information that warranted a new risk assessment. They reported that no new information or sexual abuse or harassment incident warranted a new risk assessment. The auditor found this credible.

(h) The interview with the Intake staff and PREA Coordinator confirmed that the agency would not require an inmate to answer sensitive questions - (d)(1), (d)(7), (d)(8), or (d)(9) if they did not want to respond. Inmate interviews confirmed that they did not believe they would be disciplined if they did not respond.

(i) Per the interview with the Intake staff and the PREA Coordinator, Risk assessments are maintained in the Classification office which has appropriate controls on which staff can access the records. The area where they are secured was observed by the auditor during the site review; located in the administrative area. Staff confirmed how access is controlled to this area.

The auditor reviewed documentation for the first inmate in each housing unit alphabetically. Thirty-six (36) files were reviewed. All demonstrated the intake was completed and timely with the exception of two inmates who had mental health issues occurring during intake. The initial risk assessment is completed by medical/mental health staff, who assess mental, physical and developmental disabilities, booking officer, who inquires about prior sexual abuse and reviews the PREA law and their rights with them, and finally classification staff who ask the remainder of the questions and have the access to the receiving documentation regarding prior

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|  | <p>criminal history.</p> <p>Summary of evidence to support a finding of compliance: Policy supports compliance with all aspects of the standards. Inmates acknowledged being asked the questions on the risk assessment. Inmates were asked if they felt they would be disciplined for not answering the questions; they answered no. Interview with the intake staff and PREA Coordinator supports compliance with completing the risk screen upon arrival. Appropriate controls on the information are in place by maintenance in a secure office and access to the OMS.</p> |
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| <b>115.42</b> | <b>Use of screening information</b>   |
|               | <p><b>Auditor Overall Determination:</b> Meets Standard</p> <p><b>Auditor Discussion</b></p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Policy 14.17 Lesbian, Gay, Bisexual, Transgender, Questioning/Queer and Intersex Inmates</li> <li>· Interview with the LGBTQI coordinator</li> <li>· Observations</li> <li>· Interviews PREA Compliance Managers</li> <li>· Interview Staff who conduct Risk screens</li> <li>· Interview Transgender inmates</li> <li>· Interview PREA Coordinator</li> <li>· Lieutenant for Inmate Rehabilitation</li> <li>· Computer alerts</li> </ul> <p>Policy 14.15 Inmate Rights: Prison Rape Elimination Act</p> <p>PREA Compliance A. 2. The Sheriff’s Office/Department of Correction will strictly enforce all federal, state and local laws regarding inmate sexual misconduct, sexual abuse, sexual harassment and threats of sexual assault or intimidation by: 1. Providing clear definitions of prohibited conduct Establishing uniform methods for the prompt reporting and investigation of allegations of sex-related offenses or threats Identifying sexual predators Protecting victims Prescribing and administering sanctions for substantiated sexual offenses as well as false allegations Informing and</p> |

educating inmates (verbally and/or in writing) of the information contained in this policy 7. Providing applicable training to staff.

Sexual Victimization Risk Assessment I The PREA information obtained during the initial booking process will be considered during the Classification risk assessment process. Information from the initial Classification risk assessment screening shall be used 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.

Transgender, intersex, Lesbian, Gay and Bisexual Inmates: To ensure proper housing for transgender, intersex, lesbian, gay and bisexual inmates; Decisions will be based on a case-by-case evaluation and will consider the risk to the inmate's health and safety, and whether the placement would present a management or security problem. a) Policy 14.15 - 36 b) Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate. c) A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates. e) The agency shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with the consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.

Policy 14.17 Lesbian, Gay, Bisexual, Transgender, Questioning/Queer and Intersex Inmates states, This policy is intended to provide supplemental guidelines to staff on identification of LGBTQI inmates, searches, and decisions regarding housing and programming, and access to programs, services, commissary, toiletry, and clothing items. Staff are expected to treat inmates with respect and maintain professional positive interactions and effective communication with inmates. Staff shall not use racial, ethnic, homophobic or other derogatory language towards an individual's gender.

Staff shall address transgender inmates using preferred names and pronouns as indicated on the Statement of Preference Form (See Appendix C)

Inmates who are known to Sheriff s Office to identify as transgender or intersex shall be given the opportunity to complete the Statement of Preference Form (See Appendix C) during intake, booking or at any time while under the supervision of the Sheriff s Office.

**HOUSING AND PROGRAMMING ASSIGNMENTS FOR TRANSGENDER OR INTERSEX INMATES** A. Housing and programming assignments for transgender or intersex inmates shall be made on an individualized basis and after considering the following criteria: 1. The inmate's stated preference. In particular, the inmate's own views with respect to her or his own safety shall be given serious consideration. 2. Any relevant medical and/or mental health considerations. 3. Any management and/or security considerations B. Whenever housing and programming assignments for transgender



and intersex inmates are being considered, staff shall consult with the following individuals as needed: L Support Services Captain 2. Administrative Services Captain 3. Classification Lieutenant 4. Classification Administrative Deputy 5. Nurse Manager 6. Physician 7. Mental Health Manager 8. Psychologist V. SERVICES FOR LGBTQI INMATES A. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates. B. LGBTQI inmates shall not be denied access to programs or services based solely on their LGBTQI status.

Statement of Preference form includes

Inmate Name: (Please Print) Preferred Name: (Please Print) Preferred Pronoun: (e.g., he/she/they) Housing While in custody I would prefer to be housed with: Women Men Other transgender individuals: \_ Searches Some inmates do not identify as either male or female. If you don't identify\$ as either male or female, you should fill out the following: While in custody I would prefer to be searched by: Women Men No preference: Inmate Signature 'Witnessing Deputy: Deputy's Name: (Please Print) Deputy's Signature: Date Signed: | | Date

Transgenderers are monitored continually - placement as evidenced by monthly tracking sheets provided to the auditor for January, February, March, April, May, June, July 2022.

(a) (b) As indicated in policy, classification staff are assigned to each inmate; they are able to access the Information regarding vulnerability. They have decisions over housing, work assignments and programming in the facility. There are alerts in the computer system for when someone designated as vulnerable or aggressive are placed in the vicinity of each other. Additionally, for the inmate industry, vocational assignment area, there is a lieutenant assigned that oversees the safety of the inmates assigned to these programs.

(c) (d) (e)(f) At the time of the audit, it was reported there were four inmates who identified as transgender females. They have not been at the facility long enough to receive this six-month evaluation. The interview with the PREA Coordinator confirmed to the auditor that the PREA Coordinator/Transgender Committee would be responsible for this review with assistance of the case manager assigned to assist him with his needs. Based on the size of the facility and involvement of the PCM and LGBTI Coordinator in daily activities, the auditor found this credible. The interview with the transgender females confirmed that their views have been given serious consideration regarding housing and searches. They are comfortable with the single shower; their opinion is considered when placed in housing and work assignments.

(g) During the audit process of touring reviewing documentation and interviewing staff, it is determined that this facility does not have dedicated facilities, units, or wings solely on the basis of such identification or status as transgender, intersex, homosexual, bi-sexual, gay or lesbian.

Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. Interviews with all staff and inmates confirmed that their views are considered, staff have tools to ensure that vulnerable inmates are safe from aggressive inmates when assigned to housing, bunks/cells, work and

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|  | programming assignments. |
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| <b>115.43</b> | <b>Protective Custody</b>   |
|               | <b>Auditor Overall Determination:</b> Meets Standard  |
|               | <b>Auditor Discussion</b>   |
|               | <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Review of investigations</li> <li>· Observations</li> <li>· Interviews Complex Captain</li> <li>· Interview with the Watch Commander</li> <li>· PAQ</li> </ul> <p>The PAQ states that no inmates have been placed in involuntary protective custody due to their high risk of sexual victimization. The auditor found no evidence to dispute this during the audit process.</p> <p>Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, Classification staff shall review the inmate's history for any documentation showing the inmate has a history of sexually aggressive behavior. If the results from the screening indicate a probability of victimization or sexually aggressive behavior, and an overall high level of risk, appropriate housing shall be implemented to ensure the safety of the inmate and others.</p> <p>Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made and it has been determined that there is no available alternative means of separation from likely abusers.</p> <p>If an involuntary segregated housing assignment is made, Classification shall conduct a file review every 30 days to determine whether there is a continuing need for separation from the general population.</p> <p>Inmates may not be held in involuntary segregated housing for more than 24 hours pending assessment for permanent housing.</p> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. The PAQ states that no inmates have been placed in restrictive housing for protective custody to separate a victim from his abuser. The auditor found no reason to dispute this fact during the audit process. Due</p> |

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|  | <p>to the physical plant, the facility has numerous options for placing an inmate for separation from his abuser without having to resort to placement in protective housing status. Review of the investigations, although deemed unsubstantiated, reflected that the Classification unit made housing moves to better ensure the safety of the inmates and prevent sexual abuse. The interview with the Complex Captain confirmed that restrictive housing will be used as a last resort. Restrictive housing is not located at this facility; they would be transferred to the Main Jail. Based upon the written authority, review of investigations, observations and these interviews, the auditor finds the facility is substantially compliant with this standard.</p> |
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| <b>115.51</b> | <b>Inmate reporting</b>   |
|               | <b>Auditor Overall Determination:</b> Meets Standard  |
|               | <b>Auditor Discussion</b>   |
|               | <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Inmate Rulebook</li> <li>· Testing of phone number for outside reporting - Ombudsman</li> <li>· PREA posters</li> <li>· PREA pamphlets</li> <li>· Interviews inmates</li> <li>· Interviews random staff</li> </ul> <p>The following policies require compliance with this subpart:</p> <p>Inmate Sexual Abuse Reporting:</p> <p>Inmates may report sexual abuse, sexual assault, sexual misconduct and sexual harassment, retaliation by inmates or staff, or staff neglect of responsibilities that may have contributed to such incidents in the following manner:</p> <p>Verbally notifying a Deputy/Officer or any Department staff member or volunteer</p> <p>Submitting an Inmate Request form</p> <p>Submitting a Grievance form</p> <p>Writing a confidential letter to the Sheriff, Undersheriff or Facility Captain</p> <p>Contacting the Internal Affairs Unit and submitting a complaint</p> |

Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.

Inmates are not required to submit a complaint or grievance alleging sexual abuse, sexual assault, sexual misconduct or sexual harassment to the staff member who is the subject of the complaint.

Inmates wishing to report incidents of sexual abuse, sexual assault, sexual misconduct or sexual harassment to a public or private entity or office that is not part of the agency can do so by:

Calling the YWCA Rape Crisis Hotline

Santa Clara County Human Relations Office

Note: Speed dial numbers for Internal Affairs, the Human Relations Office and the Rape Crisis Hotline are posted in various locations throughout the custody facilities including: Intake Booking, Processing, inmate housing units, inmate chow halls, visiting rooms, medical units and staff dining rooms.

Inmates who contact the above agencies can do so anonymously, if requested. All reports of sexual abuse, sexual assault, sexual misconduct or sexual harassment will be reported to the Department. All reports will be forwarded to the Department for investigative and/or corrective and protective action. Anonymous reports will be submitted without the victims' personal information.

Inmates may report sexual abuse, sexual harassment, and/or retaliation to the Adult Custody Office Of the Ombuds or another outside entity or agency designated by the PREA coordinator that is not part of the Office. The outside entity or office should be able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to the Facility Commander, allowing the inmate anonymity (28 CFR 115.51; 15 CCR 1029).

(a)(b)The following information is found in the Inmate Rulebook.

#### Reporting

It is important for you to report sexual misconduct immediately if you are a victim. Help is available through medical and mental health services. We take these reports seriously and thoroughly investigate all reports of sexual misconduct. We will take immediate action to protect you from further sexual abuse.

If you see or hear of others engaging in any uncomfortable behavior or sexual misconduct, you should report it. This can be done verbally by telling any staff member, including an officer, civilian employee, medical, chaplain, counselor or volunteer.

All reports of sexual misconduct and the investigations are deemed confidential. You may also report in writing by using the Grievance process or Medical Request form (white card), or a note to the unit officer.

You may also use the Rape Crisis Center YWCA speed dial \*99 (this line is not recorded and does not require you pin #), Jail Observer Program #37 (this line is not recorded) or Internal Affairs #39. You may report in confidence or anonymously.

Confidential letters can be sent to the Facility Captain, Chief of Correction or Internal Affairs at the following addresses:

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|-----------------------|-----------------------|
| Elmwood Complex       | Main Jail Complex     |
| 701 South Abel Street | 150 W. Hedding Street |
| Milpitas, CA 95035    | San Jose, CA 95110    |

|                      |                          |
|----------------------|--------------------------|
| Chief of Correction  | Internal Affairs Officer |
| 55 W. Younger Avenue | 55 W. Younger Avenue     |
| San Jose, CA 95110   | San Jose, CA 95110       |

Use the method with which you feel most comfortable

At intake, inmates sign for the Inmate Rulebook. Additionally, this Rule book is available on inmate tablets, which all are issued daily. This was confirmed by interviews with the inmates.

Posters:

Posters were visible in all areas of the facility during the onsite audit.

Posters are green and white, many inmates referred to them to the auditor by describing them in this manner. They were located where they could be easily read; size of font is legible. The green on white format using bold print leads readability and accessibility. They have three languages on one poster - English, Spanish, and Vietnamese.

Inmate interviews confirmed they can report through various methods. Many said they would tell staff or use the phone by calling the number on the "green and white" poster.

The auditor used the inmate telephone with the assistance of an inmate pin to call the Ombudsman. A message was left. A return phone call was received three days later; however it was acknowledged that it was received a few days earlier. He confirmed he does receive phone calls from the inmates, and some letters. He indicated he can allow the inmate to remain anonymous and report the incident to the facility with the inmate's permission.

(c) The provision requires that staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports. Staff interviews confirmed that staffs are aware of this expectation and support

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|  | <p>compliance, including the reporting of suspicions to their immediate supervisor, stating that this information is well received and handled appropriately by the supervisors. Review of the investigations supported that reports are made verbally to staff, documented and reported immediately to their supervisor and/or the Watch Commander. The auditor reviewed the reporting process with the Watch Commander during an interview; he confirmed the process. A PREA Information worksheet is used, entered into the investigation system, providing a narrative account and other factual details signed by the employee and supervisor. This process was confirmed during the review of the investigations.</p> <p>(d) Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, Internally: His/her immediate chain-of-command or manager supervisor, any other any person Department within the supervisor or b. c. Department's Personnel Manager Department' s Equal Opportunity Officer State of California Department of Fair Employment and Housing (DFEH) 2. aPolicy 14.15 -31 b. Federal Equal Employment opportunity commission (EEOC)</p> <p>Interviews with staff confirmed to the auditor that they have a private way to report. Most indicated they would report to the sergeant privately, but when prompted, acknowledged they can report outside the chain of command, or to anyone they felt comfortable with. They were not aware that they can report to the Personnel Manager or the EEOC as noted in policy.</p> <p>Summary of evidence to support a finding of compliance: Policy addresses the requirements of the standard. The facility provides detailed information to the inmate population regarding how to report - verbally, hotline numbers, name/addresses for writing. Review of the investigations allowed the auditor to conclude that they are aware of how to report, will report problems before they become more seriously, staff are responsive to the reports, investigations commence quickly, and the inmate safety is immediately reviewed, and appropriate action taken for his protection.</p> |
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| <b>115.52</b> | <b>Exhaustion of administrative remedies</b>  |
|               | <p><b>Auditor Overall Determination:</b> Meets Standard</p> <p><b>Auditor Discussion</b></p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Interview with random inmates</li> <li>· Review of investigations</li> <li>· PAQ</li> </ul> |

The PAQ indicates there have been the following

In the past 12 months, the number of grievances filed that alleged sexual abuse: zero

The number of grievances alleging sexual abuse that reached final decision within 90 days after being filed: zero

The number of grievances alleging sexual abuse that involved extensions because final decision was not reached within 90 days: zero

The number of emergency grievances alleging substantial risk of imminent sexual abuse that were filed in the past 12 months: zero

The number of those grievances in 115.52(e)-3 that had an initial response within 48 hours: zero

The number of grievances alleging substantial risk of imminent sexual abuse filed in the past 12 months that reached final decisions within 5 days: zero

zero emergency grievances

zero grievances written in bad faith

zero third party grievances

zero grievances alleging imminent risk of sexual abuse

Policy 14.15 Inmate Rights: Prison Rape Elimination Act, Official Response to Complaints states:

No time limit will be imposed on when an inmate may submit a grievance regarding allegations of sexual abuse, sexual assault, sexual misconduct or sexual harassment. All otherwise applicable time limits will apply to any portion of a grievance that does not allege an incident of sexual abuse. PREA regulations shall not restrict the Department's ability to defend against an inmate lawsuit on the grounds that the applicable statute of limitations has expired.

The Department shall not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, any alleged incident of sexual abuse, sexual assault, sexual misconduct or sexual harassment.

Sergeants receiving a grievance alleging or providing information that an inmate may be at substantial and immediate risk of imminent sexual abuse shall immediately investigate the allegation. Additionally, the Classification Sergeant will be notified of the allegation to determine if there is a need for the involved inmate(s) to be rehoused.

1. In situations where it was determined the inmate was not at substantial or immediate risk of sexual abuse as stated in their complaint, Classification shall verbally advise the inmate within 48 hours and provide, within 5 days, the written response to the inmate of the department's determination of risk and any action

taken in response to the report or grievance.

If an inmate files a grievance alleging sexual abuse, sexual assault, sexual misconduct or sexual harassment, DOC will ensure the following:

The grievance will not be referred to the staff member who is the subject of the complaint;

The inmate will receive notice of the department's decision on the merits of any portion of a grievance alleging sexual abuse, sexual assault, sexual misconduct or sexual harassment within 90 days of the initial filing of the grievance. Computation of the 90-day time period shall not include time consumed by inmates in preparing any administrative appeal;

The agency may claim an extension of time to respond, of up to 70 days, of the normal time. If the 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.

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, the inmate may consider the absence of a response to be a denial at that level.

Inmates filing grievances alleging or providing information that the inmate is subject to a substantial and immediate risk of sexual abuse may be assisted by third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates in filing a request for administrative remedies relating to allegations of sexual abuse. Third parties shall also be 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 agreed to have the request filed on his or her behalf and may also require the alleged victim to personally pursue any subsequent steps to the administrative remedy process.

1. If the inmate declines to have the request processed on his or her behalf, the agency shall document the inmate's decision.

Inmates wishing to submit a grievance alleging the inmate is subject to a substantial risk of imminent sexual abuse may do so following the established inmate grievance policy or by verbally notifying any staff member of the situation.

Staff receiving such a verbal complaint will immediately isolate the inmate for his/her protection and notify the supervisor who will assess the situation, and take immediate action, to include any appropriate investigation necessary to resolve the complaint. The supervisor, via the chain-of-command, will notify the Facility Commander and the Classification unit.

After receiving an emergency grievance alleging the inmate is subject to reasonable



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|  | <p>risk of imminent sexual abuse (or any portion thereof that alleges the substantial risk of imminent sexual abuse) and immediate corrective action has been taken, the Classification Unit shall provide an initial response within 48 hours. The Classification Unit shall issue a final written Departmental decision within five calendar days. The initial response and final Departmental decision shall document the agency's determination whether the inmate is at substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.</p> <p>An inmate may be disciplined for filing a grievance related to alleged sexual abuse only if there is evidence that the inmate filed the grievance in bad faith.</p> <p>Inmates were randomly asked during their interviews if they have any problems with obtaining a grievance form. All confirmed they do not or haven't needed to but was unaware of any issues with getting a grievance form. The auditor reviewed two grievances file which led to an investigation; both were for sexual harassment. The grievance noted it was closed out and referred for investigation.</p> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. Review of the investigations revealed that no grievance was filed related to sexual abuse. Inmates confirmed to the auditor that they are aware of the process for getting a grievance, and have not experienced, or heard of anyone experiencing problems with getting a grievance form and having it processed.</p> |
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| <b>115.53</b> | <b>Inmate access to outside confidential support services</b>  |
|               | <b>Auditor Overall Determination:</b> Meets Standard   |
|               | <b>Auditor Discussion</b>  |
|               | <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Observations</li> <li>· Interview with Director for YWCA</li> <li>· PREA Brochure English and Spanish</li> <li>· PREA Posters</li> <li>· Interviews Random inmates</li> <li>· Inmate Rulebook</li> <li>· Agreement for Crisis Line and Counseling Services Between the County of Santa Clara and Young Women's Christian Association of Silicon Valley</li> </ul> |

· Hotline for Rape Crisis stenciled on a beam going into the kitchen

Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, Inmates shall have access to outside victim advocates for emotional support services related to sexual abuse by the Department giving the addresses and telephone numbers of such agencies, including toll-free hotline numbers to victim advocacy or rape crisis organizations. Inmates must be informed, 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.

The auditor observed documentation with every investigation that inmates were provided the Sexual Assault brochure. Reports to the facility from the YWCA of Silicon Valley conclude that they have received 34 phone calls from this facility in the previous 12 months. Pamphlets were observed at the officers' stations and set up with inmate issuance in the intake area. PREA Posters provide information on how to access a rape crisis advocate using the speed dial #99. Additionally, in the minimum barracks unit, the rape crisis counseling number is largely stenciled on a beam, easily observed when going to the food service building for meals.

The inmate pamphlet entitled Sexual Assault Awareness (English, Spanish and Vietnamese) provides the number to the rape crisis hotline # 99. The auditor tested the number from an inmate phone and was able to reach the organization; it is not monitored or recorded. The organization maintains records of the number of calls received from the complex/facility.

Inmate interviews reflected that the number was on the PREA poster.

The Inmate Rulebook available in English, Spanish and Vietnamese indicates the following:

You may also use the Rape Crisis Center YWCA speed dial \*99 (this line is not recorded and does not require you pin #), Jail Observer Program #37 (this line is not recorded) or Internal Affairs #39. You may report in confidence or anonymously.

Contract -

Sixth Amendment to Agreement for Crisis-Line and Counseling Services between the County of Santa Clara and Young Women's Christian Association of Silicon Valley:

Crisis-Line Services x Contractor shall provide emotional support and victim advocacy to Inmates calling the crisis-line for sexual assault, sexual abuse, sexual harassment and/or sexual misconduct reporting. x Contractor shall inform callers of how to report instances of sexual assault, sexual abuse, sexual harassment and/or sexual misconduct reporting. x Where indicated, Contractor shall ensure that callers understand the status of crisis-line staff as mandated reporters and implications of the associated status. x Contractor shall follow applicable laws for reporting information or concerns obtained through the crisis line to the Sheriff's Office. Contractor shall inform callers that the ability of the Sheriff's Office to investigate or address a situation may be limited if a report is not made to the Sheriff's Office, or if

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|  | <p>personally identifying information is withheld from a report made to the Sheriff's Office. x Regardless of what is reported to the Sheriff's Office, Contractor shall provide callers with the full scope of victim advocacy services with regard to in-custody events. Contractor shall document every crisis-line phone call received from Santa Clara County Sheriff's Office detention facilities and provide agreed upon details of such phone calls on a monthly basis, to the Sheriff's Office. i. Agreed upon details include: 1. Number of calls received from each facility If caller is identified as new or a repeat caller 3. General purpose of call (i.e. reporting options, emotional support, resources)</p> <p>The interview with the YWCA Director of Healing confirmed that they provide a toll-free number of inmates to call that is not recorded, they will provided this service in person at the hospital, staff receive 75 plus hours of training to qualify for this position and pass a background check, staff can speak multiple language or a langue line interpreter is used, all interaction is confidential, they will not report on behalf of an inmate but will provide direction and support to him/her. And confirmed that the relationship with the facility/agency is good.</p> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. Inmate interviews confirmed to the auditor that they are aware of the organization and the phone number, although it required a lot of prompting and about half did not know what the organization was for, and expressed they had no need for these services so did not pay attention to the details. Per the Inmate Handbook, inmates are allotted envelopes and postage if they choose to write this organization.</p> |
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| <b>115.54</b> | <b>Third-party reporting</b>  |
|               | <p><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p><b>Auditor Discussion</b></p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Observations</li> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Facility website</li> <li>· Interview with the PREA Coordinator</li> <li>· Interview with the Complex Captain</li> </ul> <p>Policy 14.15 Inmate Rights: Prison Rape Elimination Act</p> <p>Public Education</p> |

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|  | <p>The Complex Captain/designee shall work closely with the PREA Task Force to develop and implement a communication plan to inform agency constituents, other state agencies, work release employers and the general public regarding the PREA initiative undertaken by the Sheriff's Office and how they can support these efforts. This may include informational pamphlets, video presentations, discussion forums, postings on the Sheriff's Office internet page and news releases as appropriate.</p> <p>The Public Posting, located in the front area where visitors access has the following information:</p> <p>Prison Rape Elimination Act of 2003</p> <p>Zero-Tolerance for Sexual Assault, Sexual Harassment and Sexual Misconduct</p> <p>Reporting a Sexual Assault (with specific, detailed information on how to and who to report concerns)</p> <p>The agency website has the following information: The Santa Clara County Sheriff's Office (SCCSO) has ZERO TOLERANCE for all forms of sexual abuse and sexual harassment within its jail facilities in compliance with the Prison Rape Elimination (PREA) Act of 2003. Inmates who experience these types of behaviors are strongly encouraged to report the behavior, as it will be investigated thoroughly and completely, whether criminally or administratively, whichever is most appropriate. It is the policy of the Sheriff's Office to respond to and investigate all alleged incidents of a sexual nature. Every reported incident of a sexual nature will be taken seriously, investigated fully, and appropriate action will be taken as warranted, according to federal PREA standards. It includes a PREA third Party Reporting form. The auditor tested the form on the website and received a response within hours acknowledging receipt.</p> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. Review of the website and interviews with the Complex Captain and the PREA Coordinator confirmed that third party complaints will be immediately addressed.</p> |
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| <b>115.61</b> | <b>Staff and agency reporting duties</b>   |
|               | <b>Auditor Overall Determination:</b> Meets Standard   |
|               | <b>Auditor Discussion</b>  |
|               | <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Observations</li> </ul> |

- Interviews Random sample of staff
- Interviews Medical & Mental Health staff
- Interview PREA Coordinator
- Inmate Rulebook
- Interview with medical and mental health staff
- Interview with the investigator
- Review of investigations
- Training curriculum medical and mental health staff

Policy 14.15 Inmate Rights: Prison Rape Elimination Act states,

#### Employee Sexual Abuse Reporting

All staff are required to report immediately any knowledge, suspicion or information regarding an incident of sexual abuse, sexual assault, sexual misconduct or sexual harassment against inmates. All incidents will be reported whether or not the incident occurred within a Santa Clara County Department of Correction facility or any other agency.

All staff are required to immediately report to their supervisor any knowledge, suspicion, or information regarding;

Retaliation against inmates or staff who reported such an incident;

Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

All incidents of sexual abuse, sexual assault, sexual misconduct, sexual harassment and/or retaliation will be reported to the Facility Captain or Division Captain via the chain-of-command. The Facility Captain or Division Captain shall report all incidents and reports alleging sexual abuse, sexual assault, sexual misconduct and sexual harassment, including third-party and anonymous reports, to the PREA Coordinator, the Internal Affairs Unit and the JCI Unit. Staff may report sexual harassment, sexual abuse, sexual assault, sexual misconduct and retaliation by contacting the following:

#### Internally:

His/her immediate supervisor, any person within the chain-of-command or any other Department supervisor or manager

Department's Personnel Manager

Department's Equal Opportunity Officer

#### Externally:

State of California Department of Fair Employment and Housing (DFEH)

Federal Equal Employment Opportunity Commission (EEOC)

Staff shall not reveal any information related to a sexual abuse, sexual assault, sexual misconduct or sexual harassment report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.

Unless otherwise precluded by federal, state, or local law, medical and

mental health practitioners shall be required to report sexual abuse, sexual assault sexual misconduct or sexual harassment pursuant to paragraph (A) of this section and to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.

If the alleged victim is under the age of 18 or considered a vulnerable adult under a state or local vulnerable person statute, the agency shall report the allegation to the designated state or local services agency under applicable mandatory reporting laws.

(a) (b) Interviews with staff revealed that staff are keenly aware of the requirement to report immediately any suspicion, knowledge or information on sexual abuse, sexual harassment, retaliation and/or staff neglect that may contribute to sexual abuse or sexual harassment. Review of the investigations and interviews with the investigators support that an immediately notification is made. Staff was also keenly aware of the requirement to maintain confidentiality after the allegation is made.

(c) The interviews with medical and mental health staff confirmed to the auditor their awareness that they need to report. The interview with the Medical and Mental Health Director confirmed that she and her staff are aware they are required to report sexual abuse. This requirement is address in the training provided to the medical and mental health staff. Inmates are informed of this duty to report and limitations of confidentiality at the initiation of services at intake by the medical and mental health staff. Review of investigations supported that reports have been made by mental health staff and by nurses.

(d) This facility does not house inmates under the age of 18. California Penal Code 368 PC defines elder abuse as the physical or emotional abuse , neglect , or financial exploitation of a victim 65 years of age or older. Elder Protective Services can only investigate cases of abuse where the person is age 65 and over and lives in the community. However, policy still supports that this be reported to the appropriate outside agencies. Vulnerable abuse in California is defined as Abuse of a vulnerable person may be defined as any act, or failure to act, which results in a breach of a vulnerable person's physical and mental integrity, dignity or general wellbeing, whether intended or through negligence, including sexual relationships or financial transactions to which the person does not or cannot validly consent, or which are deliberately exploitative. Vulnerable Person means an individual aged 18 years and above who is or may be unable to take care of themselves or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or

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|  | <p>disability, or any other reason. The Jail Crimes Unit would initiate the report.</p> <p>(e) Review of the investigations and interview with the investigators support that all allegations are referred to the investigators for review and investigation.</p> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. Overall observations of the audit tasks such as the interviews with staff, including medical and mental health, investigators, review of state laws, and administrators support knowledge of the requirement, process and need to maintain confidentiality.</p> |
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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>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Observations</li> <li>· Interviews Assistant Sheriff</li> <li>· Interview Complex Captain</li> <li>· Review of investigations</li> <li>· Interview random staff</li> <li>· Interviews with inmates</li> <li>· PAQ</li> </ul> <p>The PAQ indicates there have been no times the facility determined that an inmate was at risk of imminent sexual abuse. The auditor found no reason to dispute this during the audit process.</p> <p>Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, Sexual Abuse Victim Protection</p> <p>All staff are required to immediately report any knowledge that an inmate is subject to a substantial risk of imminent sexual abuse. The agency shall take immediate action to protect the inmate.</p> <p>All supervisors who receive a report from staff that an inmate is at substantial risk of imminent sexual abuse will immediately respond, assess the situation and take</p> |

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|  | <p>appropriate action necessary to protect the inmate.</p> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. The interview with the Assistant Sheriff and the Complex Captain confirmed that an inmate at imminent risk of sexual abuse or any imminent risk of harm shall have immediate action taken to ensure his safety. All staff interviews confirmed to the auditor that they would take immediate action if they believed an inmate was at imminent risk of sexual abuse. Many inmate interviews illustrated to the auditor that staff are approachable. Corrections Officers and supervisors confirmed that this request to intervene before something has occurred would be supported, and action would be taken to protect the inmate before the suspected event occurred. Based on this and overall observations during the audit, the auditor found this credible and to be an integral part of the culture of this facility.</p> |
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| <b>115.63</b> | <b>Reporting to other confinement facilities</b>  |
|               | <b>Auditor Overall Determination:</b> Meets Standard  |
|               | <b>Auditor Discussion</b>   |
|               | <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Interview Complex Captain</li> <li>· Review of intake risk assessments</li> <li>· Review of investigations</li> <li>· PAQ</li> </ul> <p>The PAQ indicates that zero allegations were received that inmate was abused while confined at another facility, zero allegation of sexual abuse was received from another facility.</p> <p>Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, Sergeants are responsible, upon receiving an allegation that an inmate was sexually abused, sexually assaulted or sexually harassed while confined at another facility, to notify the Captain in charge of the facility where the report was generated.</p> <p>The Facility Captain will notify the head of the facility or an appropriate person where the alleged abuse occurred as soon as possible, but no later than 72 hours after receiving the allegation and provide the reported information. The Captain will ensure that the information and the proper notifications are recorded and reported to the PREA Coordinator.</p> |



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|  | <p>JIS PREA Tracking System:</p> <p>When logging an event into the JIS PREA Tracking System, sergeants/investigators must first query the name and PFN of the victim to ensure the event has not already been reported.</p> <p>If the event has already been reported, the sergeant/investigator shall create a new entry in the "Event Note" section listing the new CEN and note that the event was already reported.</p> <p>Note: For previously reported events, only a Mental Health Referral will be required. No further documentation or reporting will be necessary.</p> <p>(a)(b) (c) After review of the investigations and the intake process, the auditor finds credible that no reports of sexual abuse that occurred at another facility were reported. Policy outlines the process to occur should this information be reported. The interview with the Complex Captain confirmed that he is aware that if a report is received, he is to contact the facility head of the agency where it was reported within 72 hours.</p> <p>(d) The interview with the Complex Captain confirmed that any receipt of allegations that occurred at his facility will be immediately reported to the investigators for investigation. Review of the investigation for the twelve-month review period for the one allegation received from another facility confirmed this.</p> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. The review of notification forms/investigations and interviews with the Complex Captain provided the auditor with sufficient evidence to support a finding of compliance. There is a process in place to ensure the requirements of this standard are met.</p> |
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| <b>115.64</b> | <b>Staff first responder duties</b>   |
|               | <b>Auditor Overall Determination:</b> Meets Standard  |
|               | <b>Auditor Discussion</b>   |
|               | <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Random security staff interviews</li> <li>· PREA Training Curriculum</li> <li>· Interviews with non-security staff (food service staff, program staff)</li> <li>· PAQ</li> </ul> |

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|  | <p>The PAQ indicates there were three allegations of sexual abuse, two allegations where first security staff responded to separate the alleged victim and abuser, zero times staff were notified within a time period that still allowed for collection of physical evidence.</p> <p>The following policy excerpts support compliance with this standard.</p> <p>Policy 14.15 Inmate Rights: Prison Rape Elimination Act</p> <p>Elmwood Complex Facility</p> <p>Upon learning of an allegation that an inmate was sexually abused, deputies/officers shall be required to:</p> <p>Immediately notify the on-duty Supervisor;</p> <p>Separate the alleged victim and abuser;</p> <p>Identify and separate any witnesses;</p> <p>Preserve and protect any crime scene until steps can be taken to collect all evidence;</p> <p>If the abuse occurred within a time period that still allows for the collection of physical evidence, direct 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;</p> <p>If the abuse occurred within a time period that still allows for the collection of physical evidence, direct the alleged abuser to not take any actions that could destroy physical evidence, including, as appropriate: washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;</p> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. Policy provides specific direction on how to respond to an allegation of abuse to ensure safety of the victim as well as how to preserve evidence. Both first responder staff and non-first responder staff attend training; these requirements are reinforced at that time. All staff interviews demonstrated knowledge of the process support a finding of compliance.</p> |
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| <b>115.65</b> | <b>Coordinated response</b>   |
|               | <p><b>Auditor Overall Determination:</b> Meets Standard</p> <p><b>Auditor Discussion</b></p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> </ul> |

- PREA Training Curriculum
- Random staff interviews
- Sexual Assault Checklist
- Interview Complex Captain
- Interview with Shift Supervisor

Policy 14.15 Inmate Rights: Prison Rape Elimination Act states,

Elmwood Complex Facility

The Elmwood Facility will ensure a coordinated response between staff first responders, medical and mental health practitioners, investigators, supervisors and managers, to all incidents of sexual abuse, sexual assault and/or sexual harassment.

Upon learning of an allegation that an inmate was sexually abused, deputies/officers shall be required to:

Immediately notify the on-duty Supervisor;

Separate the alleged victim and abuser;

Identify and separate any witnesses;

Preserve and protect any crime scene until steps can be taken to collect all evidence;

If the abuse occurred within a time period that still allows for the collection of physical evidence, direct 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, direct the alleged abuser to not take any actions that could destroy physical evidence, including, as appropriate: washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;

Provide advocacy for emotional support through the YWCA Rape Crisis Center;

Document circumstances when the alleged victim is moved to another housing unit/facility to protect them from the alleged abuser.

Non-badge staff who learns of an allegation that an inmate was sexually abused shall:

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;

Immediately notify a deputy/officer or a Sergeant, who will respond and take appropriate action.

If the inmate has been a victim of sexual misconduct, sexual abuse, sexual harassment or sexual assault, the staff member that is made aware of the allegations will consider the following:

Advise the inmate that staff can provide help

If the inmate is afraid of being labeled an informer, advise the inmate that identifying the aggressor/perpetrator is not a precondition to receiving help or protection

If the inmate was sexually abused, sexually assaulted, sexually harassed or was threatened by any sexual misconduct, advise the inmate of the importance of getting help to deal with the sexual offense and inform them that trained staff are available to assist.

The Sheriffs Office/Department of Correction will immediately respond to allegations, fully investigate reported in-custody incidents, pursue disciplinary action, and refer for criminal investigation and prosecution of those inmates who perpetrate sexual misconduct and threats of sexual assault or intimidation.

Once advised of an allegation of sexual abuse, sexual assault, sexual harassment or sexual misconduct, the immediate supervisor will conduct a preliminary investigation into the reported incident to determine the status of the allegation as to whether it is valid.

In response to a report of inmate sexual abuse, sexual assault, sexual harassment or sexual misconduct, the immediate supervisor will advise the Watch Commander, who will assess the situation and ensure appropriate response and notifications have been made pursuant to the critical incident policy and coordinate appropriate response actions with medical and mental health, investigators, and inmate advocates.

Sergeants, or investigators responsible for investigations of inmate complaints of sexual abuse, sexual assault, sexual harassment or sexual misconduct will make available to the victim inmate an advocate from a rape crisis center (YWCA) or a qualified staff member from Adult Custody Mental Health Services.

Where sexual abuse, sexual assault, sexual harassment or sexual misconduct is alleged, the investigation shall be conducted by Jail Crimes Investigation staff that have received special training in sexual abuse investigations in confinement settings. Once the immediate supervisor on scene determines that the allegation is valid, Jail Crimes Investigation staff will determine whether the alleged sexual abuse, sexual assault, sexual harassment and/or sexual misconduct is considered criminal or non-criminal.

Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. Review of the coordinated plan, review of the training curriculum which reinforces the actions of the plan, interview with all staff who are knowledgeable regarding the plan, the Sexual Assault Checklist all provided the auditor with sound evidence that the plan is detailed, and coordinates actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

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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>  |
|               | <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Union contracts</li> <li>· Interview Assistant Sheriff</li> </ul> <p>The auditor reviewed the following documents and found no limits to the Sheriff's Office to remove alleged staff abusers.</p> <ul style="list-style-type: none"> <li>· County Correctional Peace Officer's Association</li> <li>· Registered Nurses</li> <li>· Professional Association</li> <li>· Deputy Sheriff's Association</li> </ul> <p>Summary of evidence to support a finding of compliance: An interview with two union representatives indicated that their union has no concern with the need to remove staff from contact pending an investigation. The interview with the Assistant Sheriff confirmed he has no hinderance from the union regarding reassignment of staff pending an investigation. Review of the contracts support there is no limit on the agency's ability to remove alleged staff contact with inmates pending the outcome of an investigation. Therefore, the auditor finds there is sufficient evidence to support a finding of compliance.</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>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Interviews Assistant Sheriff</li> <li>· Interview Complex Captain</li> </ul> |

- Interview with designated staff members charged with monitoring for retaliation

- PAQ

The PAQ indicates that there were no reported incidents of retaliation occurred. The auditor found no reason to dispute this during the audit process.

Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, All inmates and staff who report sexual abuse, sexual assault, sexual misconduct or sexual harassment or cooperate with resulting investigations have the right to be free from retaliation by other inmates and/or staff.

All reports of retaliation against those who have reported sexual abuse, sexual assault, sexual misconduct or sexual harassment or have cooperated with resulting investigations shall be investigated immediately, and if warranted, forwarded to the JCI Unit and/or Internal Affairs Unit for a thorough investigation. The PREA Coordinator will also be notified for the purposes of recordkeeping.

Inmates who are the victim of retaliation or fear retaliation for reporting sexual abuse, sexual assault, sexual misconduct or sexual harassment or for cooperating with resulting investigations shall be provided emotional support by being referred to Mental Health.

Staff who are the victims of retaliation or fear retaliation for reporting sexual abuse, sexual assault, sexual misconduct or sexual harassment or for cooperating with resulting investigations shall be provided emotional support by being referred to Employee Assistance Services.

Following a report of sexual abuse, sexual assault, sexual misconduct or sexual harassment, the Classification Unit and Mental Health will monitor the conduct of inmates of sexual abuse for at least 90 days following the report to monitor the conduct and treatment of inmates both who have reported sexual abuse and inmates who have reported to have suffered sexual abuse to determine if there are changes in the inmate's behavior that may suggest the inmate has also been the victim of retaliation by other inmates or staff. Immediate action will be taken to prevent any retaliatory action. Classification and Mental Health shall continue to monitor beyond 90 days if the initial monitoring indicates the continuing need. Monitoring shall also include periodic status checks.

Inmates who are victims, or at risk of being a victim, of retaliation will be protected by employing measures such as housing changes, facility transfers for any victims or abusers and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse, sexual assault, sexual misconduct or sexual harassment or for cooperating with investigations. An agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

The PREA Managers are the persons responsible for retaliation monitoring. They confirmed they would check in with the inmates at least every 30 days and would

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|  | <p>extend the monitoring beyond 90 days if deemed warranted. There is a form to document this contact. Numerous examples were reviewed and compliant. however, the auditor recommended an updated form which provided more detail which was adopted and used.</p> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. Interview with the designated retaliation monitor supported compliance based on their responses to questions. Evidence of this documentation was viewed when reviewing investigations, unless the victim left the facility. The interviews with the Assistant Sheriff, Complex Captain, and PREA Coordinator support that the facility will protect anyone who fears retaliation. The physical plant affords numerous options to change housing, if needed, including moving to another facility within the complex. Evidence of changing housing units was also seen when reviewing investigations, demonstrating action to prevent retaliation.</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>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Interviews Complex Captain</li> <li>· Interview Staff who supervise restrictive housing</li> <li>· PAQ</li> </ul> <p>The PAQ indicates there has been no incident where an inmate who suffered sexual abuse was held in involuntary segregated housing in the past twelve months. The auditor found no reason to dispute this during the audit process.</p> <p>Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, Classification staff shall review the inmate's history for any documentation showing the inmate has a history of sexually aggressive behavior. If the results from the screening indicate a probability of victimization or sexually aggressive behavior, and an overall high level of risk, appropriate housing shall be implemented to ensure the safety of the inmate and others.</p> <p>Inmates at high risk for sexual victimization or has alleged sexual abuse shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made and it has been determined that there is no available alternative means of separation from likely abusers.</p> |

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|  | <p>If an involuntary segregated housing assignment is made, Classification shall conduct a file review every 30 days to determine whether there is a continuing need for separation from the general population.</p> <p>Inmates may not be held in involuntary segregated housing for more than 24 hours pending assessment for permanent housing.</p> <p>The opportunities that have been limited;</p> <p>The duration of the limitation; and</p> <p>The reasons for such limitations.</p> <p>The Complex Captain reinforced that there are numerous options available to ensure a safe placement before use of special management. He noted that policy is in place should the options reviewed lead to that placement to ensure the provisions of the standard are met. Again, this area is not located at this facility; it is at the Main Jail which is audited separately. The review of the investigations provided evidence that those victims who alleged sexual abuse were placed in different housing from their abuse.</p> <p>See comments to 115.43.</p> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. The PAQ indicates they have not had to use restrictive housing to protect an inmate who is alleged to have suffered sexual abuse. Policy addresses the requirements in the event of an occurrence in the future.</p> |
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| <b>115.71</b> | <b>Criminal and administrative agency investigations</b>   |
|               | <p><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p><b>Auditor Discussion</b></p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>• Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>• Interviews Investigative staff</li> <li>• Interview with the Complex Captain</li> <li>• Interview with the PREA Coordinator</li> <li>• Investigative reports</li> <li>• Random staff interviews</li> <li>• Observations</li> <li>• PAQ</li> </ul> <p>Use PREA definitions for investigation findings, many harassment but just once, harassment has to be repeated.</p> <p>PAQ indicates no substantiated allegations of conduct that appeared criminal were</p> |



referred for prosecution since the last PREA audit. Two allegations that were deemed unsubstantiated were referred. The auditor found no reason to dispute this during the audit process.

#### Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, Sexual Misconduct Investigations

Where sexual abuse is alleged, the investigation shall be conducted by JCI Unit investigators that have received special training in sexual abuse investigations in confinement settings. (Refer to PREA Standard 115.34. and Department Policy 9.29-Criminal Investigations)

All sexual abuse, sexual assault, sexual misconduct and sexual harassment allegations will be referred to the JCI Unit. Only criminal investigators who have received special training in investigating sexual abuse will conduct the investigation. Investigators shall use appropriately legal and accepted best practices when conducting all criminal investigations into complaints of sexual abuse, sexual assault, sexual misconduct and sexual harassment.

All investigations shall be done promptly, thoroughly and objectively, including anonymous and third-party reports.

Staff investigating allegations of sexual abuse and sexual assault shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecution.

The protocol shall be developmentally appropriate for youth, where applicable.

The Sheriffs Office imposes a standard of a preponderance of evidence or a lower standard of proof when determining whether allegations of sexual abuse, sexual assault, sexual misconduct or sexual harassment are substantiated.

In circumstances where evidentiary or medically-appropriate forensic medical examinations are necessary to investigate and process complaints of inmate sexual abuse or sexual assault, such examinations will be provided, whether on-site or at an outside facility, without financial cost to the victim inmate. Such examination shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs), where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The agency shall document its' efforts to provide SAFEs or SANEs.

All criminal investigations shall be documented in an Incident Report that contains a thorough description of the physical, testimonial, and documentary evidence.

Documentary evidence will be attached to the report where feasible.

Substantiated allegations of conduct that appear to be criminal shall be referred to the District Attorney's Office for prosecution.

The Sheriffs Office shall conduct compelled interviews, only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the sexual abuse, sexual assault, sexual misconduct and/or sexual harassment.

All administrative investigations shall be documented in an Incident Report that contains a thorough description of the physical, testimonial, documentary evidence,

the reasoning behind the credibility assessments, and investigative facts and findings.

The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as staff or inmate. No inmate alleging sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with investigation of such an allegation.

If the alleged sexual abuse, sexual assault, sexual misconduct or sexual harassment is inmate-on-inmate, the Department shall retain all written investigative reports for as long as the victim and the alleged abuser are incarcerated, plus 5 years.

If the alleged sexual abuse, sexual assault, sexual misconduct or sexual harassment is staff-on-inmate, all administrative and criminal reports shall be retained as long as the alleged abuser is incarcerated or employed by the agency, plus 5 years.

The departure of the alleged abuser or victim from the employment or control of the Department shall not provide a basis for terminating the investigation.

In the event of a report of sexual abuse, sexual assault, sexual misconduct or sexual harassment by a contractor or volunteer on an inmate, an immediate investigation will be conducted.

(a) The auditor interviewed three investigators for the agency, two from the Jail Crime Unit and one who addresses Internal Affairs matters. The interview with them and review of the investigations confirmed that they have received referrals for all allegations of sexual abuse and sexual harassment. Criminal investigations are referred to the District Attorney for review. This was observed during the review of the investigations. All random staff interviews indicated to the auditor that they are aware that even anonymous allegations received are reported to their supervisor immediately. Staff interviews confirmed that they would refer a third-party complaint to the investigators via supervisors. Three investigations were initiated by a third-party allegation.

(b) All designated investigators receive training. See 115.34

(c) The interview with the investigators and review of the investigations confirmed that any relevant evidence is gathered to include physical, DNA, electronic monitoring data and interviews of all parties who may have relevant information. A data base is maintained to consult if there were prior investigations involving the individuals. The Sexual Assault checklist addresses other evidence such as blood samples, photos, clothing, and the SART kit.

(d) (e) The interview with the investigators confirmed that they conclude credibility on the collaborating evidence; polygraph or truth telling devices are not used. The investigators are qualified to conduct compelled interviews; notation of Miranda warnings was observed when reviewing investigations.

(f) The investigators confirmed that staff actions or failures are inherently part of every investigation. Any concern regarding employee actions would be forwarded to the Internal Affairs unit. All investigators confirmed they work seamlessly with each unit. All investigations are organized electronically.

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|  | <p>(g) (h) Criminal and administrative investigations are addressed by the Jail Crimes Unit. Administrative and criminal investigations use the same format for documentation. If the investigation concludes there is a possible crime, it is referred to the district attorney. The auditor observed documentation of this process in two of the investigations reviewed.</p> <p>(i) The auditor asked where and how evidence is maintained; the area was described to support that they are maintained electronically and/or in a secure area with limited, controlled access. This area is outside of the jail.</p> <p>(j) Investigator and the investigations supported that investigations continue after the alleged victim or abuser leave the facility. Additionally, the investigation cover sheets documented when the alleged victim was released; the investigations were completed despite this.</p> <p>(l) Outside agencies do not conduct sexual abuse investigations; they are addressed by the agency (Sheriff's Department) investigation unit.</p> <p>Summary of evidence to support a finding of compliance:<br/> Policy reflects compliance with the provisions of the standards. Interview with the main PREA investigator confirmed compliance with all the provisions of the standard. Investigations were few but revealed that the facility will immediately investigate anything that may be related to PREA until evidence supports that it does not meet the definition of PREA.</p> |
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| <b>115.72</b> | <b>Evidentiary standard for administrative investigations</b>   |
|               | <b>Auditor Overall Determination:</b> Meets Standard  |
|               | <b>Auditor Discussion</b>   |
|               | <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Interviews Investigative staff</li> <li>· Review of investigations using preponderance of evidence (administrative)</li> <li>· Training curriculum SAIT</li> </ul> <p>Policy 14.15 Inmate Rights: Prison Rape Elimination Act states,</p> <p>The Sheriff's Office imposes a standard of a preponderance of evidence when determining whether allegations of sexual abuse, sexual assault, sexual misconduct or sexual harassment are substantiated.</p> <p>The interview with the investigators confirmed this, review of the investigations</p> |

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|  | <p>supported this standard of evidence. Review of the training curriculum supports that a preponderance of evidence is used to determine when an allegation is substantiated, unsubstantiated or unfounded. Review of the investigations supported this standard of evidence.</p> <p>Summary of evidence to support a finding of compliance: Policy, interviews and review of the investigations support the use of a preponderance of evidence.</p> |
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| <b>115.73</b> | <b>Reporting to inmates</b>  |
|               | <p><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p><b>Auditor Discussion</b></p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Administrative Directive</li> <li>· Interview Complex Captain</li> <li>· Interviews with Investigative staff</li> <li>· Interview with the PREA Manager(s)</li> <li>· Review of investigations/Case Coversheets</li> <li>· Sample victim notification letter</li> <li>· PAQ</li> </ul> <p>The PAQ indicates that there were twenty-three investigations conducted alleging sexual abuse/sexual harassment in the twelve-month review period; there were eight notifications provided. No investigations were completed by an outside agency.</p> <p>Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, Following an inmate's allegation that a staff member has committed sexual abuse, sexual assault, sexual misconduct or sexual harassment against the inmate, the Department shall subsequently inform the inmate (unless the Department has determined that the allegation is unfounded) whenever:</p> <p>The staff member is no longer assigned to the inmate's unit;</p> <p>The staff member is no longer employed at the facility;</p> <p>The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility;</p> |

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|  | <p>Or the agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.</p> <p>All such notifications shall be documented.</p> <p>Following an inmate's allegation that he or she has been sexually abused, sexually harassed or sexually harassed by another inmate, the Department shall subsequently inform the alleged victim whether the allegation was determined to be substantiated, unsubstantiated or unfounded, and whenever:</p> <p>The alleged abuser has been indicted on a charge related to sexual abuse or sexual assault within the facility;</p> <p>The agency learns that the alleged abuser has been convicted of a charge related to sexual abuse or sexual assault.</p> <p>All such notifications or attempted notifications shall be documented.</p> <p>Any obligation to report under the PREA standards shall terminate if the inmate is released from custody.</p> <p>The interview with the investigations and the Administrative Directive supports that this is the obligation of the investigators to complete the notification. The interview with the Complex Captain confirmed that this is completed, as required by policy. During review of the investigations, notifications were documented, or the release date demonstrating why the notification did not take place was noted. Investigators acknowledged awareness of this requirement. The PREA Manager reviews the investigations using a checklist (Case Coversheet) which also addresses this requirement. A sample victim notification letter is used to make these notifications.</p> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. Interviews with investigators, the Complex Captain and the PREA Manager(s) support compliance with the requirements of this standard. Review of investigations provided further evidence of this.</p> |
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| <b>115.76</b> | <b>Disciplinary sanctions for staff</b>  |
|               | <b>Auditor Overall Determination:</b> Meets Standard   |
|               | <b>Auditor Discussion</b>  |
|               | <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Case cover sheet</li> <li>· Observations</li> </ul> |

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|  | <ul style="list-style-type: none"> <li>· Interview with the Sheriff</li> <li>· Interview with the Complex Captain</li> <li>· Informal conversations with staff</li> <li>· PAQ</li> </ul> <p>The PAQ indicates that no staff have been terminated, nor referred to licensing bodies for violating agency sexual abuse and/or sexual harassment policy. The auditor found no reason to dispute this during the audit process.</p> <p>Policy 14.15 Inmate Rights: Prison Rape Elimination Act states,</p> <p>Staff Sanctions:</p> <p>Any discipline resulting from violations of the sexual abuse or sexual harassment policies 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 histories.</p> <p>All staff terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff in lieu of being terminated, shall be reported to the law enforcement agencies of jurisdiction, unless the activity was clearly not criminal. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse</p> <p>(a) (b) (c) (d) Dialogue with the Complex Captain, investigators, and PREA Coordinator support that all allegations against staff for sexual abuse, sexual harassment, retaliation or neglect are investigated and disciplinary action would be commensurate with the circumstances up to termination for sexual abuse. Termination is the presumed sanction for those who engaged in sexual abuse.</p> <p>Summary of evidence to support a finding of compliance: The PAQ notes that no staff have been terminated for sexual abuse or sexual harassment towards an inmate in the past 12 months. The auditor found no evidence to dispute this during the audit process. This conclusion was additionally based on informal interviews with staff. Interviews with the Assistant Sheriff and Complex Captain support that these requirements will be followed.</p> |
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| <b>115.77</b> | <b>Corrective action for contractors and volunteers</b>                         |
|               | <b>Auditor Overall Determination:</b> Meets Standard                            |
|               | <b>Auditor Discussion</b>   |
|               | The auditor reviewed, gathered, analyzed and/or retained the following evidence |

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|  | <p>related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Interviews Complex Captain</li> <li>· PAQ</li> </ul> <p>The PAQ notes that no contractor or volunteer has been involved in an investigation regarding sexual abuse or sexual harassment towards an inmate. The auditor found no evidence to dispute this statement during the audit process.</p> <p>Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, Contractor/Volunteer Sanctions, Any contractor or volunteer who engages in sexual victimization shall be prohibited from contact with inmates and shall be reported to the Jail Crimes Investigation Unit, unless the activity was clearly not criminal, and to relevant licensing bodies. The facility shall take appropriate remedial measures and shall consider whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.</p> <p>The auditor interviewed the Complex Captain who reinforced that they would be prohibited contact with inmates, reported to law enforcement (their criminal investigation division) for investigation. If the person has a license for conducting their business in the jail, that licensing body will be notified.</p> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. The PAQ notes that no volunteers or contractors have been terminated for sexual abuse or sexual harassment towards an inmate in the past 12 months. The auditor found no evidence to dispute this during the audit process. Interviews with the Complex Captain supported that these requirements will be followed.</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>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Interviews Complex Captain</li> <li>· Interview with the Mental Health Director</li> <li>· Inmate Rulebook</li> </ul> |

- Observations

- PAQ

The PAQ indicates there have been two administrative findings or criminal findings of inmate-on-inmate sexual abuse.

Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, Inmate Sanctions:

Inmates who engaged in inmate-on-inmate sexual victimization or were found guilty of inmate-on-inmate sexual victimization shall be subject to disciplinary sanctions pursuant to a formal disciplinary process.

Sanctions shall be commensurate with the nature and circumstances of the victimization, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.

The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior in determining what type of sanction, if any, should be imposed.

If found guilty as a result of the inmate disciplinary process, the inmate may be required to participate in such interventions as a condition of access to programming or other benefits.

An inmate may be disciplined if found guilty of sexual victimization of a staff member.

If available, therapy, counseling, or other interventions shall be designed to address and correct underlying reasons or motivations for the victimization. Consideration shall be given whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.

For the purpose of disciplinary action, a report of sexual victimization 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

The Inmate Rulebook provides fourteen pages providing information on disciplinary violations, offenses, informal/formal proceedings for minor offense, formal proceedings for major offenses, criminal sanctions and the sanctioning schedule.

Disciplinary violations relating to sexual abuse or harassment include the following:

Criminal Offense Listing:

Rape

Assault to Commit Sex Acts

Indecent Exposure

Major offenses:



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|  | <p><b>Sexual Activity</b></p> <p>Inmates will not engage in sexual activity. No inmate shall engage in or force/pressure any other person to engage in any kind of sexual conduct.</p> <p><b>Sexual Harassment</b></p> <p>Sexual Harassment is prohibited. It can include verbal, physical or environmental conduct. Examples Include, but are not limited to, unwelcome sexual advances; displaying sexually suggestive material or objects; leering or making sexual gestures; sexually-oriented “kidding” or abuse, sexual jokes; comments about a person’s body, sexual prowess, or sexual deficiencies; subtle pressure for sexual activity; physical contact such as patting, pinching or constant brushing against another person’s body; demands for sexual favors.</p> <p><b>Criminal Offense Sanctions</b></p> <p>Inmates violating this type of rule may have a may have criminal charges filed against them and be subject to prosecution in the courts. Criminal Prosecution will not delay the infraction process.</p> <p>The auditor requested and received copies of disciplinary reports for findings of sexual activity. One concluded disciplinary action for sexual harassment, the other for occupying a shower with another inmate.</p> <p>The Inmate Rulebook and policy support that formal discipline will be conducted if there is a substantiated allegation of sexual abuse or sexual harassment on another inmate. The interview with the Complex Captain confirmed to the auditor that sanctions would be commensurate with the nature and circumstances of the offense. The interview with the disciplinary coordinator and the Medical/Mental Health Director confirmed that an inmate’s mental status would be reviewed prior to determining disciplinary sanctions. The interview with the Mental Health Director confirms that agency does not offer therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse. The interview with the Disciplinary Officer confirmed that an inmate would not be sanctioned for sexual contact with a staff unless the staff member did not consent to the contact.</p> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. The interview with the Complex Captain supported those sanctions are proportionate to the nature and circumstance and mental disability/illness is considered when determining sanctions in accordance with policy. The interview with the Disciplinary Officer confirmed compliance with provisions (b), (c) and (e). Based on analysis of the evidence, the auditor finds the facility to be compliant with the requirements of this standard.</p> |
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| <b>115.81</b> | <b>Medical and mental health screenings; history of sexual abuse</b> |
|               | <b>Auditor Overall Determination:</b> Meets Standard                 |

## Auditor Discussion

The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Policy 14.15 Inmate Rights: Prison Rape Elimination Act
- Interviews Inmates who disclose sexual victimization at risk screening
- Referral to mental health for those who disclose
- Interview Staff Responsible for risk screening
- Interview Medical and mental health staff
- Risk Assessment, Referral and Follow up to Referral pre audit docs
- Document's showing limited information to custody staff

Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, Medical and Mental Health Care states, If, during the intake screening process, it is determined that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, and the inmate remains in custody, ACHS Mental Health will conduct, within 14 days, a follow-up meeting with the inmate.

If, during the intake screening process, it is determined that an inmate has previously perpetrated sexual victimization, whether it occurred in an institutional setting or in the community and the inmate remains in custody, ACHS Mental Health will conduct, within 14 days, a follow up meeting with the inmate. FYI doesn't apply to jails.

Medical and mental health staff shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting. Any information related to sexual victimization or abusiveness that occurred in an institutional setting is 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.

(a)(b) This is not applicable to this facility as it is a jail.

(c) (d)The auditor reviewed the intake process with staff who conduct the risk assessment. The risk assessment is conducted at intake along with medical and mental health staff who also conduct an intake both inquire about prior sexual victimization. Referrals are made automatically by medical staff to mental health during this process. The auditor was shown the room in intake where the risk assessment is conducted. It is individual and private. Inmate interviews confirmed to the auditor that this is where the intake screen is conducted.

(e) Policy Inmate Screening at Intake PREA requires that all those detained or incarcerated (for citable or non-citable offenses) be screened for a history of sexual victimization at intake. History of sexual victimization includes events both in and out

of a custody setting. It is not exclusive to custody environments.

Proper steps shall be taken to identify those inmates who have experienced sexual victimization. During the Intake Booking process, the Receiving Officer will obtain the Intake/Classification Supplemental PREA Worksheet (see Attachment 2) from the Booking Nurse and ask each arrestee if he/she has ever experienced sexual victimization. The answer will be indicated by checking the "YES" or "NO" box on the Worksheet. If the arrestee's answer is no, then the "NO" box will be checked and the officer will proceed with the booking process. If the arrestee's answer is yes, then the Receiving Officer shall ask the arrestee if the event has ever been reported to a Law Enforcement Agency (LEA). If the event was reported to an LEA, the Receiving Officer will check the "YES" box and write the name of the LEA on the Worksheet. The Receiving Officer will then refer the arrestee to Mental Health staff for an evaluation and check the "Referred to Mental Health's box on the Worksheet. The Receiving Officer will then refer the matter to the Intake Booking Sergeant for follow-up. The Intake Booking Sergeant will confirm that the matter has been reported to an LEA, document the event on the PREA Reporting Information Worksheet and then enter the event into the JIS PREA Tracking System. No further reporting is required. e. Intake Staff will attach the Worksheet to the Booking file for further processing. If the arrestees answer is yes, and the event has never been reported to an LEA, then the Receiving Officer will determine when the event occurred and in which agency's jurisdiction. a, The Receiving Officer will check the .YES" box on the Intake/Classification Supplemental Assessment Worksheet and write, "Not Reported the name of the LEA responsible for jurisdiction and the date of the event in the space below the "YES" box. The Receiving Officer will then refer the arrestee to Mental Health staff for an evaluation and check the "Referred to Mental Health" box. c. If the event occurred within the last 72 hours, the Receiving Officer will refer the arrestee back to the Intake Nurse. If it has been more than 72 hours, only a Mental Health Referral is required. c. d. J b. I The Intake Nurse will re-evaluate the arrestee for clearance (booking acceptance) in accordance with Adult Custody Health Services Policy. The Receiving Officer will also refer the matter to the Intake Booking Sergeant for follow-up. d. Policy 14.15 -21 V. Sergeant Responsibilities If the arrestee's answer is yes and the prior sexual victimization event has been reported to a Law Enforcement Agency: I The intake Booking sergeant will conduct an interview with the arrestee and document all relevant information on the PREA Reporting Information Worksheet (see Attachment 1.) The Intake Booking Sergeant will confirm that the matter has been reported to an LEA. The Intake Booking sergeant will then enter the event into the JIS PREA Tracking System. 4. No further reporting is required.

Medical and mental health staff are trained to obtain informed consent prior to reporting information about prior sexual victimization that did not occur in an institutional setting. This was confirmed during the interviews with medical and mental health staff and review of the training curriculum. A form for this process was provided to the auditor.

Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. Review of policy, interviews with staff, including medical and mental health staff support a finding of compliance. As all inmates are

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|  | <p>reviewed by medical and mental health staff, the notation of prior victimization will be addressed at the initial intake encounter. Inmates wanting to receive further mental health assistance are placed on the caseload and assessed and provided treatment according to their needs. Medical and mental health staff confirmed they obtain informed consent by having the inmate sign a form at intake specifically notifying that making a referral outside the agency related to prior victimization requires consent unless under the age of 18 years. As indicated, this information is reaffirmed in the specialized training for medical and mental health staff.</p> |
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| 115.82 | Access to emergency medical and mental health services   |
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|        | <p><b>Auditor Overall Determination:</b> Meets Standard</p> <p><b>Auditor Discussion</b></p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Observations made during the tour</li> <li>· Interview with the Director of Custody Health &amp; Custody Behavioral Health Services</li> <li>· Review of investigations</li> <li>· Facility Coordinated Response Plan</li> </ul> <p>Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, ACHS shall offer medical and mental health evaluations and timely, unimpeded access to emergency medical treatment and crisis intervention services to all inmates who have been sexually victimized in any correctional setting. The care provided will be consistent with the community level of care.</p> <p>Inmate victims of sexual abuse shall be offered timely information about sexually transmitted infections and access to emergency contraception in accordance with professionally accepted standards, where medically appropriate.</p> <p>Treatment services shall be provided without financial cost to the victim inmate regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.</p> <p>(a) (b) It was reported that medical staff are on duty 24 hours a day, seven days a week. The auditor found this credible. Policy requires that they be immediately notified if a report of sexual abuse is made. No inmate victim of sexual abuse required emergency medical treatment, all inmates involved are evaluated by the medical staff, regardless of the details of the incident. This was documented in the</p> |

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|  | <p>investigations reviewed. The interview with the Interview with the Director of Custody Health &amp; Custody Behavioral Health Services confirmed that the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment and in accordance with community level of care.</p> <p>(c) Policy supports the requirement of the standard. There was no reported incident that warranted post sexual abuse treatment in the previous 12 months as reported by the facility. The auditor found this information credible. The interview with the Interview with the Director of Custody Health &amp; Custody Behavioral Health Services additionally confirmed this.</p> <p>(d) Policy and the interview with the Health Services Administrator confirmed that treatment would be free and not based on whether the alleged victim cooperates with the investigation.</p> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. There was no reported incident that warranted post sexual abuse treatment in the previous 12 months as reported by the facility. The auditor found this information credible. The interview with the Interview with the Director of Custody Health &amp; Custody Behavioral Health Services confirmed that the provisions, included in the policy would occur. Therefore, the auditor found there is sufficient evidence to support a finding of compliance.</p> |
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| <b>115.83</b> | <b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>   |
|               | <p><b>Auditor Overall Determination:</b> Meets Standard</p> <p><b>Auditor Discussion</b></p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Observations made during the tour</li> <li>· Interviews Director of Custody Health &amp; Custody Behavioral Health Services</li> <li>· Interview with the SANE Coordinator</li> </ul> <p>Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, Medical and Mental Health Care</p> <p>Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.</p> <p>Inmate victims of sexual abuse shall be offered timely information about sexually</p> |

transmitted infections and access to emergency contraception in accordance with professionally accepted standards, where medically appropriate.

Treatment services shall be provided without financial cost to the victim inmate regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

The care provided will be consistent with the community level of care.

EXAMINATION, TESTING, AND TREATMENT ACHS shall offer medical and mental health evaluations and treatment to victims of sexual abuse, as required by PREA. The Office shall assist and facilitate ACHS's ability to timely provide medical and mental health services. The Office's responsibilities include: (a) Working with ACHS to ensure that Forensic medical examinations are performed, in accordance with the Santa Clara County Sexual Assault Protocol, without financial cost to the victim. The Office shall document its efforts to provide SAFEs or SANEs (28 CFR 115.21). (b) If requested by the victim, a victim advocate, a qualified office staff, or a qualified community organization staff shall accompany the victim through the forensic medical examination process and investigatory interviews. That person will provide emotional support, crisis intervention, information, and referrals (28 CFR 115.21). (c) Working with ACHS to ensure that victims have access to testing, counseling, and treatment for sexually transmitted diseases, and to ensure that victims of sexually abusive vaginal penetration while incarcerated are offered pregnancy tests. If pregnancy results from the abuse, such victims shall receive comprehensive information about, and access to, all lawful pregnancy-related medical services (28 CFR 115.83). This shall be done in a timely manner. (d) Working with ACHS to ensure victims are provided access to 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 (28 CFR 115.83). (e) Treatment services shall be 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 (28 CFR 115.82; 28 CFR 115.83).

(a) (b) (c) There were no reported incidents that warranted post sexual abuse treatment in the previous 12 months as reported by the facility. The auditor found this information credible. The interview with the Director of Custody Health & Custody Behavioral Health Services confirmed that the evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody occur.

(d) (e) This facility does not house females; they are housed at another facility in the complex.

(f) Testing and treatment for sexually transmitted infections may begin at the hospital or at the facility. Either way, this treatment would be provided. This was confirmed by the Medica/Mental Health Director and the SANE coordinator at the hospital.

(g) Policy and interview with the Health Service Administrator confirm that the inmate

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|  | <p>would not be charged for these services.</p> <p>(h) This is not applicable to this facility as it is a jail.</p> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. There was no reported incident that warranted post sexual abuse treatment in the previous 12 months as reported by the facility. The auditor found this information credible.</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>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Interview with members of the Sexual Abuse Incident Review Team</li> <li>· Interview with the Complex Captain</li> <li>· Review of Sexual Incident Review Summaries</li> <li>· PAQ</li> </ul> <p>The PAQ indicates there have been two allegations of sexual abuse investigated (excluding unfounded).</p> <p>Policy 14.15 Inmate Rights: Prison Rape Elimination Act states, A sexual abuse incident review shall be conducted at the conclusion of every sexual abuse investigation. The review will be conducted on all founded, substantiated and not substantiated case determinations. Reviews will not be conducted on cases with unfounded determinations. Such review shall be conducted within 30 days of the conclusion of the investigation.</p> <p>The sexual abuse incident review team shall consist of:</p> <p>Assistant Sheriff</p> <p>PREA Coordinator/Custody Compliance Captain</p> <p>Internal Affairs Lieutenant</p> <p>PREA Manager</p> |

Medical staff representative (when applicable and appropriate)

Mental Health staff representative (when applicable and appropriate)

The incident 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, sexual assault, sexual misconduct or sexual harassment;

Whether the incident or allegation was motivated by race, ethnicity, gender identity lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status, gang affiliation or was motivated or otherwise caused by other group dynamics at the facility;

An assessment of physical plant barriers that may have enabled the alleged sexual abuse, sexual assault, sexual misconduct or sexual harassment to occur;

An assessment of the adequacy of staffing levels in that area at the time of the incident;

An assessment of whether monitoring technology should be deployed or augmented to supplement supervision by staff.

Upon conclusion of the sexual abuse incident review, the PREA Coordinator shall prepare a report of findings and recommendations and submit the report to the Undersheriff

(a) (b) (c) (d) (e) Interviews with members of the review team (investigator, and the PREA Coordinator) confirmed that the requirements of the standard are all considered when conducting the review.

The auditor reviewed PREA Incident Review Board Action Plan Summaries.. All contained the following:

- Participants to include the Assistant Sheriff, PREA Coordinator, Investigator, and PREA Compliance staff.
- A narrative summary of the incident
- Incident motivation
- Adequate Staffing
- Monitoring technology
- Physical barriers
- Assessment of change needed to policy o practice
- Referral to Mental Health



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|  | <ul style="list-style-type: none"> <li>· Referral to YWCA</li> <li>· Areas of Concerns, Questions and/or Comments</li> <li>· Additional Recommendations to prevent future incidents.</li> </ul> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. The interview with members of the incident review team confirmed that the provisions would be reviewed and addressed. The auditor suggested that the facility develop a form to ensure the provisions are addressed and documented.</p> |
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| <b>115.87</b> | <b>Data collection</b>   |
|               | <b>Auditor Overall Determination:</b> Meets Standard   |
|               | <b>Auditor Discussion</b>  |
|               | <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Interview with the PREA Coordinator</li> <li>· Interview with the Complex Captain</li> </ul> <p>Policy 14.15 Inmate Rights: Prison Rape Elimination Act states,</p> <p>Data Retention/Collection:</p> <p>PREA regulations require tracking of incidents of sexual victimization involving inmate-on-inmate or staff-on-inmate events. In addition to investigating the allegations, staff will notify their immediate supervisor and complete the appropriate documentation.</p> <p>Retention of data and records of any claims associated with any sexual victimization will be securely maintained with the PREA Coordinator per Departmental Policy.</p> <p>The Department shall collect accurate, uniform data for every allegation of sexual victimization in facilities under its' direct control using a standard instrument and set of definitions.</p> <p>The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.</p> <p>The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence</p> |

conducted by the Department of Justice.

The agency shall aggregate the incident-based sexual abuse data at least annually.

Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

All sexual victimization data required to be made available to the public shall be collected from all facilities and made available to the public at least annually through the department's website.

All personal identifiers will be removed from all sexual victimization data made available to the public.

Policy 14.15 Inmate Rights: Prison Rape Elimination Act

**DEFINITIONS:**

**PREA: Prison Rape Elimination Act PREA Rape:** Engaging in oral vaginal anal intercourse with another by force, or the threat of force, without the consent of the other; and employing or displaying a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon, threatens, or places the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping. **PREA Sexual Abuse:** Engaging in a sexual act with another by force, or threat of force, without the consent of the other; and employing or displaying a dangerous weapon, or physical object that the victim Policy 14.15 - 1 reasonably believes is a dangerous weapon; threatens, or places the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping. **sexual Assault:** Forceful or intimidating behavior by one or more person(s) that causes another person to unwillingly engage in a partial or complete sexual act. This includes pressure, threats, or other actions and communications by one or more person(s) to force another to engage in a partial or complete sexual act. **Inmate Sexual Misconduct:** Sexual behavior directed toward inmates by another inmate, including sexual abuse, sexual assault, and sexual harassment, physical conduct of a sexual nature, sexual obscenity and conversations or correspondence of a romantic or intimate nature. **staff sexual Misconduct:** Any behavior or act of a sexual nature, either consensual or nonconsensual, directed toward an inmate by an employee, volunteer, official visitor, or agency representative. Such acts include intentional touching, either directly or through the clothing, of the genitalia, groin, anus, breast, inner thigh or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire, and occurrences of indecent exposure, invasion of privacy, or voyeurism for sexual gratification. completed, attempted, threatened, or requested sexual acts are included. **Inmate Sexual Harassment:** Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another. **staff Sexual Harassment:** Repeated verbal comments or gestures of a sexual nature to an inmate by an employee, volunteer contractor, official visitor or

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|  | <p>other agency representative. unacceptable comments and gestures include references to gender, sexually suggestive or derogatory comments about body or clothing, and repeated profane or obscene language or gestures. sexual conduct "Zero-Tolerance" Policy: consensual sex between inmates is not allowed in any sheriffs office/Department of Correction Facility and will be addressed by the Department's disciplinary process. All allegations of nonconsensual sex, abusive sexual contact, sexual harassment, staff sexual misconduct and inmate sexual misconduct shall be investigated. If applicable, criminal charges may be filed. Policy 14.15 -2 Inmate: Any person, whether in pretrial, un-sentenced or sentenced status, who is confined in a correctional facility or who is serving a sentence though not confined in a correctional facility such as an Out-of-Custody Program. PREA Coordinator: The Administrative Services Captain will function as the PREA Coordinator and provide oversight of all PREA-related processes. The PREA Coordinator will report to the Assistant Sheriff in charge of Custody Operations and Services. PREA Manager: PREA Deputy responsible for all the daily PREA-related processes for both the Main Jail and Elmwood facilities. Each facility will designate a PREA Deputy who will be responsible for the daily PREA operations. Out-of Custody Programs: Public Service Program (PSP), Weekend Work Program (WWP), Custody Alternative Supervising Unit (CASU), RCP Phase II, Re-Entry Corrections Program.</p> <p>The interview with the PREA Coordinator confirmed that he has not received a request for the Survey on Sexual Victimization from the DOJ. Definitions noted in policy are standardized and can provide necessary to complete the Survey of Sexual Violence conducted by the DOJ. This facility does not use a private facility for the confinement of its inmates. He states he collects data from investigations, risk assessments and incident reviews. Annual reports are compiled and are available on the website. Policy and the PREA Coordinator confirmed that the agency does maintain, review and collect data from all available incident-based documents, which does include reports, investigation files and sexual abuse incident reviews.</p> <p>Summary of evidence to support a finding of compliance: Policy, interview with the PREA Coordinator, review of annual reports on the webpage all provided the auditor sufficient evidence to support a finding of compliance.</p> |
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| <b>115.88</b> | <b>Data review for corrective action</b>  |
|               | <b>Auditor Overall Determination:</b> Meets Standard  |
|               | <p><b>Auditor Discussion</b></p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> <li>· Policy 14.15 Inmate Rights: Prison Rape Elimination Act</li> <li>· Observations</li> </ul> |

- Interview with the Assistant Sheriff
- Interview PREA Coordinator
- Link to website
- Prison Rape Elimination Act Annual Report

Policy 14.15 Inmate Rights: Prison Rape Elimination Act states,

Data Retention/Collection:

PREA regulations require tracking of incidents of sexual victimization involving inmate-on-inmate or staff-on-inmate events. In addition to investigating the allegations, staff will notify their immediate supervisor and complete the appropriate documentation.

Retention of data and records of any claims associated with any sexual victimization will be securely maintained with the PREA Coordinator per Departmental Policy.

The Department shall collect accurate, uniform data for every allegation of sexual victimization in facilities under its' direct control using a standard instrument and set of definitions.

The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

The incident-based data collected shall 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.

The agency shall aggregate the incident-based sexual abuse data at least annually.

Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

All sexual victimization data required to be made available to the public shall be collected from all facilities and made available to the public at least annually through the department's website.

All personal identifiers will be removed from all sexual victimization data made available to the public.

The Office shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training by: (a) Identifying problem areas. (b) Identifying corrective actions taken. (c) Recommending corrective actions. (d) Comparing current annual data and corrective actions with those from prior years. (e) Assessing the office's progress in addressing sexual abuse. The reports shall be approved by the PREA Coordinator and

made available through the office website. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the facility. However, the nature of the redacted material shall be indicated (28 CFR 115.88). All aggregated sexual abuse data from Santa Clara County Sheriff's Office facilities shall be made available to the public at least annually through the office website. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.89).

(a) (c)The interview with the Assistant Sheriff confirmed that incident based sexual abuse data is used to assess and improve prevention, detection and response policies. He confirmed that he or the Sheriff do approve the reports. Review of the Annual Report for 2021 reflects the Complex Captain's signature. It is also available of the facility website. Review of the report indicated that no redactions were required.

(b) Review of the Annual report for 2021 demonstrated the following:

- Introduction
- General Information about the Jail
- Inmate Reporting and Education
- PREA Incident Data
- 2021 Annual Statistics - analysis of types of cases for the agency
- Disposition Definitions
- Reports by Facility
- Analysis of statistical comparison from 2014 to 2021.
- Training
- Review of incident reviews and the PREA review committee

The report is 14 pages.

The reports for 2018, 2019, 2020 and 2021 were available to review.

Summary of evidence to support a finding of compliance: The interview with the Assistant Sheriff confirmed to the auditor that he supports the process and use of the information. No personal identifiers required redaction.

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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>                            |

The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Policy 14.15 Inmate Rights: Prison Rape Elimination Act
- 400.01 Information Systems Guidelines
- Interviews PREA Coordinator
- Documentation that it is on the website
- Historical data since 2015

Policy 14.15 Inmate Rights: Prison Rape Elimination Act states,

Data Retention/Collection:

PREA regulations require tracking of incidents of sexual victimization involving inmate-on-inmate or staff-on-inmate events. In addition to investigating the allegations, staff will notify their immediate supervisor and complete the appropriate documentation.

Retention of data and records of any claims associated with any sexual victimization will be securely maintained with the PREA Coordinator per Departmental Policy.

The Department shall collect accurate, uniform data for every allegation of sexual victimization in facilities under its' direct control using a standard instrument and set of definitions.

The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

The incident-based data collected shall 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.

The agency shall aggregate the incident-based sexual abuse data at least annually.

Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

All sexual victimization data required to be made available to the public shall be collected from all facilities and made available to the public at least annually through the department's website.

All personal identifiers will be removed from all sexual victimization data made available to the public. All other data collected pursuant to this policy shall be securely maintained for at least 10 years after the date of the initial collection, unless federal, state or local law requires otherwise (28 CFR 115.89).

(a) Policy requires that data is securely retained. The auditor confirmed that

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|  | <p>information is retained electronically and is secure via control of access. 400.01 Information Systems Guidelines specifies how information is retained for the agency.</p> <p>(b) The annual report is available on the agency website. The agency does not use private agencies. The Annual reports are available on the website for 2016, 2017, 2018, 2019, 2020 and 2021.</p> <p>(c) (d) No information warranted redaction. Policy requires that all files related to PREA information/statistics are retained for at least ten years. It has not been ten years since the initiation of compliance with this law. No personal identifiers are included in the annual report.</p> <p>Summary of evidence to support a finding of compliance: Policy addresses the requirements of the standard. The interview with the PREA Coordinator supports that data is securely maintained and will be maintained for the required 10 years, if needed, information will be redacted. Information is securely maintained in a computer.</p> |
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| <b>115.401</b> | <b>Frequency and scope of audits</b>   |
|                | <b>Auditor Overall Determination:</b> Meets Standard   |
|                | <b>Auditor Discussion</b>  |
|                | <p>(a) (b) This facility was previously audited in 2019 and found compliant with all the standards. The Main Jail was audited in 2018 and found to be compliant with all standards. The Elmwood Women's complex was audited in 2017 and found to be compliant with all standards. The reports are available for review on the agency website.</p> <p>(h) During this audit, the auditor had access to all areas of the facility.</p> <p>(i) The auditor was permitted to request and receive copies of any relevant documents (including electronically stored information).</p> <p>(m) The auditor was able to conduct private interviews with inmates. Every housing unit had numerous areas where interviews are routinely conducted with staff that are private which is where interviews were conducted.</p> <p>(n) Inmates were permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.</p> |

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| <b>115.403</b> | <b>Audit contents and findings</b>                   |
|                | <b>Auditor Overall Determination:</b> Meets Standard |

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|  | <b>Auditor Discussion</b>   |
|  | PREA audit reports are available for all three facilities under the control of this agency. |



| <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 |

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|                   | 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 |

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| <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  |

|                   |   |     |
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|                   | 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 |

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|                   | 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 |

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|                   | 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 |



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| <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>  |     |

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

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|                   | 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.)  | na  |
| <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>   |     |

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|                   | 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 |

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|                   | 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>   |     |

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|                   | 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 |

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|                   | 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).) | no  |
| <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 |

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|                   | 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 |



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

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|                   | 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 |

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|                   | 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 |

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|                   | 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 |

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|                   | 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 |

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|                   | 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.)                                      | yes |
|                   | If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)  | yes |
|                   | If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)  | yes |
| <b>115.43 (c)</b> | <b>Protective Custody</b>   |     |

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|                                      | 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 |

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|                   | 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.)   | na  |
| <b>115.51 (c)</b> | <b>Inmate reporting</b>   |     |
|                   | Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?   | yes |
|                   | Does staff promptly document any verbal reports of sexual abuse and sexual harassment?  | yes |
| <b>115.51 (d)</b> | <b>Inmate reporting</b>   |     |
|                   | Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?   | yes |
| <b>115.52 (a)</b> | <b>Exhaustion of administrative remedies</b>  |     |
|                   | Is the agency exempt from this standard?<br>NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse. | no  |
| <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 |



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|                   | 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>   |     |

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|                   | 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  |

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|                   | 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 |

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|                   | 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 |

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| <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 |

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|                   | 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 |

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|                   | 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 |

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|                   | 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 |



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|                   | 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).) | na  |
| <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 |

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

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|                   | 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 |

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|                   | 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 |

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|                   | 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).              | na  |
| <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.)                            | na  |
| <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 |

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|                   | 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>  |     |

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|                   | <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.)   | na  |

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| <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 |



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| <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.)  | na  |
| <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 |

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|                    | 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>   |     |

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