

PREA Facility Audit Report: Final

Name of Facility: Santa Clara County Main Jail Complex

Facility Type: Prison / Jail

Date Interim Report Submitted: 09/20/2021

Date Final Report Submitted: 03/18/2022

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input checked="" type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input checked="" type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input checked="" type="checkbox"/>
Auditor Full Name as Signed: Eric Woodford	Date of Signature: 03/18/2022

AUDITOR INFORMATION	
Auditor name:	Woodford, Eric
Email:	eiw@comcast.net
Start Date of On-Site Audit:	08/03/2021
End Date of On-Site Audit:	08/06/2021

FACILITY INFORMATION	
Facility name:	Santa Clara County Main Jail Complex
Facility physical address:	150 W. Hedding Street, San Jose, California - 95110
Facility Phone	
Facility mailing address:	985 N. San Pedro St. #1, San Jose, California - 95110

Primary Contact	
Name:	Erica Bravo
Email Address:	erica.bravo@shf.sccgov.org
Telephone Number:	4088083692

Warden/Jail Administrator/Sheriff/Director	
Name:	James Kirkland
Email Address:	james.kirkland@shf.sccgov.org
Telephone Number:	4088082801

Facility PREA Compliance Manager	
Name:	Roman Mosqueda
Email Address:	roman.mosqueda@shf.sccgov.org
Telephone Number:	O: 4088082819

Facility Health Service Administrator On-site	
Name:	Dr. Eureka Day
Email Address:	eureka.daye@hhs.sccgov.org
Telephone Number:	4088083657

Facility Characteristics	
Designed facility capacity:	854
Current population of facility:	653
Average daily population for the past 12 months:	654
Has the facility been over capacity at any point in the past 12 months?	No
Which population(s) does the facility hold?	Both females and males
Age range of population:	18-55+
Facility security levels/inmate custody levels:	medium to maximum security
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	278
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	141
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	104

AGENCY INFORMATION	
Name of agency:	Santa Clara County Sheriff's Office
Governing authority or parent agency (if applicable):	
Physical Address:	180 W.Hedding, San Jose, California - 95110
Mailing Address:	
Telephone number:	

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

Agency-Wide PREA Coordinator Information			
Name:	Thomas Duran	Email Address:	thomas.duran@shf.sccgov.org

SUMMARY OF AUDIT FINDINGS	
<p>The OAS automatically populates the number and list of Standards exceeded, the number of Standards met, and the number and list of Standards not met.</p> <p>Auditor Note: In general, no standards should be found to be "Not Applicable" or "NA." A compliance determination must be made for each standard. In rare instances where an auditor determines that a standard is not applicable, the auditor should select "Meets Standard" and include a comprehensive discussion as to why the standard is not applicable to the facility being audited.</p>	
Number of standards exceeded:	
1	<ul style="list-style-type: none"> • 115.61 - Staff and agency reporting duties
Number of standards met:	
44	
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:	2021-08-03
2. End date of the onsite portion of the audit:	2021-08-06

Outreach

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

AUDITED FACILITY INFORMATION

14. Designated facility capacity:	854
15. Average daily population for the past 12 months:	654
16. Number of inmate/resident/detainee housing units:	25
17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Not Applicable for the facility type audited (i.e., Community Confinement Facility or Juvenile Facility)

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

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

36. Enter the total number of inmates/residents/detainees in the facility as of the first day of onsite portion of the audit:	620
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:	2
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:	5
40. Enter the total number of inmates/residents/detainees who are Blind or have low vision (visually impaired) in the facility as of the first day of the onsite portion of the audit:	0

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:	0
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:	4
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:	20
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:	5
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:	4
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:	2
47. Enter the total number of inmates/residents/detainees who were ever placed in segregated housing/isolation for risk of sexual victimization in the facility as of the first day of the onsite portion of the audit:	0
48. Provide any additional comments regarding the population characteristics of inmates/residents/detainees in the facility as of the first day of the onsite portion of the audit (e.g., groups not tracked, issues with identifying certain populations):	38: Facility does not house inmates with physical disabilities - inmates are housed at Elmwood housing complex 40: Facility does not house blind inmates or those visually impaired - inmates are housed at Elmwood housing complex 41: Facility does not house Deaf or Hard of Hearing inmates - inmates are housed at Elmwood housing complex 47: No inmates in segregated housing/isolation for risk of sexual victimization in the facility
Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit	
49. Enter the total number of STAFF, including both full- and part-time staff, employed by the facility as of the first day of the onsite portion of the audit:	267
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:	2
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:	2
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:	Nothing to add
INTERVIEWS	
Inmate/Resident/Detainee Interviews	

Random Inmate/Resident/Detainee Interviews	
53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:	24
54. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)	<input type="checkbox"/> Age <input checked="" type="checkbox"/> Race <input checked="" type="checkbox"/> Ethnicity (e.g., Hispanic, Non-Hispanic) <input type="checkbox"/> Length of time in the facility <input checked="" type="checkbox"/> Housing assignment <input checked="" type="checkbox"/> Gender <input checked="" type="checkbox"/> Other <input type="checkbox"/> None
If "Other," describe:	Included Release Date as a consideration of selection
55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?	Identified the housing units that were closed due to COVID. Female inmates are housed in Medical (only 3), and were selected from Medical housing. Male inmates were selected from top of each page of the inmate housing list based on Race, Release date and Housing Assignment
56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?	<input checked="" type="radio"/> Yes <input type="radio"/> No
57. Provide any additional comments regarding selecting or interviewing random inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):	No barriers to inmate selection for interview. Due to COVID, there was a lot of movement of inmates housed at Main Jail to the Elmwood Facility on a daily basis based upon housing availability an inmate disabilities. Inmate population was low especially female population. Female inmates, upon inmates were transferred to Elmwood facility except for those with mental health or acute medical issues. They were held at the Main Jail medical unity for immediate treatment and stabilization. Once stabilized, the female inmates were transferred to the Elmwood Complex where the Medical Unit is more equipped for ongoing treatment.
Targeted Inmate/Resident/Detainee Interviews	
58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:	8
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".	

69. Enter the total number of interviews conducted with youthful inmates or youthful/juvenile detainees using the "Youthful Inmates" protocol:	0
60. Enter the total number of interviews conducted with inmates/residents/detainees with a physical disability using the "Disabled and Limited English Proficient Inmates" protocol:	1
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:	2
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:	0
a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:	<input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees. <input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.
b. 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).	Discussion with staff prior to the onsite audit. Onsite review of inmates in each facility verified that this population did not exist in the facility as they are immediately transferred to the Elmwood Complex from Booking.
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:	0
a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:	<input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees. <input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.
b. 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).	Discussion with staff prior to the onsite audit. Onsite review of inmates in each facility verified that this population did not exist in the facility as they are immediately transferred to the Elmwood Complex from Booking.
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:	2

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:	1
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:	2
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:	2
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:	0
a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:	<input type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees. <input checked="" type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.
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:	0
a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:	<input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees. <input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.
b. 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).	Interview with Staff and physical plant review verified there were no inmates held in Segregated Housing for risk of sexual victimization.
70. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):	Nothing to add
Staff, Volunteer, and Contractor Interviews	
Random Staff Interviews	
71. Enter the total number of RANDOM STAFF who were interviewed:	13

<p>72. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)</p>	<p><input checked="" type="checkbox"/> Length of tenure in the facility</p> <p><input checked="" type="checkbox"/> Shift assignment</p> <p><input checked="" type="checkbox"/> Work assignment</p> <p><input checked="" type="checkbox"/> Rank (or equivalent)</p> <p><input type="checkbox"/> Other (e.g., gender, race, ethnicity, languages spoken)</p> <p><input type="checkbox"/> None</p>
<p>73. Were you able to conduct the minimum number of RANDOM STAFF interviews?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>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):</p>	<p>Nothing to add</p>
<p>Specialized Staff, Volunteers, and Contractor Interviews</p>	
<p>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.</p>	
<p>75. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):</p>	<p>30</p>
<p>76. Were you able to interview the Agency Head?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p>
<p>a. Explain why it was not possible to interview the Agency Head:</p>	<p>I interviewed the Agency Head designee who was the Facility Commander. The Agency Head, Undersheriff and Associate Sheriff were all away when the onsite audit was being conducted.</p>
<p>77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>78. Were you able to interview the PREA Coordinator?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>79. Were you able to interview the PREA Compliance Manager?</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>

<p>80. Select which SPECIALIZED STAFF roles were interviewed as part of this audit from the list below: (select all that apply)</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Agency contract administrator <input checked="" type="checkbox"/> Intermediate or higher-level facility staff responsible for conducting and documenting unannounced rounds to identify and deter staff sexual abuse and sexual harassment <input type="checkbox"/> Line staff who supervise youthful inmates (if applicable) <input type="checkbox"/> Education and program staff who work with youthful inmates (if applicable) <input checked="" type="checkbox"/> Medical staff <input checked="" type="checkbox"/> Mental health staff <input checked="" type="checkbox"/> Non-medical staff involved in cross-gender strip or visual searches <input checked="" type="checkbox"/> Administrative (human resources) staff <input checked="" type="checkbox"/> Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) staff <input checked="" type="checkbox"/> Investigative staff responsible for conducting administrative investigations <input checked="" type="checkbox"/> Investigative staff responsible for conducting criminal investigations <input checked="" type="checkbox"/> Staff who perform screening for risk of victimization and abusiveness <input checked="" type="checkbox"/> Staff who supervise inmates in segregated housing/residents in isolation <input checked="" type="checkbox"/> Staff on the sexual abuse incident review team <input checked="" type="checkbox"/> Designated staff member charged with monitoring retaliation <input checked="" type="checkbox"/> First responders, both security and non-security staff <input checked="" type="checkbox"/> Intake staff <input checked="" type="checkbox"/> Other
<p>If "Other," provide additional specialized staff roles interviewed:</p>	<p>Victim Advocacy Services administrator and advocate</p>
<p>81. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>a. Enter the total number of VOLUNTEERS who were interviewed:</p>	<p>2</p>

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

SITE REVIEW AND DOCUMENTATION SAMPLING

Site Review

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

<p>84. Did you have access to all areas of the facility?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
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Was the site review an active, inquiring process that included the following:

<p>85. Reviewing/examining all areas of the facility in accordance with the site review component of the audit instrument?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>86. Testing and/or observing all critical functions in the facility in accordance with the site review component of the audit instrument (e.g., intake process, risk screening process, PREA education)?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>

87. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
88. Informal conversations with staff during the site review (encouraged, not required)?	<input type="radio"/> Yes <input checked="" type="radio"/> No
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).	Informal conversations were not conducted with inmates due to COVID restrictions inside the housing units.

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.

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?	<input checked="" type="radio"/> Yes <input type="radio"/> No
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91. Provide any additional comments regarding selecting additional documentation (e.g., any documentation you oversampled, barriers to selecting additional documentation, etc.).	Document sampling for Training, HR, Inmates and Staff was conducted using rosters of all staff and inmates working at the facility. Auditor conducted random selection of each group from the rosters, selecting one random name from each page of the rosters based on housing, gender, time housed in the facility and dates of release from the facility. Auditor reviewed all investigations that were conducted over the past 12 months.
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SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS AND INVESTIGATIONS IN THIS FACILITY

Sexual Abuse and Sexual Harassment Allegations and Investigations Overview

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

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

	# of sexual abuse allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual abuse	2	1	1	1
Staff-on-inmate sexual abuse	8	1	7	1
Total	10	2	8	2

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

	# of sexual harassment allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual harassment	6	0	6	0
Staff-on-inmate sexual harassment	4	0	4	0
Total	10	0	10	0

Sexual Abuse and Sexual Harassment Investigation Outcomes

Sexual Abuse Investigation Outcomes

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

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

	Ongoing	Referred for Prosecution	Indicted/Court Case Filed	Convicted/Adjudicated	Acquitted
Inmate-on-inmate sexual abuse	1	1	0	0	0
Staff-on-inmate sexual abuse	1	1	0	0	0
Total	2	2	0	0	0

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

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual abuse	1	0	1	0
Staff-on-inmate sexual abuse	7	4	3	0
Total	8	5	4	0

Sexual Harassment Investigation Outcomes

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

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

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

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

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual harassment	0	0	0	0
Staff-on-inmate sexual harassment	0	0	0	0
Total	0	0	0	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:	20
99. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any sexual abuse investigation files)

Inmate-on-inmate sexual abuse investigation files

100. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:	1
101. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)
102. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)

Staff-on-inmate sexual abuse investigation files

103. Enter the total number of STAFF-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:	1
104. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)
105. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)
Sexual Harassment Investigation Files Selected for Review	
106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:	10
107. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any sexual harassment investigation files)
Inmate-on-inmate sexual harassment investigation files	
108. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:	6
109. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)
110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)
Staff-on-inmate sexual harassment investigation files	
111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:	4

<p>112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)</p>
<p>113. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</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 harassment investigation files)</p>
<p>114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.</p>	<p>Nothing to add</p>

SUPPORT STAFF INFORMATION

DOJ-certified PREA Auditors Support Staff

<p>115. Did you receive assistance from any DOJ-CERTIFIED PREA AUDITORS at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>a. Enter the TOTAL NUMBER OF DOJ-CERTIFIED PREA AUDITORS who provided assistance at any point during this audit:</p>	<p>1</p>

Non-certified Support Staff

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

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

Auditor Overall Determination Definitions

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

Auditor Discussion Instructions

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

115.11	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	<p data-bbox="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 210 451 239">Auditor Discussion</p> <p data-bbox="242 271 1493 869">115.11(a): PREA Policy #14.15 mandates zero tolerance toward all forms of sexual abuse and sexual harassment in all facilities it operates. Agency does not contract for the confinement of its inmates. This policy outlines the implementation of agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment to include protocols initiated upon receipt of allegations of sexual abuse and sexual harassment. Inmate, staff, contractor and volunteer sanctions for those found to have participated in prohibited behaviors are outlined to include definitions of prohibited behaviors regarding sexual abuse and sexual harassment. Policy also provides a description of agency strategies and responses to reduce and prevent sexual abuse and sexual harassment of inmates. Definitions of prohibited behaviors regarding sexual abuse and sexual harassment are outlined on page #1 of the PREA policy. LGBTQI Policy #14.17 outlines Santa Clara County Sheriff's Office plan to receive, evaluate, house and provide secure, safe and humane custody of all persons, including lesbian, gay, bisexual, transgender, questioning/queer, and intersex(LGBTQI), who are lawfully committed or held for confinement by the Sheriff s Office until their lawful and appropriate release or transfer to another authority. The 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. Inmate, staff, contractor and volunteer sanctions are located in the PREA policy under Discipline, on pages 44 thru 46. Description of strategies and responses to reduce and prevent sexual abuse and sexual harassment of inmates are outlined under Prevention on pages #34 thru 37 where PREA information is obtained during booking and from the Classification risk assessment process.</p> <p data-bbox="242 898 1493 992">115.11(b): Agency provided auditor with copy of update PREA Organizational Chart and the Agency Organizational chart, both of which identifies the PREA Coordinator 3rd in line to the Agency Head. The three PREA Compliance Managers report to the PREA Coordinator.</p> <p data-bbox="242 999 1493 1126">PREA Policy 14.15 Definitions mandates that "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 PREA Organizational Chart 2021 identifies the PREA Coordinator 3rd in line from the Sheriff within the PREA Organizational Chart where the The PREA Coordinator reports to the Assistant Sheriff.</p> <p data-bbox="242 1133 1493 1227">The Agency employs a PREA Manager responsible for all the daily PREA related processes for both the Main Jail and Elmwood facilities. Each facility has a designated a PREA Compliance Manager who will be responsible for the daily PREA operations for their assigned facility.</p> <p data-bbox="242 1234 1493 1429">Interview with the PREA Coordinator indicates that he has enough time to PREA related responsibilities. He. has a good working relationship with each facility. The PREA Coordinator indicates that each facility has a PREA Compliance Manager, there is one PREA Manager who covers the day-to-day PREA operations under the PREA Coordinator and the LGBTQ Coordinator works in tandem with the PREA Manager. If issues are identified with the compliance with a PREA standard, he and the PREA manager discuss the issue to create a plan to comply with the PREA Standards such as providing written directives to staff, conducting a physical plant review aimed at updating procedures or technology, training and monitoring.</p> <p data-bbox="242 1458 1493 1552">115.11(c): Review of the PREA Organizational Chart of 2021 provided by PREA Manager designates a PREA Compliance Manager (PCM) at each of its three facilities. The (PCM) is at the Deputy Sheriff position and reports to the Custody Captain. Interview with PCM indicates that he has enough time to manage all of his pre-related responsibilities.</p> <p data-bbox="242 1559 1493 1653">Interview with the PREA Compliance Manager indicates that when assessing adequate staffing levels and need for video monitoring, the Sylvie staffing plan considers blindspot coverage with additional cameras & staff related to targeted areas. The PCM is a member of the staffing plan review board.</p> <p data-bbox="242 1742 403 1771">CONCLUSION:</p> <p data-bbox="242 1778 1334 1807">Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.11.</p>

115.12	Contracting with other entities for the confinement of inmates
	Auditor Overall Determination: Meets Standard
	<p data-bbox="244 210 453 237">Auditor Discussion</p> <p data-bbox="244 271 1489 365">115.12(a) & 115.12(b): N/A - Both Standard provisions do not apply to this Agency/Facility as agency has not entered into or renewed a contract for the confinement of inmates since the last PREA audit, which occurred in 2018/2019. Interview with agency contract administrator verifies this statement.</p> <p data-bbox="244 454 403 481">CONCLUSION:</p> <p data-bbox="244 488 1334 515">Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.12.</p>

115.13	Supervision and monitoring
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 1485 1503">115.13(a): Policy 1.25 Staffing Plan mandates 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. The Facility Authorized Staffing Level is the level of staffing as determined by the Division Commander to run routine operations in a facility, to perform all the tasks and responsibilities for compliance with minimum jail standards, to operate the facility in a safe and secure manner, and to ensure inmates have adequate access to staff, programs and services. The Facility Minimum Staffing Level is the level of staffing as determined by the Division Commander to run essential operations and some routine operations. Essential operations include but are not limited to Medical/Mental Health Services, Attorney and Official Visits, Courts and Meals. Modifications to all other routine operations will be made at the discretion of the Sergeant and Watch Commander when staffing is at minimum. If modifications are necessary, the Watch Commander will take into consideration the overall level of staffing in the facility, which day of the week is affected (e.g. holiday, weekend day with no courts, or a day with no visiting), compliance with Title 15, Minimum Jail Standards, and the safety and security of the facility. Officers will not modify or suspend routine operations without prior approval by the Sergeant. The Main Jail and Elmwood Complex's will be staffed seven days per week, 24 hours a day. In accordance with the Department's Policy #1.27, Overtime Staffing, overtime may be used to supplement staffing to remain at Facility Authorized Staffing Levels. PREA Policy #14.15 mandates that 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. Agency provided auditor with a copy of the 3/24/2021 Main Jail Facility Staffing Plan which was written by the PREA Coordinator Thomas Duran and approved by the Main Jail Division Commander and Undersheriff. The plan outlines characteristics for each housing unit in Main Jail North. Main Jail South demolition was completed in 2020. Inmate population, inmate programs (per housing unit), training, sexual abuse/harassment and sexual battery for 2020 statistics and prevalence of substantiated and unsubstantiated incidents of sexual abuse, staffing formula, staffing positions, history, current status of the main jail and recommendation for additional staff and video monitoring upgrades is discussed. There have been no judicial findings of inadequacy or findings of inadequacy from Federal investigative agencies, internal or external oversight bodies. Since last PREA audit which was conducted in 2019, the average daily number of inmates has been 654 and the staffing plan for the Main Jail is predicated upon the maximum inmate population capacity of 896. The Custody Bureau has assessed the Main Jails video capabilities and determined its' video system was in need of improvement. A video upgrade was completed and has increased staff and supervisor's ability to monitor and record both inmate and staff activity throughout the facility, with a focus on blind-spots and isolated areas which are not readily visible to staff. The implementation of additional video monitoring was necessary to address inmate safety and the prevention of sexual assault. It has greatly enhanced the safety and security of the facility and the staff and inmates alike, as well as reducing the chances of sexual abuse of an inmate. The recommendations were implemented and the Video Upgrade process for the Main Jail is now complete. A total of 553 cameras were installed at the Main Jail Facility. There are (16) local viewing workstations and (8) remote viewing workstations that record. Interview with the Facility Commander and PREA Coordinator indicates the facility does have a facility specific staffing plan which discusses criteria identified in standard provision 115.13(a). Annual staffing plan reviews are conducted monthly by reviewing the daily staffing roster to include support staff and sworn staff numbers.</p> <p data-bbox="240 1536 1458 1626">115.13(b): N/A - Agency indicates there have been no deviations from the staffing plan over the past 12 months. Interview with the Facility Commander indicates facility documents all incidents of non-compliance with the staffing plan through notations on the daily jail report, annotating adjustments to staffing.</p> <p data-bbox="240 1659 1469 2051">115.13(c): Agency provided auditor with a copy of the Staffing Plan Review Board meeting minutes which occurred on 4/1/2021. During the meeting, the staffing plans for all three facilities operated by the Santa Clara County Sheriff's department was discussed. The Main Jail Staffing Plan was approved on 3/24/2021. Narrative within the Staffing Plan verifies that the PREA Coordinator was instrumental in deployment of video monitoring systems throughout the Elmwood facility and Main Jail. As a miscellaneous recommendation, the requirement to document any deviations from the staffing plan was included in the discussion narrative. Review of 2017 Main Jail Staffing Plan and 2018 Staffing Plan Review Board meeting minutes indicates the PREA Coordinator's participation in the discussions and changes/updates recommended. Interview with the PREA Coordinator indicates she is consulted and collaborates on staffing plan reviews to see whether adjustments are needed to the staffing plan, monitoring technology or allocation of facility/agency resources to commit to the staffing plan to ensure compliance with the staffing plan. Review of 2017 Main Jail Staffing Plan and 2018 Staffing Plan Review Board meeting minutes verifies the PREA Coordinator's participation in the discussions and changes/updates recommended.</p> <p data-bbox="240 2085 1485 2141">115.13(d): Review of PREA Policy 14.15 mandates that each shift sergeant or Watch Commander will conduct and document unannounced rounds to identify and deter staff sexual abuse with particular detention to remote (isolated) areas of</p>

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. Agency provided auditor with random photo snapshots of the Main Jail Log Books for 19 housing units which identifies annotations from primarily watch sergeants conducting unannounced rounds for each shift between January 2021 and March 2021. The Main Jail has only two shifts per day, 6am to 6pm and 6pm to 6am. Interview with Shift Sergeant indicates she conducts unannounced rounds on each shift and logs her presence in the main floor control log and each housing unit logs. Auditor onsite review of control and housing logs verifies the Sergeant's statement. The Shift Sergeant prevents staff from alerting other staff while conducting unannounced rounds is through her expectations of the shift staff. Staff is trained of the Shift Sergeant expectations during the Shift meetings.

CONCLUSION:

Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.13.

115.14	Youthful inmates
	Auditor Overall Determination: Meets Standard
	<p data-bbox="242 210 453 237">Auditor Discussion</p> <p data-bbox="242 271 1484 465">115.14: 115.14(a), 115.14(b) and 115.14(c): N/A - Standard 115.14 is not applicable to Santa Clara County Jails as they do not house youthful inmates per policy. Policy 13.13 Juvenile Inmates identifies procedure for housing for inmates who were booked & housed as adults & later claim or are suspected to be juveniles. Procedure indicates inmate is to be immediately separated from the inmate population and mandates ""sight and sound separation between juvenile and adult inmates"" before being transported to juvenile hall. Over the past 12 months no youthful inmates have been housed at the Santa Clara County Main Jail.</p> <p data-bbox="242 499 402 521">CONCLUSION:</p> <p data-bbox="242 530 1335 555">Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.13.</p>

115.15	Limits to cross-gender viewing and searches
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 1490 999">115.15(a): Policy #14.15 PREA mandates that staff who supervise inmates will receive cross-gender supervision training. The training shall be tailored to the gender of the inmates at the employee's 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. staff shall not conduct cross-gender strip searches except under exigent circumstances. 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. 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. PAQ indicates that no cross gender body cavity and one cross-gender strip search was conducted over the past 12 months. Agency provided auditor with a copy of the cross-gender strip search investigative report. With regards to the cross-gender strip search, the inmate in question was believed to have been involved in a physical altercation with another inmate and video footage indicated that the male inmate may have had a weapon during the altercation. The supervising Sergeant (female) authorized a strip search of this inmate by male custody staff based upon video camera footage and possible possession of a weapon. The male inmate became belligerent and refused to comply until the Sergeant intervened to discuss the issue. The inmate indicated he had previous negative interactions with male staff in the past and requested female staff conduct the strip search. The Sergeant offered to have a male custody staff conduct the strip-search or herself so as not to escalate the situation and the inmate agreed. The search was conducted by the female Sergeant without incident. A review followup by custody Lieutenant determined that the Sergeant should have had a male deputy conduct the strip search as the incident did not involve exigent circumstances, and stand by as the search was being conducted by the male deputy. Documentation provided to auditor was the original report and Supervisor's summary report to the Division Captain and completed strip-search authorization form. No non-medical staff was involved in the cross-gender strip search. Agency to provide auditor with review or follow-up paperwork regarding Supervisor's decision to conduct cross-gender strip search of inmate in Case #20-86 to include any corrective action taken by Agency.</p> <p data-bbox="240 1032 1490 1189">115.15(b): Policy 14.15 & Policy 09.05 prohibits cross gender pat-down searches of female inmates absent exigent circumstances. Such searches will be documented if conducted. Over the past 12 months, no cross gender pat down search of a female inmate was conducted. The facility does not restrict female inmates access to regularly available programming or other out-of-cell opportunities in order to comply with this provision. Agency provided auditor with copy of the Cross-Gender Supervision power-point.</p> <p data-bbox="240 1200 1490 1491">Interview with random sample of 13 staff indicates that do female staff are not available to conduct pat down search is a female inmates in the jail does not restrict those inmates access to programs or out of cell opportunities. Interview with the one female inmate available for interview indicated that they never had a problem regarding female staff not being available to conduct pat down searches for out of cell opportunities. Santa Clara County Jail serves as the main intake processing center for both male and female inmates. Once female inmates are processed, they are transported to the Elmwood Women's facility for housing. Women found to have severe mental health issues are housed at Main Jail until they are determined to be stable enough to be transported to Elmwood. Due to COVID, there were a limited number of female inmates housed at Main Jail and the one female inmate that was interviewed was the only inmate that agreed to be interviewed.</p> <p data-bbox="240 1525 1490 1648">115.15(c): Policy 14.15 & Policy 09.05 prohibits cross gender pat-down searches of female inmates absent exigent circumstances. Such searches will be documented if conducted. Any and all cross-gender strip searches and cross-gender visual body cavity searches be documented. No cross gender pat down searches of female inmates have been conducted over the past 12 months.</p> <p data-bbox="240 1659 1490 1715">Documentation provided to auditor was the original report and Supervisor's summary report to the Division Captain and completed strip-search authorization form.</p> <p data-bbox="240 1749 1490 2007">115.15(d): PREA Policy #14.15 mandates that 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 routine cell checks. All staff of the opposite gender than the inmates they are supervision or interacting with shall announce their presence when entering the inmate housing unit. Agency provided copy of the Administrative Directive P2020-02 PREA Staff Reminders dated 12/4/2020 from the PREA Coordinator to all custody staff which states, "ALL staff shall make a cross-gender announcement when entering a dorm/unit of the opposite gender. o If someone of the opposite gender enters your dorm/unit make the announcement for them. i.e. "Female on deck" or "Male on deck".</p> <p data-bbox="240 2018 1490 2141">PREA Policy 14.15-III 3a mandates that 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. Interview with random sample of 24 inmates indicate that male and female staff announce your presence when entering the housing area. It makes also indicate that they are not naked in full view of</p>

male or female staff. Spinner view with a random sample of 13 staff indicates that they announce their presents for Andrew housing unit that has his residence of the opposite gender and inmates are able to dress shower and toilet without being viewed by staff of the opposite gender.

During the onsite audit, auditor found the following non-compliant discrepancies:

INTAKE:

M145 Female side Safety cell and M139 Male Safety cell both used to view and record strip searches of female and male inmates. Cell has cameras which can observe the searches by cross-gender staff and maintain recording of the searches. B87 Holding cell needs window frosting to be higher as inmate toileting can be viewed from outside the cell
B98 Holding tank needs frosting on windows to dissuade cross-gender viewing of toileting.

COURT HOLDING:

Cells 107 - 117 needs new frosting as current frosting allows cross-gender viewing of inmates toileting.

MEDICAL:

Rooms 2125, 2127, 2135, 2139 and 2126 need window frosting on doors to dissuade cross-gender viewing during toileting

On 9/2/21, the PREA Manager provided dated photo verification of PREA compliance for the non-compliant issues identified above. Frosting has been applied on booking, Classification and court holding tank windows which included medical doors that were previously deemed non-compliant. The Main Jail Assistant Division Commander forwarded an administrative directive dated 8/31/21 to all Main Jail Staff stating that "the surveillance cameras in both Men's and Women's Intake/Booking Safety Cells have been disabled. In the event staff are using a Safety Cell for dress-out, your Body Worn Camera (BWC) should be in buffering mode, so it can easily be activated in the event of an emergency and/or need to use force. For an imminent use of force, the BWC's should be in buffering mode and there should. be a hand-held. camera on and recording outside of the Safety Cell." Auditor has determined Standard provision 115.15(d) in compliance with the Standards."

115.15(e): PREA Policy #14.15 mandates staff shall not conduct a pat search of physical examination of a transgender or intersex inmates for the sole purpose of determining the inmates' genital status. Agency reports that such searches have occurred over the past 12 months.

Interview with random sample of 13 staff indicates that 12 staff were trained "And aware of the policy prohibiting staff from searching a physical exam and a transgender or intersex inmate for the purpose of determining their genital status. When asked how they go about determining their gender, they all indicated that they would go to supervisor or speak to an inmate to determine their preference as to who they would prefer to search them. Interview of the one Gay/Trans inmate indicated that he has not been naked in full view of male or female staff.

115.15(f): Agency states that 100% of all security staff who received training on conducting cross-gender pat-down searches and searches of transgender and intersex inmates in a professional and respectful manner, consistent with security needs. Cross-Gender pat down search training power-point and PREA training power-point training was provided to auditor. Interview with random sample of 13 staff indicates that in the academy, they have all recieved training on conducting cross-gender pat-down searches and searches of transgender and intersex inmates. None of them indicated that they participated in such a search. A few of the staff indicated that they had refresher training on the subject in 2020.

Based upon the analysis of evidence, the auditor finds the facility is not fully compliant with Standard provision(s) 115.15(a) and corrective action is required.

Corrective Action Recommended:

115.15(a): Agency to provide auditor with review or follow-up paperwork regarding Supervisor's decision to conduct cross-gender strip search of inmate in Case #20-86 to include any action taken by Agency to ensure proper retraining of Supervisor regarding cross-gender search procedures.

Corrective Action Completion 1/27/22 :

115.15(a): 1/25/22 – Agency provided letter from Main Jail Captain regarding training completed by supervisor and STC training documents dated 7/9/21 which verifies Supervisor completion for Sexual Assault, Sexual Harassment and Cross Gender Supervision training. Agency also provided auditor with screenshot of Policy 9.39 Inmate Supervision Cross-Gender Supervision PPT training exerpt which verifies proper Cross-Gender Supervision training procedures and Policy.

The agency/facility has met the requirements of Standard provision(s) 115.15(a) completed during the corrective action period. The auditor has determined that the agency/facility has met the standard provisions and complies with Standard 115.15.

115.16	Inmates with disabilities and inmates who are limited English proficient
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 208 451 237">Auditor Discussion</p> <p data-bbox="240 271 1453 360">115.16(a): PREA Policy 14.15, Custody ADA Plan Policy 13.11, and Mentally Disordered Inmates Policy 13.17, PREA Pamphlet in both English, Vietnamese & Spanish, PREA Posters in English, Vietnamese & Spanish were provided to and reviewed by Auditor.</p> <p data-bbox="240 371 1490 1335">Intake screenings are performed by Adult Custody Health Services (ACHS) staff, so, in general, it is the sole responsibility of ACHS to screen inmates at the time of intake for impairments, disabilities, or reasonable accommodations. Common types of disabilities include, but are not limited to, visual, hearing, speech, mobility, mental illness, and cognitive impairments. ACHS policy directs ACHS staff to identify inmates with disabilities during the intake process. ACHS policy requires ACHS staff to inform appropriate Custody Bureau staff of their findings regarding disabilities and need for an accommodation. Although it is not Custody Bureau staffs responsibility to screen inmates for a disability or a reasonable accommodation, Custody Bureau staff shall report to ACHS staff all observations about an inmate's potential disability and/or need for an accommodation, as well as information reported by inmates. PREA Policy 14.15 mandates that 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. Policy mandates staff document on PREA Reporting Information Worksheet all steps taken to provide effective communication and understanding to inmates with disabilities or limited English proficiency, TDD & TTY access for deaf & blind inmates. ADA Policy 13.11 mandates that not all inmates with a hearing or speech impairment use Sign Language. Staff shall reference the Inmate Accommodation List for indication of "Effective Communication-Sign Language" indicating that the inmate uses Sign Language as their primary means of communication interpreter services are available on a 24-hour basis. See Appendix C for contact information. If a Sign Language Interpreter is needed, staff will notify the sergeant who will contact the County's contracted provider to make arrangements for a Sign Language Interpreter to assist the inmate. Staff must assist illiterate-disabled inmates with reading and writing for disability related communications and due process events (notices, grievances, classification meetings, disciplinary process, etc.). Interpreter contract with Partners in Communication LLC for deaf & hard of hearing inmates was provided to auditor with new expiration date of 6/30/2023. Inmate rule book provided in English, Spanish & Vietnamese to verify effective communication for disabled or limited English proficient inmates to include TTY access. PREA Policy 14.15 requires posted signs in housing units in all languages to provide effective communication. Policy mandates staff document on PREA Reporting Information Worksheet all steps taken to provide effective communication and understanding to inmates with disabilities or limited English proficiency. Voiance Language Services MOU provides for effective communication for inmates who are limited English proficient on a 24/7/365 availability basis. Services includes American Sign Language to include 79 additional languages. New Agreement term is from 7/1/18 through 6/30/2023. Auditor was also provided the auditor with a link to the Sharepoint site where contracts are maintained. Agency provided auditor with the Sharepoint access for Language Line.</p> <p data-bbox="240 1346 1490 1536">Interview with the Agency Head designee indicates that oh information provided to inmates with disabilities and it makes whoever but limited English proficient is at a junior high level. The information provides equal opportunity to participate in or benefit from all aspects of the agencies efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Staff shares information from PREA questionnaires to disabled inmates by, reading the PREA information to the inmate in three languages. Mental health assists inmates who have cognitive disabilities and get Americans With Disabilities Act (ADA) involved with those inmates who are experiencing ADA issues in order to provide understanding.</p> <p data-bbox="240 1547 1474 1671">Interview with two inmates who have Cognitive and one who is Limited English Proficient (LEP) indicated that Agency provides information about sexual abuse and sexual harassment in a format that they understand through Point-Book and PREA video. None of them required assistance but the LEP inmate knew that Medical had a translator service if he needed it. The cognitive inmates indicated that they comprehend very well and needed no assistance.</p> <p data-bbox="240 1682 1469 1805">Interview with Agency Head designee indicates that PREA information is provided to disabled and LEP inmates at a Junior High reading level. Staff reads PREA information to inmates for those with limited reading or cognitive abilities and will request ADA unit to get involved to provide assistance for the inmate's understanding of the PREA mandates and requirements.</p> <p data-bbox="240 1839 1481 2161">115.16(b): PREA Policy 14.5 pg #41 mandates that 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. Agency also utilize staff interpreters. Inmate interpreters 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. Medical has the ability to connect with contract interpreters and staff interpreters assist when needed. The Americans with Disabilities Act (ADA) unit assists with all inmates who possess a disability so they</p>

can equally participate in all aspects of life within the jail. Voiance Language Services MOU provides for effective communication for inmates who are limited English proficient on a 24/7/365 availability basis. Services includes American Sign Language to include 79 additional languages. New Agreement term is from 7/1/18 through 6/30/2023. Interview with LEP inmate indicated that Agency provides information about sexual abuse and sexual harassment in a format that they understand through Point-Book and PREA video. Staff also reads the information to them. None of them required assistance but the LEP inmate knew that Medical had a translator service if he needed it.

115.16(c): PREA Policy 14.5 pg #41 mandates that 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. LEP inmates are provided documentation (PREA Posters, PREA Pamphlet in their native language (English, Vietnamese and Spanish). They also have access to Voiance Language Services, Partners in Communication and Language Line through Medical Services and Americans with Disability Act Unit (ACA).

The PAQ states that in the past 12 months, there were no instances where inmate interpreters, readers, or other types of inmate assistants have been used.

Interview with random sample of 13 staff indicates that Agency does not allow the use of inmate interpreters when making an allegation of sexual abuse or sexual harassment. In the case a translator is required, staff is trained to report to the Supervisor to obtain the assistance from a bi-lingual staff member, classification, medical or mental health staff or access language line from outside translation services.

Interview with 3 Limited English Proficient (LEP) inmates indicate that they were provided access to Language Line by Medical at intake, PREA Posters and PREA Sexual Assault Awareness pamphlets were available in four languages.

CONCLUSION:

Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.16.

115.17	Hiring and promotion decisions
	<p data-bbox="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 208 451 237">Auditor Discussion</p> <p data-bbox="242 271 1409 331">115.17(a): PREA Policy 14.15 prohibits hiring or promoting anyone who may have contact with inmates and prohibits enlisting the services of any contractor who may have contact with inmates who:</p> <p data-bbox="242 338 1468 398">(1)Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);</p> <p data-bbox="242 427 1463 488">(2)Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or</p> <p data-bbox="242 517 1177 577">(3)Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.</p> <p data-bbox="242 607 1492 869">Auditor reviewed a random selection of 24 custody staff, selected from roster of all staff assigned to Main Jail for Shifts A thru D during the pre-audit phase. Records review verified that all 20 selected staff had both state and national background checks (DOJ and FBI) conducted and cleared prior to their hire date. Out of the 24 custody staff selections assigned to Main Jail were promoted between 2015 and 2020. 4 staff were randomly selected, one from each shift from a 4 shift rotation (A to D), promoted between 2018 and 2020) selected by auditor for document review. Agency implemented the promotional 3 required questions after 8/16/19 which resulted in two custody staff members, both promoted in 2018, did not possess the 3 required questions as they were promoted prior to 8/16/19. The remaining two custody staff promotions completed the 3 required questionnaire prior to their promotion date. Both were the only custody staff members promoted in 2019 and 2020.</p> <p data-bbox="242 898 1476 958">115.17(b): PREA Policy 14.15 mandates that 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. Interview with Human Resources Administrator indicates that facility considers prior incidents of sexual-harassment with determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contacted the mix.</p> <p data-bbox="242 1055 1492 1227">115.17(c): PREA Policy 14.15 & Policy 09.05 Hiring and Promotions mandates that before hiring new employees who may have contact with inmates, it (a) conducts criminal background record checks, and (b) consistent with federal, state, and local laws, performs a criminal background records check on all applicants. Over the past 12 months, criminal background checks were conducted on 10 people who may have contact with inmates. This constitutes 100% of those hired over the past 12 months who have successfully completed criminal background records checks. Interview with the Human Resources Administrator indicates that do you see performed screen record background checks or consider pertinent civil or administrative education for all newly hired employees who may have contacted them mates and all employees who may have contact with inmates, who are considered for promotion. His background check is considered for any contractors can make enough contact with inmates as well.</p> <p data-bbox="242 1379 1492 1518">115.17(d): "PREA Policy 14.15 and Policy 09.05 Hiring and Promotions mandates that a criminal background record check be completed before enlisting the services of any contractor who may have contact with inmates. Agency indicates that over the past 12 months all contractors completed a criminal background record check prior to hire. Auditor conducted the review of 12 randomly selected contractor personnel records from a list of all contractors assigned to Santa Clara County Jail. Auditor verified that each selected candidate successfully completed a criminal records background check prior to their hire date. Interview with the Human Resources Administrator indicates that do you see performed screen record background checks or consider pertinent civil or administrative education for all newly hired employees who may have contacted them mates and all employees who may have contact with inmates, who are considered for promotion. His background check is considered for any contractors can make enough contact with inmates as well.</p> <p data-bbox="242 1738 1492 2145">115.17(e): PREA Policy 14.15 mandates that 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 misconduct or sexual harassment. The policy, in fact imposes upon employees and contractors a continuing affirmative duty to disclose sexual misconduct. The Personnel Unit receives notification on any criminal arrest or conviction of an employee hired by the department. Interview with Human Resources Director indicates Federal & State criminal history checks, Law Enforcement version of the Public Records Check, contact with references & secondary references are used to conduct the national clearance background checks. Background checks for contractor and volunteers reoccur every 30-days for temporary security clearances and every 2 years for contractors. Live scan, FBI fingerprinting and full background checks for employees and contractors are mandatory. Permanent contractors have background checks conducted every two years. Subsequent arrest notifications for employees and self reporting are mandatory for both. to include 30 day clearances. Temporary clearances require background clearances every 30 days. Background clearances are accomplished by running both CJIS (federal) and CLETS (DOJ).</p>

115.17(f): PREA Policy 14.15 prohibits hiring or promoting anyone who may have contact with inmates and prohibits enlisting the services of any contractor who may have contact with inmates who:

(1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);

(2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or

(3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.

PREA Policy 14.15 mandates employees of the Department of Corrections have a duty to report if they have:

a. 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.

Interview with Human Resources Staff indicates that all applicants and employees who may have contact with inmates about previous misconduct described in section a of the standard in written applications for hiring or promotions, and in any interviews or written self-evaluations conducted as part of reviews of current employees. The 3 required questions are asked of all promotions and initial background checks during interviews.

115.17(g): Policy 14.15 mandates that material omissions regarding sexual abuse, sexual assault, sexual harassment and sexual misconduct, or the provision of materially false information, shall be grounds for termination.

115.17(h): Policy 14.15 mandates that 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. 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.

Interview with Human Resources Administrator indicates that once a former employee applies for work at another institution, upon request from that institution, the Agency provides information on substantiate allegations of sexual abuse or sexual harassment involving the former employee, unless prohibited by law. If requested by new institution through written waiver signed by the former employee, the agency provides the information regarding substantiate allegations of sexual abuse or sexual harassment involving the former employer as requested.

CONCLUSION:

Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.17(h)..

115.18	Upgrades to facilities and technologies
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>115.18(a): Agency indicated that Main Jail South was demolished in 2020 for reconstruction of a new Main Jail South Tower. Agency considered the effect of the design, acquisition, expansion or modification upon the agency's ability to protect inmates from sexual abuse.</p> <p>Interview with Agency Head designee indicates that when designing, acquiring, or planning substantial modifications to facilities, the agency considers the effects of such changes on its ability to protect inmates from sexual abuse. Americans with Disabilities Act (ACA) upgrades are as follows: ACA and PREA Unit involved in any or all modification planning. Every stakeholder is involved in the planning for modification or building.</p> <p>Interview with Facility Commander indicates that facility considers the effect of the expansion or modification upon the ability to protect inmates from sexual abuse. Currently, the infirmary is closed for upgrade. Housing units are closed one housing unit at a time for safety and secondary measures upgrades.</p> <p>115.18(b): Main Jail cameras - 553, local viewing work stations - 16, 8 remote viewing work stations that record, 423 day video retention capability. Agency has provided auditor with copies of installed Main Jail North Camera Modifications, Main Jail Bosch Camera Location and Main Jail North Bosch Project Drawings installed during the last audit in 2018. No updates with regards to video monitoring, electronic surveillance system or other monitoring technology since 2018.</p> <p>Interview with Agency Head designee indicates that the latest upgrade to technology in the Main Jail is IPAD Tablets to provide information to inmates such as PREA medical information, upgrades to camera systems and body cameras for staff to provide enhanced surveillance, safety and security for staff and inmates.</p> <p>Interview with Facility Commander indicates that it's considered using the Bosch technology to enhance inmates protection from sexual abuse. 553 cameras were installed through the Bosch system to eliminate one spots.</p> <p>CONCLUSION: Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.18(b).</p>

115.21	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>115.21(a): PREA Policy 14.15 mandates that 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. 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. Criminal Investigations Policy 9.29 mandates that agreement, the Sheriffs Office is responsible for conducting criminal investigations in the jail. PREA Policy 14.15 mandates that 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. Agency is responsible for conducting administrative and criminal sexual abuse investigations. Interview with random sample of 13 staff indicates extensive knowledge of protocol used when obtaining usable physical evidence for administrative proceedings & criminal prosecutions. Staff indicates to auditor that the Jail Crimes Unit (JCU) is responsible for conducting sexual abuse investigations.</p> <p>115.21(b): PREA Policy 14.15 mandates 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. Policy includes detailed responsibilities for 1st Responders, medical, mental health, advocacy, facility leadership and investigators in a Coordinated Response plan.</p> <p>115.21(c): PREA Policy 14.15 mandates victims of sexual abuse have access to forensic medical examinations without financial cost. Safe/Sane nurses are available through outside hospital facility (Valley Medical Center) contracted with the County. Policy also includes mandate that if SAFE/SANE nurse not available to conduct forensic examination, facility will document efforts to obtain SAFE/SANE nurse. No forensic medical exams have been conducted over the past 12 months. Interview with Valley Medical Center SAFE/SANE Coordinator indicates that no forensic examinations have been conducted over the past 12 months for Santa Clara County Main Jail inmates. Forensic exams are performed at the emergency department of the hospital. SAFE/SANE staff receive specialized training to conduct forensic examinations and are always on-call 24/7. SAFE/SANE nurse calls YMCA for victim advocate when forensic examination is requested from the jail. Expectation of on-call response on-site is no more than 1 hour from the time the call is received. Forensic examination can take up to 3 hours to conduct and includes interview with victim, examination, photographs of whole body including clothing, lab work and the offer of STD Prophylaxis and Contraception medications.</p> <p>115.21(d): PREA Policy 14.15, page #41 mandates facility provide sex abuse victim an advocate from Rape Crisis Center (YWCA) or qualified staff member from Adult Custody Mental Health Services to provide emotional support, crisis intervention, information and referrals as necessary. On 7/9/2020, Agency provided auditor with the current YWCA MOU which expires on 6/30/2021. On 8/3/21, Agency provided a copy of the amended YWCA MOU which has an expiration date of 6/30/22. Interview with Valley Medical Center SAFE/SANE Coordinator indicates that no forensic examinations have been conducted over the past 12 months for Santa Clara County Main Jail inmates. Forensic exams are performed at the emergency department of the hospital. SAFE/SANE staff receive specialized training to conduct forensic examinations and are always on-call 24/7. SAFE/SANE nurse calls YMCA for victim advocate when forensic examination is requested from the jail. Expectation of on-call response on-site is no more than 1 hour from the time the call is received. Forensic examination can take up to 3 hours to conduct and includes interview with victim, examination, photographs of whole body including clothing, lab work and the offer of STD Prophylaxis and Contraception medications. Investigators responsible for investigations of inmate complaints of sexual abuse will make available to the victim inmate an advocate from the rape crisis center (YWCA), or a qualified staff member from ACHS Mental Health. To function as a qualified agency staff member, the employee must be screened for appropriateness and have received general education</p>

concerning sexual assault and forensic examination issues.

115.21(e): PREA Policy 14.15 mandates that Investigators responsible for investigations of inmate complaints of sexual abuse will make available to the victim inmate an advocate from the rape crisis center (YWCA), or a qualified staff member from ACHS Mental Health. To function as a qualified agency staff member, the employee must be screened for appropriateness and have received general education concerning sexual assault and forensic examination issues.

Interview with the PREA Compliance Manager indicates that Agency ensures that YWCA victim advocate services meets PREA qualifications through the MOU. On 8/3/21, Agency provided a copy of the amended YWCA MOU which has an expiration date of 6/30/22.

Interview with Inmates who reported a sexual abuse indicates that JCU investigated inmate's allegation and determined the allegation to be an unsubstantiated sexual harassment case. None of the Sexual Abuse cases reported over the past 12 months had inmates housed in the Santa Clara County Jail during the onsite audit.

115.21(f): Agency is responsible for investigating administrative or criminal allegations of sexual abuse.

115.21(g): Auditor is not required to audit Standard provision 115.21(g).

115.21(h): Standard provision 115.21(h) does not apply to this facility as Agency uses only SAFE/SANE/SART nurses at Santa Clara County Valley Medical Center to provide forensic examinations.

CONCLUSION:

Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.21.

115.22	Policies to ensure referrals of allegations for investigations
	<p data-bbox="240 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 273 1493 667"> 115.22(a): PREA Policy 14.15 mandates that 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. 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. In the past 12 months, a total of 42 sexual abuse and sexual harassment cases were received (15 sexual abuse & 27 sexual harassment). All 42 cases resulted in administrative investigation and all were referred for criminal investigation. There are currently 6 open cases that have ongoing investigations. Interview with the Undersheriff designee verifies that all administrative & criminal allegations of sexual abuse are fully investigated. </p> <p data-bbox="240 698 1493 994"> 115.22 (b): PREA Policy 14.15 mandates that 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. 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. The agency's policy regarding the referral of allegations of sexual abuse or sexual harassment for criminal investigation is published on the agency website in the Final PREA Annual Report 2020. Access to the report is below: </p> <p data-bbox="240 1025 887 1084"> https://countysheriff.sccgov.org/sites/g/files/exjcpb406/files/Reports/Final%20PREA%20Annual%20Report%202020.pdf </p> <p data-bbox="240 1115 1430 1205"> Agency documents all referrals of allegations of sexual abuse and sexual harassment for criminal investigation. Investigations and findings are also documented. Agency provided auditor copies of all 42 investigations for document review. </p> <p data-bbox="240 1214 1461 1308"> Interview with investigative staff indicates that administrative investigations are investigated by the Internal Affairs (IA) Unit and criminal cases are investigated by Jail Crimes Unit (JCU). If an investigation occurs in the jail, JCU initiates the investigation. If it happened at another jurisdiction, JCU takes the initial report and forwards it to the appropriate location. </p> <p data-bbox="240 1339 1197 1366"> 115.22(c): Agency is responsible for conducting both administrative and criminal investigations. </p> <p data-bbox="240 1397 979 1424"> 115.22 (d): Auditor is not required to audit Standard provisions 115.22(d). </p> <p data-bbox="240 1456 979 1482"> 115.22 (e): Auditor is not required to audit Standard provisions 115.22(d). </p> <p data-bbox="240 1572 1334 1630"> CONCLUSION: Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.22. </p>

115.31	Employee training
	<p data-bbox="240 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 273 1485 900">115.31(a): PREA Policy 14.15 mandates all staff including contractors & volunteers responsible for supervision inmates or who may come in contact with inmates will receive PREA training. Custody staff Academy Training for PREA includes the 10 criteria identified in Standard provision 115.31(a) is included in the policy. PREA refresher training rosters, Orientation and Employee handouts were provided to auditor and covers all criteria outlined in Standard provision 115.31(a). Documentation covers Zero Tolerance, Inmate rights, Reporting, Effective Communication and Sexual Harassment. Training Power-point is the complete PREA Training platform for Employee Education. Agency provided Auditor with electronic training rosters for PREA sexual abuse, sexual harassment and cross-gender training for 24 randomly selected agency employees who were hired over the past 12 months. Prior to the on-site review, auditor was provided electronic PREA training records for randomly selected custody staff. Agency provided auditor with the PREA I and PREA II two year employee refresher power-point training which includes topics such as inmate rights under PREA, potential issues of sexual misconduct, sexual abuse and sexual harassment, red flag warning signs of sexual misconduct and sexual abuse of inmates, inappropriate relationships with inmates, characteristics of inmate sexual predators and potential victims, actions required in responding to and reporting an allegation of sexual abuse, methods of inmate reporting or sexual abuse. Auditor was provided copies of the Academy PREA Lesson Plan, 10.2 Lesson Plan, PREA rv3 - SCCJ PREA Tng PPT and Gender Identity 10.2 and Santa Clara Count Jail Lesson Plan which is identified in the LGBTQI Policy 14.17. OAS does not allow the upload of PPT files. Interview with a random sample of 13 staff indicates that they all recieved initial PREA training in the Sheriff's academy and recieve bi-annual refresher PREA training. They also indicate that e-mail PREA information is provided monthly. Each inmate indicated they last recieved their bi-annual refresher in summer of 2020. Agency provided auditor with copies of 25 randomly selected electronic and manual staff training rosters for verification of compliance.</p> <p data-bbox="240 936 1485 1124">115.31(b): Policy 14.15 mandates PREA training shall be tailored to the gender of the inmates at the employee's facility. If employee is reassigned from a facility that houses only male inmates to one that houses only female inmates or visa-versa, that employee shall receive additional training. Review of 20 randomly selected staff training files indicate staff are trained to work in both male and female facilities. Main Jail has two co-ed housing units and the other two facilities house either only mail inmates or female inmates. All randomly selected Main Jail staff recently attended cross-gender supervision, PREA I and PREA II and LGBTQI refresher training as verified by review of training records by auditor.</p> <p data-bbox="240 1160 1485 1348">115.31(c): PAQ indicates that 100% of staff currently employed by the facility, who may have contact with inmates, who were trained or retrained in PREA requirements. Between trainings, the agency provides employees who may have contact with inmates with refresher information about current policies regarding sexual abuse and sexual harassment per PREA Policy 14.15. Review of electronic training records verify their statements. Refresher PREA training is provided bi- annually as verified with review of electronic training records verified via randomly selected sample of 20 staff from roster of custody staff assigned to Santa Clara County Main Jail.</p> <p data-bbox="240 1384 1485 1473">115.31(d): Agency provided auditor with 25 electronic training verification rosters for custody staff to verify PREA sexual abuse and sexual harassment training to include refresher training was conducted over the past 12 months. This type of training is computerized and the rosters include the date each employee took the training.</p> <p data-bbox="240 1509 403 1536">CONCLUSION:</p> <p data-bbox="240 1550 1337 1576">Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.31.</p>

115.32	Volunteer and contractor training
	<p data-bbox="240 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 273 1474 734">115.32(a): Policy 14.15 mandates all staff, volunteers & contractors who have contact with inmates be trained in PREA. Agency provided Auditor with copy of the New PREA Contractors & Volunteers handout which provides for Zero-Tolerance Policy, definitions of sexual misconduct, reporting methods for sexual misconduct, confidentiality and acknowledgement page to be completed by contractors & volunteers after training to be submitted to PREA Coordinator. Agency reported that there are 404 contractors and volunteers who may have contact with inmates, who have been trained in agency's policies and procedures regarding sexual abuse and sexual harassment prevention, detection, and response 10 contractors were randomly selected from a list of contractors assigned to work at the Main Jail. 8 contractors successfully completed their PREA training prior to their hire date. 2 contractors had their clearance removed due to failure to complete the PREA training within 90 days. The 10 selected volunteers successfully completed their PREA training prior to their hire date. Agency provided auditor with copies of the blank Contractor and Volunteer Worksheet, Security Clearance sheets and Online Contractor / Volunteer Course Outline COVID-19 restrictions. Web based training went live on 11/12/20. 404 contractors/volunteers have taken the course since November. Upon the completion of the course the Contractor/Volunteer submits a completed Attestation and Certificate of Completion (example attached): https://www.sccgov.org/sites/sheriff/custody/Pages/home.aspx Password: SOPrea123.</p> <p data-bbox="240 763 1474 891">Interviews with volunteers and contractors who have contacts with inmates indicated that they have all been trained in their responsibilities regarding sexual harassment and sexual abuse prevention, detection, and response. All were trained in 2020. Review of hiring records and clearance sheets indicate they all completed their training prior to their hire date or before they were granted access to the facility.</p> <p data-bbox="240 920 1474 1283">115.32(b): PREA Policy 14.15 mandates that all staff, volunteers & contractors who have contact with inmates be trained in PREA. Agency provided auditor with copy of the Online Contractor Volunteer Course Outline, which meets the same requirements for employees as Standard 115.31. Web based training went live on 11/12/20. 404 contractors/volunteers have taken the course since November. Upon the completion of the course the Contractor/Volunteer submits a completed Attestation and Certificate of Completion (example attached): https://www.sccgov.org/sites/sheriff/custody/Pages/home.aspx Password: SOPrea123 Agency reported that there are 404 contractors and volunteers who may have contact with inmates, who have been trained in agency's policies and procedures regarding sexual abuse and sexual harassment prevention, detection, and response 10 contractors were randomly selected from a list of contractors assigned to work at the Main Jail. 8 contractors successfully completed their PREA training prior to their hire date. 2 contractors had their clearance removed due to PREA non-compliance. The 10 selected volunteers successfully completed their PREA training prior to their hire date.</p> <p data-bbox="240 1290 1493 1451">Interview with contractors and volunteers indicates that their training consisted of an online PREA training course given by the Sheriff's training department, topics included zero-tolerance policy, reporting sexual abuse/harassment in the workplace, PREA dynamics, 1hr in-person covering the zero-tolerance policy at the county, state and federal level (no sexual comments, jokes, sexual abuse, dynamics in a custody setting, staff on inmate and inmate on inmate sexual abuse & harassment, PREA reporting system.</p> <p data-bbox="240 1480 1493 1641">115.32 (c): Agency maintains electronic documentation to verify volunteers and contractors understand the training they have received. Upon completion of their online training, volunteers and contractors must sign a copy of their acknowledgement which verifies the training they have received and acknowledged that they have had the opportunity to ask questions. Agency provided auditor with written documentation to verify that each of the randomly selected contractors and volunteers meet the requirement mandated by Standard provision 115.32(c).</p> <p data-bbox="240 1671 400 1697">CONCLUSION:</p> <p data-bbox="240 1704 1362 1731">Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.32(c).</p>

115.33	Inmate education
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 1490 1066">115.33 (a): PREA Policy 14.15 mandates that inmates receive information at time of intake about the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment by receiving the Sexual Awareness pamphlet, Inmate Rule Book and PREA posters available both in booking/intake, housing units and throughout the facility accessible to inmates. Agency provided auditor with copies of the PREA Pamphlet available in 3 languages, PREA poster, Sexual Assault pamphlet in 3 languages, Inmate Rulebook, and intake records for 27 inmates. The intake records verify inmates are provided their rights under PREA such as Zero-Tolerance, how to report sexual abuse and sexual harassment and available resources with regards to reporting. Inmates must sign for the Rulebook or acknowledge their refusal to sign. Booking and Classification provide for equal access to PREA training for all inmates. Auditor was also provided the PREA and Inmate Orientation Video memorandum dated 4/25/21 which mandates that the PREA and Inmate Orientation Videos shall be played daily from 9am -10am and 2100 -2200 hours for inmates to receive their comprehensive education as required by PREA Standards. At 0900 and 2100 hours, daily including weekends, televisions will be turned to channel 12. Deputies are to keep the remotes for this time period, and note in the log book that the video was played. As a reminder, Control Deputies will make a 0900 and 2100 announcement for staff. This memorandum is addressed to all Main Jail staff from the Sheriff with contact information to the PREA Manager should there be any questions. Review of the intake/Booking records of 27 inmate intake/booking/classification documentation verifies that inmate is provided appropriate PREA initial and comprehensive education at booking/intake and each appropriately classified for their safety. Agency reports that 2937 inmates were admitted into the Main Jail during the past 12 months who were given the intake information such as inmate handbook and relevant education materials. The information provided verifies that 100% of inmates entering the facility were provided PREA documentation and PREA education as mandated by PREA Standard 115.33. Review of 3 inmate files were found to be missing some initial screening and PREA education documentation. Agency was unable to provide documented verification that the identified inmates received their PREA Education and Screening as mandated by Standard provisions 115.33(a) & (b) and 115.41(a). Agency provided auditor with PREA Review Directive from Classification Lieutenant to Classification staff. Auditor to conduct Follow-up in 90-days to verify compliance with the Directive and verify the instructions are institutionalized.</p> <p data-bbox="240 1099 1490 1626">115.33 (b): Agency indicates that 490 inmates were admitted during the past 12 months (whose length of stay in the facility was for 30 days or more) who received comprehensive education on their rights to be free from both sexual abuse and sexual harassment and retaliation for reporting such incidents and on agency policies and procedures for responding to such incidents within 30 days of intake. Agency provided written verification of inmate education regarding inmate rights on pg #9 of the inmate Rulebook and Inmate Pamphlet under topic ("things to know"). Agency also provided a screen shot of the PREA video which identifies a portion related to retaliation. Interview with intake staff indicates that inmates are educated regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents and regarding agency policies and procedures for responding to such incidents through PREA posters throughout the facility, PREA documents at intake where they must sign to verify that they understand their rights to be free from sexual abuse and sexual harassment and how to report. Interview with random sample of 24 inmates indicates that when inmates arrived at the Main Jail Intake, they were informed of their right not to be sexually abused or sexually harassed, how to report sexual abuse and sexual harassment, informed of their rights not to be punished for reporting sexual abuse or sexual harassment. They signed documentation verifying their understanding of the information and the right to ask questions of staff. Those with disabilities and LEP had the opportunity for assistance with the documentation by staff reading the information to them, obtain assistance through the ADA unit or through various contract interpreters available through Medical or Classification.</p> <p data-bbox="240 1659 1490 2157">115.33 (c): Agency indicates that all inmates entering the facility has been provided their PREA education within 30 days of intake. Review of 21 randomly selected inmate records verifies that claim. PREA Policy 14.15 mandates that 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. Agency provided auditor with copies of the PREA Poster 2019, PREA Pamphlet in English, Spanish and Vietnamese and Inmate Rulebook. Agency also provided auditor with copies of monthly signed rosters for female inmates transferred between facilities between April 2020 and February 2021 to acknowledge that they have received a copy of the PREA Pamphlet upon transfer to another facility. The policies and procedures do not differ between facilities. Interview of intake staff indicates that they ensure that current inmates as well as those transferred from other facilities, have been educated on the agency's zero-tolerance policy on sexual abuse or sexual harassment. Inmates are provided the PREA Pamphlet (Sexual Awareness Pamphlet) in 3 languages, PREA video in 3 languages played in intake and at 9am in each</p>

housing unit.

During the onsite audit interview of 4 inmates during the 8/3/21 onsite audit, who were Limited English Proficient, indicated that intake staff failed to provide them with the Inmate Rulebook. Review of intake documentation determined that the inmates were correct. The PREA Manager ensured the inmates were provided a copy of the Inmate Rulebook in their native language following the onsite audit. Directive from Support Services Captain to all custody staff dated 8/13/21 with copy provided to auditor, which mandates that "The Inmate Rulebook is printed in English, Spanish and Vietnamese. If an inmate has Limited English Proficiency (LEP) and their primary language is Spanish or Vietnamese, be sure to give the inmate a rulebook in their primary language. It was discovered that several LEP inmates were given English rulebooks. Inmate education is only effective if it is provided in ways that the inmate understands. This includes providing spoken information as well as written information." Auditor to verify this practice has been institutionalized in 90-days following Agency's receipt of the Interim Report.

115.33(d): Policy 14.15 mandates 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 PREA videos are provided in English, Vietnamese and Spanish languages and run twice a day in the housing units. Auditor was provided all inmate education materials given to inmates in intake and classification.

Interpreter contractors are also made available. PREA inmate education pamphlets are provided in English, Spanish and Vietnamese and PREA video is provided with closed caption for otherwise disabled inmates. Agency provides directive specific to classification staff which mandates protocol which identifies inmates who are limited in their reading skills or otherwise disabled. The protocol is as follows, during every classification interview with an inmate, classification staff will have each and every inmate read a couple of basic sentences aloud that are PREA related. Classification staff will ask the inmate if they understood what they just read and the inmate can either confirm or deny that they understood. That confirmation or denial will be documented on the supplemental worksheet. If the inmate says that they do not understand, the classification deputy will attempt to explain the information contained in the sentences the inmate just read as simply and clearly as possible. If the inmate still does not understand, classification staff will fill out a med/psych referral for the inmate as possibly being developmentally disabled (DD) and potentially needing further assessment. That referral would be forwarded to the intake nurse for processing from there. This referral would also be documented on the supplemental PREA worksheet as box to be checked. A copy of the referral would then be attached to the entire PREA packet that gets submitted up the chain." Review of inmate education materials indicate the inmate handbook and sexual assault pamphlet are provided in English, Spanish and Vietnamese. Interpreters are provided should an inmate require them. 20 minute Comprehensive Education Video provided to auditor for review.

115.33(e): Policy 14.15 mandates 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 PREA videos are provided in English, Vietnamese and Spanish languages and run twice a day in the housing units. PREA posters are made available throughout the facility in English, Vietnamese and Spanish languages and made available in each housing unit and throughout the facility in areas accessible to inmates and staff.

Agency provided auditor with signed copies of the English version of the Inmate Handbook provided to inmates who are LEP. The signed pages were handbooks in English. Agency to provide Inmate Handbooks in their native languages signed by LEP inmates in order to verify compliance with Standard provision 115.33(e).

115.33(f): PREA policy 14.15 mandates that 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. Each housing unit has posted signs in 3 languages, containing information for inmates to report sexual abuse, sexual assault, sexual misconduct and sexual harassment. During the onsite physical plant review of 5th Floor PODs A thru C, auditor noticed there were no PREA Posters in none of PODs. Agency to place PREA Posters in PODs A thru C and provide auditor with photo verification with date photo was taken and to include description of specific placement in each POD for inmate access.

Based upon the analysis of evidence, the auditor finds the facility is not fully compliant with Standard provision(s) 115.33(a),

115.33(c), 115.33f) and corrective action is required.

Corrective Action Recommended:

115.33(a): Agency to provide documented verification that all inmates receive their PREA education and screening as mandated by Standard provision 115.33(a) & (b) and 115.41(a) within 90 days of receipt of Interim Report.

115.33(c): Agency to provide auditor with signed verification of the Inmate Handbook provided to LEP inmates in order to verify LEP inmates are provided Handbooks in their native language.

115.33(f): During the on-site physical plant review of 5th Floor PODs A thru C, auditor noticed there were no PREA poster in none of the PODs. Agency to place PREA posters in PODs A thru C and provide auditor with photo verification with date photo was taken and to include description of specific placement in each POD for inmate access. Auditor will conduct a 90-day status review on 1/4/22 to determine if corrective actions have been implemented and are institutionalized. Corrective action recommendations must be implemented by the end of the 180-day Corrective Action Period: 3/20/22.

Corrective Action Completion 1/25/22:

115.33(a): Agency to provide documented verification that all inmates receive their PREA education and screening as mandated by Standard provision 115.33(a) & (b) and 115.41(a) within 90 days of receipt of Interim Report. On 1/25/2022, PREA Coordinator provided auditor with copy of Inmate Worksheet which verifies LEP inmates were provided PREA Education within 24 hours of intake and confirmed each inmate received the Inmate Rulebook which was provided in their native language. The Worksheet also verified that LEP inmates who refused to sign for the Rulebook were given the Rulebook and Agency followed-up within 7 days to obtain signed acknowledgement for receipt of the Inmate Rulebook in their native language. Agency provided auditor with written PREA training and Rulebook receipt acknowledgement sheet for each LEP inmate received during the 90-day period during the Corrective Action period.

115.33(c): Agency PREA Manager provided auditor with three Spanish Rulebook and one Vietnamese Rulebook acknowledgements all signed by the LEP inmates on 8/12/21 interviewed by auditor on 8/3/21 who claimed they never received a rulebook at intake. Document review by auditor determined the LEP inmates were provided Rulebooks in English at intake. Agency provided copy of Administrative Directive from Support Services Captain to all custody staff dated 8/13/21 which mandates that "The Inmate Rulebook is printed in English, Spanish and Vietnamese. If an inmate has Limited English Proficiency (LEP) and their primary language is Spanish or Vietnamese, be sure to give the inmate a rulebook in their primary language. It was discovered that several LEP inmates were given English rulebooks. Inmate education is only effective if it is provided in ways that the inmate understands. This includes providing spoken information as well as written information." Auditor will conduct random selection of LEP inmates who completed intake within 90 days of Interim report.

On 1/13/22, auditor was provided with a list of LEP inmates who entered the Main Jail intake facility during the past 90 days. Agency indicates that only 8 LEP inmates have entered the Main Jail intake facility since the onsite audit. Signed acknowledgements which accompanied the list have been provided to auditor verifying five LEP inmates received in intake following the onsite audit received copies of the inmate handbook in their native language (Spanish or Vietnamese). The signed Acknowledgement forms were also in their native language. The eighth inmate was received on 8/9/18 and the Classification staff provided him with a copy of the handbook in his native language (Vietnamese) on 8/12/21 as he remains in custody. Three LEP inmates refused to sign the Acknowledgement at intake, which was identified on the acknowledgement form, but was provided the handbook by staff as verified through intake/classification staff signature on the acknowledgement form. This Standard provision has been satisfied.

115.33(f): On 11/12/21, PREA Manager provided auditor with dated photos which provided the dates and locations as to date and location as to where each PREA Poster was placed on all 5th floor housing units A thru C.

The agency/facility has met the requirements of Standard provision(s) 115.33(a), 115.33(c) and 115.33(f) completed during the corrective action period. The auditor has determined that the agency/facility has met the standard provisions and complies with Standard 115.33.

115.34	<p>Specialized training: Investigations</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>115.34(a): PREA policy 14.15 mandates that where sexual abuse is alleged, the investigation shall be conducted by Jail Crimes Investigations (JCI) Unit investigators that have received special training in sexual abuse investigations in confinement settings. 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.</p> <p>Interview with investigative staff indicates that they received training specific to conducting sexual abuse investigations in a confinement setting through an online PREA training and 40 hour ICI training and National Institute of Corrections (NIC) course for Conducting Sexual Abuse Investigation in a Confinement setting.</p> <p>115.34 (b): Training for all investigators is through NIC has been deemed PREA compliant as they provide training in 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. NIC Curriculum provided by Agency.</p> <p>Interview with investigative staff indicates that the training topics included all information identified in the above paragraph.</p> <p>115.34(c): Agency provided NIC certificates verifying that 8 investigators that have completed the required training of Investigating Sexual Abuse in a Confinement Setting. Auditor found that 9 investigators conducted sexual abuse investigations in a confinement setting. Agency provided auditor with a copy of the missing NIC investigation certificate on 8/12/21. Agency complies with Standard provision 115.34(c) in that there is documented verification that all investigators currently employed have completed the required training to conduct sexual abuse investigations in a confinement setting. Interview with investigative staff indicates that investigators are trained through National Institute of Corrections (NIC) online training on how to conduct Sexual Abuse Investigations in a Confinement Setting.</p> <p>115.34(d): Auditor is not required to audit standard provision 115.34(d).</p> <p>CONCLUSION: Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.34.</p>
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115.35	Specialized training: Medical and mental health care
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 1493 533">115.35 (a): PREA Policy 14.15 mandates that all staff, including contractors and volunteers responsible for supervising inmates or whom 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 10 criteria topics outlined in PREA standard provision 115.31(a). All Sheriffs 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.</p> <p data-bbox="240 539 1493 701">Medical and mental health staff are contractors. Agency indicates there are 307 medical and mental health care practitioners who work regularly at this facility who received the training. 41 out of 348 did not receive training. Reasons unknown. The belief is that it was related to COVID-19 restrictions. On 04/08/21 the online PREA training link was given to medical to share with their staff. This will help fill the gaps for those who could not take an in person class. Agency to provide documented verification that all medical and mental health practitioners have completed the required training.</p> <p data-bbox="240 707 1493 936">Interview with Medical and Mental Health Staff indicates that they have received special training regarding sexual abuse and sexual harassment such as Clinical Sexual Abuse, zero-tolerance in PREA, how to preserve evidence of sexual abuse, how to respond effectively and professionally to victims of sexual abuse and sexual harassment and how and whom to report allegations or suspicions of sexual abuse and sexual harassment. <u>On 3/10/22 PREA Compliance Manager staff provided auditor with 92 medical/mental health staff PREA training acknowledgements for staff who were hired between 2021 and 2022. OAS only allowed auditor to upload 40 staff members training acknowledgements to the database. Auditor will maintain remaining documentation in the event documentation is required by DOJ.</u></p> <p data-bbox="240 965 1493 1025">115.35(b): N/A - Medical staff at this facility does not conduct forensic examinations. This is verified through interviews with both Medical and Mental Health staff. Forensic examinations are conducted at Valley Medical Center.</p> <p data-bbox="240 1055 1493 1350">115.35 (c): The agency maintains documentation showing that medical and mental health practitioners have completed the required training.</p> <p data-bbox="240 1122 1493 1350">Medical and mental health staff are contractors. Agency indicates there are 307 medical and mental health care practitioners who work regularly at this facility who received the training. 41 out of 307 did not receive training. Reasons unknown. The belief is that it was related to COVID-19 restrictions. On 04/08/21 the online PREA training link was given to medical to share with their staff. This will help fill the gaps for those who could not take an in person class. On 3/10/22 PREA Compliance Manager staff provided auditor with 92 medical/mental health staff PREA training acknowledgements for staff who were hired between 2021 and 2022. OAS only allowed auditor to upload 40 staff members training acknowledgements to the database. Auditor will maintain remaining documentation in the event documentation is required by DOJ.</p> <p data-bbox="240 1379 1493 1507">115.35 (d): PREA Policy 14.15 mandates that all staff, including contractors and volunteers responsible for supervising inmates or whom 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 10 criteria topics outlined in PREA standard provision 115.31(a). Medical and Mental Health staff are contractors.</p> <p data-bbox="240 1597 1493 1657">Based upon the analysis of evidence, the auditor finds the facility is not fully compliant with Standard provision(s) 115.35(a) and 115.35(c). Corrective action is required.</p> <p data-bbox="240 1686 580 1713">Corrective Action Recommended:</p> <p data-bbox="240 1742 472 1769">115.35(a) & 115.35(c):</p> <p data-bbox="240 1798 1493 1960">Medical and mental health staff are contractors. Agency indicates there are 307 medical and mental health care practitioners who work regularly at this facility who received the training. 41 out of 348 did not receive training. Reasons unknown. The belief is that it was related to COVID-19 restrictions. On 04/08/21 the online PREA training link was given to medical to share with their staff. This will help fill the gaps for those who could not take an in-person class. Agency to provide documented verification that all medical and mental health practitioners have completed the required training.</p> <ol data-bbox="240 1989 1493 2141" style="list-style-type: none"> <li data-bbox="240 1989 1493 2049">1. Agency to provide auditor with documented verification that all 41 medical and mental health staff identified as failing to participate their PREA training have completed the required PREA training. <li data-bbox="240 2078 1493 2141">2. If any Medical or MH staff is still delinquent in their PREA training, are they barred from entering the facility and access to inmates?

Corrective Action Completion 3/10/22:

115.35(a) & 115.35(c): On 3/10/22 PREA Compliance Manager staff provided auditor with 92 medical/mental health staff PREA training acknowledgements for staff who were hired between 2021 and 2022. OAS only allowed auditor to upload 40 staff members training acknowledgements to the database. Auditor will maintain remaining documentation in the event documentation is required by DOJ.

The agency/facility has met the requirements of Standard provision(s) 115.35(a) & 115.35(c), completed during the corrective action period. The auditor has determined that the agency/facility has met the standard provisions and complies with Standard 115.35.

115.41	Screening for risk of victimization and abusiveness
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 1497 533">115.41 (a): PREA Policy 14.15 mandates PREA requires that all those detained or incarcerated (for citable or non-citable offenses) be screened for a history of sexual assault, sexual abuse or rape at intake. History of sexual abuse or rape includes events both in and out of a custody setting. It is not exclusive to custody environments. Within five to eight hours of booking, inmates shall be assessed during an intake screening, Classification interview and upon transfer to another facility for their risk of being sexually abused 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. Interview with classification staff indicates inmates are screened upon admission to a facility or transferred to another facility with a different mission or gender type for risk of sexual abuse victimization or sexual abusiveness toward other inmates.</p> <p data-bbox="240 539 1458 633">Interview with Risk Screening staff and random sample of 24 inmates indicates that inmates receive both the initial and comprehensive education at intake. PREA Video is played in a loop in the housing units in all three languages with closed caption to provide continuous effective PREA education.</p> <p data-bbox="240 663 1485 857">115.41 (b): It is a practice that inmates are screened, using an objective screening instrument (intake -Classification Assessment Supplemental PREA Worksheet), for risk within 5-8 hours of booking into the Santa Clara County Jail. Agency reports that 1471 inmates have entered the facility (either through intake of transfer) within the past 12 months whose length of stay in the facility was for 72 hours or more and who were screened for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of their entry into the facility. Agency provided auditor with a sample of 25 randomly selected intake assessments to verify compliance with this Standard provision.</p> <p data-bbox="240 864 1477 958">Interview with Risk Screening staff and random sample of 24 inmates indicates that interview with random sample of 15 inmates verifies they were screened by Classification after booking. Review of random sample of 28 screening files indicate all received screening from classification within 72 hours of intake.</p> <p data-bbox="240 987 1489 1619">115.41 (c): Inmates are screened, using an objective screening instrument (intake -Classification Assessment Supplemental PREA Worksheet), for risk within 5-8 hours of booking into the Santa Clara County Jail. Agency provided auditor with 25 randomly selected objective screening instruments for inmates booked into the Main Jail in 2020 and 2021 to verify compliance with this Standard provision. Agency also provided a bank copy of the 10852 Intake Classification Assessment Supplemental PREA Worksheet and Statement of Preference Form (LGBTQ) used in Booking and Classification to provide objective screening assessments and safe programming/housing per PREA Standards. Auditor was provided and attached the New Intake-Classification PREA Worksheet Instructions created in 8/9/18 which provides step by step instructions for staff to utilize during intake, booking and classification screening and assessments. Auditor observed the intake/booking screening process and verified that the worksheet instructions were followed during the screening assessment process. Review of 28 randomly selection of inmate screening files indicate each inmate has been screened using the Classification Supplemental PREA Worksheet. Each worksheet has determination made for housing placement and any other risk and needs based upon the interview with the inmate from intake, booking medical, mental health and classification. The intake classification worksheet provides for 9 of the 10 criteria identified in Standard provision 115.41(d). Agency does not honor holding an individual solely for immigration purposes due to County Policy and approved by the Board of Supervisors of the County of Santa Clara per Board Policy 3.54 for Civil Immigration Detainer Requests, therefore Criteria #10 is not included in the Classification Assessment PREA Worksheet. Review of Screening instrument indicates prior acts of sexual violence, prior convictions for violent offenses and history of prior institutional violence or sexual abuse is considered when assessing inmates for risk of being sexually abusive. Interview with staff responsible for risk screening mirror's the above information in their responses.</p> <p data-bbox="240 1648 1489 2045">115.41 (d): The intake Booking sheet, classification assessment sheet, Statement of Preference form (LGBTQ) and supplemental PREA assessment worksheet contained the 10 criteria mandated in standard provision 115.41(d). Review of 28 randomly selection of inmate screening files indicate each inmate has been screened using the Classification Supplemental PREA Worksheet. Each worksheet has determination made for housing placement and any other risk and needs based upon the interview with the inmate from intake, booking medical, mental health and classification. The intake classification worksheet provides for 9 of the 10 criteria identified in Standard provision 115.41(d). Agency does not honor holding an individual solely for immigration purposes due to County Policy and approved by the Board of Supervisors of the County of Santa Clara per Board Policy 3.54 for Civil Immigration Detainer Requests, therefore Criteria #10 is not included in the Classification Assessment PREA Worksheet. Review of Screening instrument indicates prior acts of sexual violence, prior convictions for violent offenses and history of prior institutional violence or sexual abuse is considered when assessing inmates for risk of being sexually abusive. Interview with staff responsible for risk screening mirror's the above information in their responses.</p> <p data-bbox="240 2074 1473 2134">115.41 (e): The initial screening considers prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing inmates for risk of being sexually abusive.</p>

Interview with Risk Screening staff indicates that the initial risk screening includes questions related to mental, physical or developmental disability, history of sexual victimization, conviction of sex offenses or crimes against adults or children, LGBTI identification, have other perceived you to be LGBTI gender non-conforming, does inmate perceive himself or herself to be vulnerable, perceptions of vulnerability by intake or classification staff, previous incarceration history, convictions or arrest of a violent crime, age-physical build-or anything that may present any possible victimization risk, does criminal history indicate exclusively non-violent crimes, effective communication questions. Classification determines if screening summary indicates the inmate is at risk to be a victim or predator of sexual abuse and makes a selection on the form as to inmate's risk factor to determine inmate's appropriate housing and programming.

115.41(f): PREA Policy 14.15 mandates that 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. Agency requires that the facility reassess each inmate's risk of victimization or abusiveness within a set time period, not to exceed 30 days after the inmate's arrival at the facility, based upon any additional, relevant information received by the facility since the intake screening. Agency provided 25 randomly selected inmate screening records which included electronic verification that Agency conducts PREA mandated reassessment within 30 days of intake for each inmate housed in the facility. Agency independently states that 490 inmates entered the facility (either through intake or transfer) within the past 12 months whose length of stay in the facility was for 30 days or more and who were reassessed for their risk of sexual victimization or of being sexually abusive within 30 days after their arrival at the facility based upon any additional, relevant information received since intake.

Interview of Risk Screening staff indicate that they are flagged via the Jail Information System (JIS) on or about 25 days following Intake for each inmate as a reminder that the 30-day reassessment is due. They review the inmate's records to determine if there were any incidents reported or any additional, relevant PREA information since the initial intake screening. The information is included as a narrative in the JIS system.

Interview of random sample of 24 inmates indicate that they do not recall being asked intake questions again after intake date.

115.41 (g): PREA Policy mandates that 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. Agency provided 25 randomly selected inmate screening records which included electronic verification that Agency conducts PREA mandated reassessment within 30 days of intake for each inmate housed in the facility.

Interview of Risk Screening staff indicate that they are flagged via the Jail Information System (JIS) on or about 25 days following Intake for each inmate as a reminder that the 30-day reassessment is due. They review the inmate's records to determine if there were any incidents reported or any additional, relevant PREA information since the initial intake screening. The information is included as a narrative in the JIS system.

Interview of random sample of 24 inmates indicate that they do not recall being asked intake questions again after intake date.

115.41 (h): PREA Policy 14.15 mandates that 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.

Interview with Risk Screening Staff indicate inmates are not disciplined refusing to answer questions or disclosing information as it relates to the Classification PREA questions.

115.41 (i): Policy 14.15 specifically prohibits disciplining inmates for refusing to answer or for not disclosing complete information in response to questions asked regarding sexual victimization or abusiveness. Interview with Risk Screening Staff indicate inmates are not disciplined refusing to answer questions or disclosing information as it relates to the Classification PREA.

Interview of PREA Coordinator and PREA Compliance Manager indicates that only the Classification Unit has access to risk assessment information. Documentation is secured in the Classification office. Should need-to-know staff requires a review of the inmate documentation, Classification staff oversees the review of the files to ensure that sensitive information is not exploited.

CONCLUSION:

Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.41.

115.42	Use of screening information
	Auditor Overall Determination: Meets Standard
	<p data-bbox="242 210 451 237">Auditor Discussion</p> <p data-bbox="242 271 1476 432">115.42 (a): PREA policy 14.15 mandates that 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. Agency utilized the following forms provided to auditor to meet that mandate:</p> <p data-bbox="242 439 691 465">Statement of Preference Form (LGBTQI).pdf</p> <p data-bbox="242 472 1086 499">Form # 10852-Intake-Classification Assessment Supplemental PREA Worksheet.pdf</p> <p data-bbox="242 506 472 533">PREA policy 14.15.pdf</p> <p data-bbox="242 562 1489 656">Interview with PREA Compliance Manager and Risk Screening Staff indicate risk screening information is utilized for housing and programming assignments. Review of random sample of 28 inmate screening files indicate classification decisions on the screening instrument after input from intake/booking, medical, mental health and interview with the inmate.</p> <p data-bbox="242 685 1444 815">115.42(b): PREA Policy 14.15 mandates that 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.</p> <p data-bbox="242 822 1492 983">Auditor reviewed 28 randomly selected screening files from the facility housing roster and verified written documentation from Screening Staff on the Objective Screening Instrument and also on Classification Case Notes related to answers gleaned from the screening instruments, Classification Officer observations and any information received from Medical & Mental Health practitioners to make individual determinations for each inmate with regards to housing and programming assignments.</p> <p data-bbox="242 1012 1484 1173">115.42 (c): PREA Policy 14.15 mandates that 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. Inmates placed in segregated housing for purposes of separation from likely abusers shall have access to programs, privileges, education and work opportunities to the extent possible.</p> <p data-bbox="242 1180 1492 1341">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. 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. A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration.</p> <p data-bbox="242 1348 1492 1476">Interview with PREA Compliance Manager indicates that Classification risk factors determine and inmate's housing and program assignments for transgender or intersex inmates. The agency considers whether placement based upon risk factors and inmate's preferences will ensure the inmate's health and safety while considering whether the placement ensures inmate's health and safety.</p> <p data-bbox="242 1482 1484 1610">Interview with Transgender inmates indicate that during intake, staff asked questions about their views regarding their safety in the jail, housing preferences and program decisions. They have not been placed in a housing area for transgender or intersex inmates and they were not strip-searched for the sole purpose of determining their genital status.</p> <p data-bbox="242 1639 1492 1733">115.42 (d): PREA Policy 14.15 mandates that 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. A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration.</p> <p data-bbox="242 1740 1484 1901">Interview with PREA Compliance Manager indicates transgender and Intersex inmates are reassessed at least twice a year to review any threats to safety experience by the inmate. Interview with Risk Screening Staff indicates the updated electronic Jail Management System provides for alerts 25 days prior to the 30-day reassessment deadline and every 6 months for Transgender inmates from the date of intake. Transgender inmates are usually reassessed every 30 days and more should they require mental health treatment.</p> <p data-bbox="242 1930 1463 1993">115.42 (e): PREA Policy 14.15 mandates that a transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration.</p> <p data-bbox="242 2000 1468 2094">Interview with PREA Compliance Manager and Risk Screening Staff indicate a transgender or Intersex inmate's own views with respect to his or her own safety shall be given serious consideration absent concerns over safety and security of the institution and the inmate.</p> <p data-bbox="242 2101 1444 2163">Interview with Transgender inmates indicate that at intake and periodically since intake, staff asked questions about their safety. Asked questions including housing and programming to determine risk and safety factors</p>

115.42 (f): Policy 14.15 mandates transgender and intersex inmates shall be given the opportunity to shower separately from other inmates. Interview with PREA Compliance Manager and Risk Screening Staff indicate a Transgender or Intersex inmate has the opportunity to shower separately from other inmates. Observation of the Main Jail Facility verifies single showers with privacy doors available for that purpose. Showers are under direct supervision of staff. Interview with Transgender inmates mirror the observations of auditor and interviews with Risk Screening staff and PREA Compliance Manager.

115.42 (g): PREA Policy mandates that 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.

Interviews with PREA Coordinator, PREA Compliance Manager, LGBTI inmates and auditor's physical plant review all verify that the Santa Clara County Main Jail does not place LGBTI inmates in dedicated facilities, units or wings solely on the basis of such identification of status. There are no such dedicated housing units or wings at Santa Clara County Jail.

CONCLUSION:

Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.42.

115.43	Protective Custody
	Auditor Overall Determination: Meets Standard
	<p data-bbox="242 210 451 237">Auditor Discussion</p> <p data-bbox="242 271 1485 432">115.43(a): PREA Policy 14.15 mandates that 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. Agency indicates that no inmate at risk of sexual victimization who were held in involuntary segregated housing in the past 12 months for one to 24 hours awaiting completion of assessment.</p> <p data-bbox="242 439 1493 566">Interview with the Facility Commander indicates that policy prohibits placing inmates at high risk for sexual victimization or who have alleged sexual abuse in involuntary segregated housing in lieu of other housing areas, unless an assessment has determined that there is no available alternative means of separation from potential abusers. Classification plan mandates we place it makes in the least restrictive housing unless they have negative issues.</p> <p data-bbox="242 573 1493 633">Agency reported there were no inmate housed in Segregated Housing for risk of sexual abuse. Physical plant review verified that statement.</p> <p data-bbox="242 663 1469 757">115.43 (b): PREA Policy 14.15 mandates that inmates placed in segregated housing for purposes of separation from likely abusers shall have access to programs, privileges, education and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education and work opportunities, the facility shall document:</p> <ul style="list-style-type: none"> <li data-bbox="242 786 679 813">a) The opportunities that have been limited; <li data-bbox="242 819 563 846">b) The duration of the limitation; <li data-bbox="242 853 627 880">c) and the reasons for such limitations <p data-bbox="242 909 1493 969">Agency reported there were no inmate housed in Segregated Housing for risk of sexual abuse. Physical plant review verified that statement.</p> <p data-bbox="242 976 1493 1137">Interview with staff who supervise inmates in segregated housing indicates that Will you make your place and get housing for protection from sexual abuse or after having a ledge sexual abuse, they still have access to the following programs, privileges, education and work opportunities. If the facility was restrict access programs, privileges, education, or work opportunities facility documents the opportunities that have been limited, the duration of the limitations, and the reasons for such limitations.</p> <p data-bbox="242 1167 1477 1328">115.43 (c): PREA Policy 14.15 mandates that 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. Agency indicates that over the past 12 months, no inmates were found to be or report to be at risk of sexual victimization who were assigned to involuntary segregated housing for longer than 30 days while awaiting alternative placement.</p> <p data-bbox="242 1335 1461 1429">Interview with the Facility Commander indicates agency prohibits placement of inmates at high risk for sexual victimization and involuntary segregated housing unless all alternative of available alternatives have been made and an immediate assessment of all available alternatives are conducted. It makes her move within 24 hours if the case arises.</p> <p data-bbox="242 1435 1430 1529">Interview with staff who supervise inmates in segregated housing indicates that Classification reviews every 30 days for inmates at risk of sexual victimization who are assigned to involuntary segregated housing while awaiting alternative placement.</p> <p data-bbox="242 1536 1493 1597">Agency reported there were no inmate housed in Segregated Housing for risk of sexual abuse. Physical plant review verified that statement.</p> <p data-bbox="242 1626 1422 1686">115.43(d): Agency indicates that over the past 12 months, no inmates were found to be or report to be at risk of sexual victimization who were assigned to involuntary segregated housing.</p> <p data-bbox="242 1693 1493 1753">Agency reported there were no inmate housed in Segregated Housing for risk of sexual abuse. Physical plant review verified that statement.</p> <p data-bbox="242 1783 1477 1944">115.43 (e): PREA Policy 14.15 mandates that 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. Agency indicates that over the past 12 months, no inmates were found to be or report to be at risk of sexual victimization who were assigned to involuntary segregated housing for longer than 30 days while awaiting alternative placement.</p> <p data-bbox="242 1951 1461 2078">Interview with staff who supervise inmates in segregated housing indicates that what's the meet is assigned to involuntary secure housing facility reviews it makes circumstances every 30 days to determine if continue placement in involuntary cigarette housing is needed. This also depends on the severity of the incident whereas the review could come less than 30 days on a continuing basis.</p> <p data-bbox="242 2085 1493 2145">Agency reported there were no inmate housed in Segregated Housing for risk of sexual abuse. Physical plant review verified that statement.</p>

CONCLUSION:

Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.43.

115.51	Inmate reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

115.51(a): PREA Policy 14.15 mandates that 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:

1. Verbally notifying a Deputy/officer or any Department staff member or volunteer
2. Submitting an Inmate Request form
3. Submitting a Grievance form
4. Writing a confidential letter to the Sheriff, Undersheriff or Facility Captain
5. contacting the Internal Affairs unit and submitting a complaint

Interview with random sample of 13 staff indicates that can you make some properly report sexual abuse and sexual harassment, retaliation by other inmates or staff by reporting sexual abuse and sexual harassment, staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment, by submitting a grievance, medical or mental health notes, or using the YWCA sexual abuse hotline.

Interview with random sample of 24 inmates indicates that inmates can report sexual abuse or sexual-harassment what happened to them or someone else by reporting to staff, medical or mental health staff using the white card or the YWCA hotline.

115.51 (b): PREA Policy 14.15 mandates that 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:

1. Calling the YWCA Rape Crisis Hot line
2. 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.

NOTE: Inmates are not housed solely on civil immigration charges. Santa Clara County is a Safe Haven County & prohibited from housing inmates detained solely for civil immigration purposes, however, Policy mandates agency provide access for immigrants held on local or federal charges to contact the Relevant Consulate.

Interview with the PREA Compliance manager indicates that Agency provides at least one way for inmates to report sexual abuse or harassment to a public or private entity or office that is not part of the agency. One way they can report is through the YWCA hotline by dialing # 99 or *99 on the housing unit phone. They can contact the Ombudsman. These procedures enable receipt and immediate transmission of inmate reports of sexual abuse and sexual harassment to agency officials that allow the inmate to remain anonymous upon request.

Interview with random sample of 24 inmates indicates that inmates can report sexual abuse or sexual-harassment what happened to them or someone else by reporting to staff, medical or mental health staff using the white card or the YWCA hotline.

115.51(c): PREA Policy 14.15 mandates that staff shall accept reports made verbally, in writing, anonymously, and from third parties. Staff are required to promptly document any verbal reports."

Interview with random sample of 13 staff indicates that when an inmate alleges sexual abuse or sexual harassment he/she can do so verbally, in writing, anonymously, and from third parties. If a staff member receives verbal reports they documented and report the allegation immediately.

Interview with random sample of 24 inmates indicates that inmates are aware that they can make reports of sexual abuse or sexual harassment either in person or in writing.

115.51(d): PREA Policy 14.15 mandates that staff method of privately reporting incidents of sexual abuse, sexual harassment including 3rd party & anonymous reports through the Dept. of Fair Employment and Housing (DFEH) and Federal Equal Employment Opportunity Commission (EEOC). Agency indicates methods of informing staff regarding private reporting is that staff shall receive PREA training within 90 days of hire and take refresher training every two years.

Interview with a random sample of 13 staff indicates that staff can privately report sexual abuse and sexual harassment through Internal Affairs, Ombudsman, Medical or Mental Health, Human Resources or utilize the hotline to the YWCA.

CONCLUSION:

Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.51.

115.52	Exhaustion of administrative remedies
	Auditor Overall Determination: Meets Standard
	<p data-bbox="242 210 451 237">Auditor Discussion</p> <p data-bbox="242 271 1469 365">115.52(a): PREA Policy 14,15 mandates that Agency is not exempt from this Standard provision and has an administrative procedure for dealing with inmate grievances regarding sexual abuse. Agency provided auditor with a copy of the Visio-Grievance Reporting FlowChart which outlines the route taken as a result of PREA Grievance Reporting.</p> <p data-bbox="242 398 1490 555">115.52(b): PREA Policy 14.15 mandates that 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.</p> <p data-bbox="242 566 1458 660">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. Inmate Rulebook (Revised July 2018) provides instructions on filing a grievance and grievance abuse.</p> <p data-bbox="242 689 1485 784">115.52(c): PREA Policy 14.15 mandates that 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. The grievance will not be referred to the staff member who is the subject of the complaint.</p> <p data-bbox="242 813 1485 938">115.52(d): PREA Policy 14.15 mandates that 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.</p> <p data-bbox="242 949 1481 1171">Agency provided auditor with 17 sexual abuse grievances received over the past 12 months. In the past 12 months, 12 grievances alleging sexual abuse that reached final decision within 90 days after being filed. In the past 12 months, none of the grievances alleging sexual abuse that involved extensions because final decision was not reached within 90 days. Interview with inmate who reported a sexual abuse indicates that he was provided notice in writing regarding the outcome of the allegation of sexual abuse investigation. The document came within 90 days of my submitting the allegation. I was aware that the facility is to inform inmates as to the outcome of the investigation within 90 days as it is identified in the Rule Book.</p> <p data-bbox="242 1182 1481 1274">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.</p> <p data-bbox="242 1305 1485 1666">115.52(e): PREA Policy 14.15 mandates that 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. Agency provided auditor with copy of PREA and Zero-Tolerance Definition along with methods on how to report sexual abuse and sexual harassment in English, Spanish and Vietnamese. If the inmate declines to have the request processed on his or her behalf, the agency shall document the inmate's decision. Agency reports that no grievances alleging sexual abuse have been filed by inmates in the past 12 months in which the inmate declined third-party assistance, containing documentation of the inmate's decision to decline.</p> <p data-bbox="242 1697 1490 2092">115.52(f): PREA Policy 14.15 mandates that 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."fStaff 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 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 48hours. 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. Agency reports that no emergency grievances alleging substantial risk of imminent sexual abuse were filed in the past 12 months.</p> <p data-bbox="242 2123 1458 2150">115.52(g): PREA Policy 14.15 mandates that an inmate may be disciplined for filing a grievance related to alleged sexual</p>

abuse only if there is evidence that the inmate filed the grievance in bad faith. In the past 12 months, no inmate grievances alleging sexual abuse that resulted in disciplinary action by the agency against the inmate have been filed bad faith.

CONCLUSION:

Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.52.

115.53	Inmate access to outside confidential support services
	<p data-bbox="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 210 451 239">Auditor Discussion</p> <p data-bbox="242 271 1453 398">115.53(a): Inmate Rulebook, PREA Video and PREA Policy 14.15 both provides inmates with access to outside victim advocates for emotional support services related to sexual abuse. Agency also provided auditor with copies of the PREA Pamphlet in English, Vietnamese and Spanish and PREA Poster in English, Spanish and Vietnamese. Each of the items listed is provided in the housing units, intake booking and throughout the facility accessible to inmates.</p> <p data-bbox="242 405 1442 434">PREA Hotlines: #99 & *99 are pin free, toll free and not recorded per Inmate Rule Book: https://countysheriff.sccgov.org.</p> <p data-bbox="242 441 1453 568">The facility provides inmates with access to such services by giving inmates mailing addresses and telephone numbers (including toll-free hotline numbers where available) for immigrant services agencies for persons detained solely for civil immigration purposes. The facility provides inmates with access to such services by enabling reasonable communication between inmates and these organizations in as confidential a manner as possible.</p> <p data-bbox="242 575 1490 667">Interview with random sample of 24 inmates & two inmates who reported sexual abuse indicate access is provided to outside victim advocates through toll free number identified in inmate handbook and PREA posters located wall of housing unit near phones to YWCA Rape Crisis.</p> <p data-bbox="242 698 1495 1025">115.53(b): PREA Policy 14.15 states that 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."Sexual Assault Awareness Pamphlet and Inmate Handbook are provided to all inmates at intake. They provide reporting rules governing confidentiality, disclosures and monitoring. PREA Posters available in every housing unit and general areas throughout the facility provide same information. Agency reports that the #99 speed dial in inmate phones used to connect to outside agencies is not monitored or recorded.</p> <p data-bbox="242 1032 1449 1160">Interview with random sample of 24 inmates & two inmates who reported sexual abuse indicates they were able to communicate in a confidential manner. All inmates communicated in writing confidentially and followup interviews were conducted in a confidential manner. With regards to the two inmates who reported sexual abuse, Mental Health staff was available during the interview.</p> <p data-bbox="242 1191 1490 1720">115.53(c): Agency has secured and maintained a Santa Clara County Service agreement with the Young Women's Christian Association of Silicon Valley (YWCA Rape Crisis Center). Copy of the contract was provided to the auditor. Term of the agreement is from 6/30/20 to 6/30/21. Agency negotiated an extension to the YWCA contract to extend the expiration date to 6/30/22. Agency provided auditor with copy of the amended contractual agreement on 8/12/21. Scope of service provides for YWCA to provide crisis-line services, victim advocacy services and support services to detained adults (inmates), residing in the Santa Clara County Sheriff's Office Detention facilities in compliance with Adult/Jail Prison Standards outlined under PREA. Interview with YWCA director during onsite audit indicated that she was recently installed as Director. Inmates from SCCJ are allowed to use the YWCA Hotline provided by the Agency which goes directly to an answering service, which send's the inmate's call directly to a YWCA advocate. inmate is not required to provide his/her name to the answering service. The answering service does not ask any questions related to inmate identification or PREA, just relays the call directly to YWCA advocate on duty to provide emotional support and advocacy. Services provided are counseling, presence during forensic exam, investigative interviews, court proceedings and after care for emotional support related to sexual abuse and sexual harassment cases. MOU with SCCJ is pending and has not been ratified as of this date, which outlines the responsibilities of SCCJ and YWCA. During the onsite audit, the auditor utilized the inmate phones in both male and female housing units to verify that the hotline worked and went directly to the answering service and then to the advocate on duty for YWCA, allowing the inmate to remain anonymous per their wishes.</p> <p data-bbox="242 1809 400 1839">CONCLUSION:</p> <p data-bbox="242 1845 1334 1874">Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.53.</p>

115.54	Third-party reporting
	Auditor Overall Determination: Meets Standard
	<p data-bbox="244 210 451 237">Auditor Discussion</p> <p data-bbox="244 271 1484 398">115.54(a): PREA Policy 14.15 mandates that the Department will maintain a process to receive third-party reports of sexual abuse and sexual harassment and shall publicly distribute information on how to report sexual abuse, sexual assault, sexual misconduct and sexual harassment on behalf of an inmate.¹ Third-party complaints of sexual abuse, sexual assault, sexual harassment or sexual misconduct on behalf of an inmate may be reported by using the following methods:</p> <ul style="list-style-type: none"> <li data-bbox="244 432 619 459">a. In-person at the Main Jail Complex <li data-bbox="244 465 624 492">b. In-person at the Elmwood Complex <li data-bbox="244 499 1177 526">c. writing a confidential letter to the Facility Captain of either Main Jail or Elmwood Complexes <li data-bbox="244 533 791 560">d. Writing a confidential letter to the Chief of Correction <li data-bbox="244 566 895 593">e. Contacting the Internal Affairs Unit and submitting a complaint. <p data-bbox="244 622 1441 714">Methods are provided publicly on Agency website and on 3rd party posters in public lobbies and visiting areas. 3rd party posters are in English, Spanish and Vietnamese, (La Ley de Eliminacion de Violacion en la prision 2003 PREA Spanish, Vietnamese translation PREA, 3rd Party Reporting information for poster).</p> <p data-bbox="244 801 400 828">CONCLUSION:</p> <p data-bbox="244 860 1334 887">Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.54.</p>

115.61	Staff and agency reporting duties
	Auditor Overall Determination: Exceeds Standard
	<p>Auditor Discussion</p> <p>115.61(a): PREA Policy 14.15 mandates 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;</p> <ol style="list-style-type: none"> 1. Retaliation against inmates or staff who reported such an incident; 2. Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. <p>Interview with random sample of staff verifies their training & education related to mandatory reporting per Policy. Agency provides each custody staff member with a PREA Quick Reference card to be carried on their person at all times during shift which provides 1st responder responsibilities in the event of an allegation of sexual abuse. During formal interviews of staff, Auditor randomly requested to see the card. Each staff member proudly displayed the card from their pockets. Staff responded to the Auditor's 1st Responder questions without looking at the card, which verifies the custody 1st Responder protocol is institutionalized and Agency exceeds the requirements of Standard 115.61 to ensure Staff had all the tools necessary to respond to an allegation of sexual abuse/harassment or imminent sexual abuse allegation.</p> <p>Interview with random sample of 13 staff indicates that they have been trained to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility; retaliation against inmates or staff who reported such an incident, and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.</p> <p>115.61 (b): PREA Policy 14.15 mandates that 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.</p> <p>Interview with random staff verifies their training & education with regards to providing information related to a sex abuse report only to staff on a need-to-know basis.</p> <p>115.61 (c): PREA Policy 14.15 mandates that 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. Agency provided the Santa Clara Valley Health & Hospital System adult custody health services correction plan for the PREA deficiencies. This plan, called the notice of privacy practices (NPP), mandates medical and mental health practitioners to provide information regarding reporting obligations and confidentiality as part of receiving information about the notice of privacy practices at the intake/booking stage. A copy of this mandate is posted on the wall in the booking and clinic areas. For reporting prior sexual victimization that did not occur in an institutional setting, medical and mental health practitioners will have the inmate sign a HIPPA compliant authorization form before incident is reported to custody bureau/sheriff's office. Inmate will sign the notice of privacy practices acknowledgement at booking. Attachment b of this mandate outlines the responsibility of medical and mental health practitioners to comply with standard provision 115.61(c).</p> <p>Interview with Medical and Mental Health staff indicates that if the initiation of services to inmate, medical mental health staff disclose limitations confidentiality and their duty to report. They are required to report any knowledge suspicion or information regarding addition of sexual abuse or sexual harassment to us designated supervisor or official immediately upon learning of it. Neither medical or mental health practitioners who were interviewed ever became aware of any incident of sexual abuse or sexual harassment in the past.</p> <p>115.61 (d): PREA Policy 14.15 mandates that 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. There have been no allegations of sexual abuse by victims under-age of 18 years or vulnerable adults.</p> <p>Interview with Facility Commander and PREA Coordinator indicate these cases are referred to Jail Crimes unit for investigation and responded to as we would any other sexual abuse investigations. In the case of an 18 year old victim, Child Protective Services (CPS) would be notified and in the case of a vulnerable adult, proper notifications by law, such as Elder Abuse Agency, would be notified.</p> <p>115.61(e): 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.</p> <p>Interview of the Facility Commander indicates that all allegations of sexual abuse and sexual harassment, including those</p>

from third-party and anonymous sources, are reported initially to facility staff and Internal Affairs for administrative investigations, and Jail Crimes Unit (JCU) for criminal investigations. depending on the circumstances of the case.

CONCLUSION:

Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.61.

115.62	Agency protection duties
	Auditor Overall Determination: Meets Standard
	<p data-bbox="242 210 453 237">Auditor Discussion</p> <p data-bbox="242 271 1453 331">115.62(a): PREA Policy 14.15 mandates that 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 data-bbox="242 338 1469 465">Agency reports that in the past 12 months, there were no instances where the agency or facility determined that an inmate was subject to a substantial risk of imminent sexual abuse. 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 appropriate action necessary to protect the inmate.</p> <p data-bbox="242 472 1485 629">Interview with Undersheriff designee, Facility Captain & random sample of 13 staff verifies the staff training and education in compliance with Standard provision 115.62(a). All 13 interviewed staff indicated they would immediately separate victim from alleged abuser, contact Supervisor, & conduct written documentation to request Classification rehouse either the victim or alleged abuser. A stay-away order will be initiated pending investigation into the matter. 90-day retaliation monitoring shall be initiated for the victim.</p> <p data-bbox="242 723 400 748">CONCLUSION:</p> <p data-bbox="242 754 1334 779">Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.62.</p>

115.63	Reporting to other confinement facilities
	<p data-bbox="240 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 273 1481 501">115.63(a): PREA Policy 14.15 mandates that 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. 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. Agency reports that in the past 12 months no information was received regarding reports of an inmate being abused while confined at another facility.</p> <p data-bbox="240 533 1481 658">115.63(b): PREA Policy 14.15 mandates that 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> <p data-bbox="240 689 1481 815">115.63(c): PREA Policy 14.15 mandates that 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> <p data-bbox="240 846 1490 1209">115.63(d): PREA Policy 14.15 mandates that if the agency of jurisdiction is the Santa Clara County Sheriffs Office The Jail Crimes Investigations unit (JCU) shall take the initial Incident Report following the standard procedures for documenting sexual abuse, sexual assault, sexual misconduct or sexual harassment. SART examinations shall be conducted in accordance with the Sheriff s Office sexual assault procedures and Adult Custody Health Services Policy. The JCI Unit investigator will enter the event into the Jail Information System (JIS) PREA Tracking System-A Supplemental Incident Report documenting the event shall be completed and attached to the completed PREA Reporting Information Worksheet. Agency reports that in the past 12 months, no allegations of sexual abuse has been received from other facilities. Interview with Agency Head designee and Interview with Facility Commander indicates that normally in this case, the on-duty Sergeant receives that notification and informs the Watch Commander, who makes contact with the victim and determines the investigative protocol with PREA unit involvement. The chain of command hierarchy is also involved. To their knowledge, there are no examples of another facility or agency reporting such allegations.</p> <p data-bbox="240 1294 403 1321">CONCLUSION:</p> <p data-bbox="240 1330 1334 1357">Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.63.</p>

115.64	Staff first responder duties
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>115.64(a): PREA Policy 14.15 mandates that 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, 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. In the past 12 months 15 allegations received by agency that an inmate was sexually abused. All 15 of the allegations resulted in the first security staff member to respond to the report separated the alleged victim and abuser. All 15 allegations resulted where staff were notified within a time period that still allowed for the collection of physical evidence.</p> <p>The 1st Responder Protocol that is identified in the policy:</p> <ul style="list-style-type: none"> • Immediately separate the victim and perpetrator • Place them both in separate areas with no access to water, under supervision to preserve usable physical evidence *Provide advocacy for emotional support through YWCA Rape Crisis Center • Secure the crime scene • Contact the Supervisor • Contact Jail Crimes Unit • Contact Medical and Mental Health" <p>Interview with Security Staff and Non-Security Staff First Responders indicate that security staff follows the 1st Responder Protocol (he identified each step to auditor as his response) non-security staff indicates that the response would be to assess the patient to ensure his/her safety, separate from abuser and contact staff or supervisor immediately.</p> <p>Interview with 2 inmates who reported sexual abuse indicates that one reported sexual abuse via grievance and the other reported via YWCA Hotline 2 weeks following the incident. They both feel staff responded to the scene in an appropriate timeframe once notified. Upon arrival, staff immediately conducted an interview.</p> <p>115.64(b): PREA Policy 14.15 mandates that non-badge staff who learns of an allegation that an inmate was sexually abused shall:</p> <ol style="list-style-type: none"> a). Request that the alleged victim not take any action that could destroy physical evidence, including as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating; b). Immediately notify a deputy/officer or a Sergeant, who will respond and take appropriate action. <p>Agency reports that no allegations of sexual abuse was responded to first by a non-security staff member.</p> <p>interview with staff indicates they would follow the 1st Responder Protocol - and recited the protocol to auditor.</p> <p>Interview with Random Sample of 13 staff indicated they would follow the 1st Responder protocol - and recited the protocol to auditor.</p> <p>CONCLUSION: Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.64.</p>

115.65	Coordinated response
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>115.65(a): PREA Policy 14.15 mandates that the Main Jail complex Facility will ensure a coordinated response between staff first responders, medical and mental health practitioners, YWCA advocates, SANE/SAFE forensic nurse, investigators, supervisors and managers, to all incidents of sexual abuse, sexual assault and/or sexual harassment.</p> <p>Interview with Facility Commander indicates knowledge of the facility plan to coordinate actions among staff 1st responders & supporting staff in response to an incident of sexual abuse.</p> <p>CONCLUSION: Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.65.</p>

115.66	Preservation of ability to protect inmates from contact with abusers
	<p data-bbox="240 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 273 1485 362">115.66(a): Agency reports that the agency, facility, or any other governmental entity responsible for collective bargaining on the agency's behalf has not entered into or renewed any collective bargaining agreement or other agreement since since the last PREA audit, which was completed in 2018. Review of the MOUs in 2018 reviewed the following:</p> <p data-bbox="240 371 1422 434">On 6/29/18, agency provided auditor with the computer link to four MOU's for contracts utilized in all three Santa Clara County Detention facilities:</p> <p data-bbox="240 443 1086 470">CPOA – Correctional Peace Officers Association DSA – Deputy Sheriff's Association</p> <p data-bbox="240 479 1362 506">CEMA – County Employees' Management Association SEIU Local 521 – Service Employees International Union</p> <p data-bbox="240 515 1469 600">Review of each of the MOU's verifies that 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 is not limited in any way.</p> <p data-bbox="240 609 1426 667">Interview with Agency Head designee indicates that the 2020 Deputy contract was renewed. The contract ensures that Deputies are held to Department procedures and Policy, which includes disciplinary procedures if warranted.</p> <p data-bbox="240 698 1469 792">Auditor has determined that both MOU's provided by the Agency are non-compliant as they have expired. Agency to provide updated and current MOU's for auditor to make a determination of PREA Compliance for this Standard provision.</p> <p data-bbox="240 824 951 851">115.66(b): Auditor is not required to audit standard provision 115.66(b).</p> <p data-bbox="240 936 1469 999">Based upon the analysis of evidence, the auditor finds the facility is not fully compliant with Standard provision(s) 115.66(a) and corrective action is required.</p> <p data-bbox="240 1084 608 1111"><u>Corrective Action Recommended:</u></p> <p data-bbox="240 1142 1453 1205">Agency provided auditor with expired MOU for both - CPOA - Correctional Peace Officers Association - DSA and CEMA - County Employees' Management Association SEIU Local 521</p> <p data-bbox="240 1236 943 1263">Agency to provide auditor with copies of latest version of the following:</p> <ol data-bbox="276 1312 1414 1375" style="list-style-type: none"> 1. CPOA -Correctional Peace Officers Association DSA - Deputy Sheriff's Association 2. CEMA - County Employees Management Association SEIU Local 521 - Service Employees International Union <p data-bbox="240 1406 1437 1491">Auditor will conduct a 90-day status review on 1/4//22 to determine if corrective actions have been implemented and are institutionalized. Corrective action recommendations must be implemented by the end of the 180-day Corrective Action Period: 3/20/22.</p> <p data-bbox="240 1585 655 1612"><u>Corrective Action Completion 10/4/21:</u></p> <p data-bbox="240 1644 1477 1836">On11/3/21, Agency provided auditor with copies of the CPOA -Correctional Peace Officers Association DSA MOU 2020 – 2023 and The Deputy Sheriff's Association and CEMA - County Employees Management Association SEIU Local 521 - Service Employees International Union MOU 2012 – 2015 and Draft MOU 2012 - 2015. Review of CPOA -Correctional Peace Officers Association DSA MOU 2020 – 2023 finds that the MOU does not 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.</p> <p data-bbox="240 1868 1485 2128">The Deputy Sheriff's Association and CEMA - County Employees Management Association SEIU Local 521 - Service Employees International Union MOU 9/7/20 – 9/14/25 has initial statement which mandates that "All provisions of the County of Santa Clara and Deputy Sheriffs' Association of Santa Clara County Memorandum of Understanding, effective December 10, 2012 – September 13, 2015, as modified therein and extended through September 6, 2020 shall be in effect, to include those provisions identified in this summary of changes, upon ratification of the tentative agreement by the Board of Supervisors. Please use the 2012 – 2015, extend through 2020 contract, along with this summary of changes, until the new September 7, 2020 through September 14, 2025 MOU is available.</p>

Auditor reviewed both the 2012 – 2020 contract and 2020 through 2025 Draft. Neither MOU's limits the Agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

The agency/facility has met the requirements of Standard provision(s) 115.53(c) completed during the corrective action period. The auditor has determined that the agency/facility has met the standard provision and complies with Standard 115.66(a).

CONCLUSION:

Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.66.

115.67	Agency protection against retaliation
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>115.67(a): PREA Policy 14.15 states that 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. 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. Agency has designated the Facility PREA Compliance Manager and the Agency Deputy PREA Manager as retaliation monitors.</p> <p>115.67(b): PREA Policy 14.15 mandates 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.</p> <p>Interviews with Undersheriff, Facility Captain, PREA Coordinator & inmate who reported a sexual abuse all verify Agency's protection measures for inmates and staff who fear retaliation. Both inmates and staff are monitored to ensure they are not experiencing additional retaliation, check on their well-being and to ensure they are offered emotional support for at least a 90-day period. Inmates can contact the Jail Observer program or the County Human Relations Council if they choose to seek monitoring outside of Agency. Additional referral measures provided for inmates inside the Agency is provided through mental health practitioners, chaplaincy and through the grievance process. Staff are referred to the Employee Assistance Program (EAP) per union contract. Agency is kept apprised of any ongoing retaliation.</p> <p>115.67(c): PREA Policy 14.15 mandates that 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 face-to-face status checks. Agency reports there have been no incidents of retaliation over the past 12 months.</p> <p>Interview with Facility Commander and staff designated as retaliation monitors indicate that indicate any allegation of retaliation is investigated immediately through Internal Affairs & Jail Crime Unit. PREA Compliance manager indicates he documents monitoring efforts.</p> <p>115.67 (d): PREA Policy 115.67(d) mandates that monitoring shall also include periodic status checks. Interview with PREA Compliance Manager, responsible for monitoring retaliation, indicate face-to-face contacts are made during the periodic status checks which usually occur twice monthly.</p> <p>115.67(e): PREA Policy 14.15 mandates that 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.</p> <p>Interview with Undersheriff designee and Facility Captain indicates in the case of an inmate, they are engaged and informed regarding the monitoring process. Inmates are moved to a safe environment (housing unit) and referred to Mental Health to provide emotional support. Monitoring conducted by classification and mental health for 90 days to ensure no retaliation is occurring. Monitoring may be extended beyond 90-days if the initial monitoring indicates the continuing need per Policy. PREA Compliance Manager also monitors. In the case of Staff, they are monitored constantly by PREA Coordinator and Employee Assistance Program (EAP). There is continual follow-up and disciplinary action taken upon the perpetrator. Monitoring is established through continual contact.</p> <p>115.67(f): Auditor is not required to audit standard provision 115.67(f).</p> <p>CONCLUSION: Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.67.</p>

115.68	Post-allegation protective custody
	Auditor Overall Determination: Meets Standard
	<p data-bbox="229 192 1509 255">Auditor Discussion</p> <p data-bbox="229 255 1509 828"> 115.68(a): PREA Policy 14.15 prohibits agency from the placement of inmates who allege to have suffered sexual abuse in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers. Agency reports over the past 12 months, no inmates who allege to have suffered sexual abuse who were assigned to involuntary segregated housing for one to 24 hours awaiting completion of assessment or for longer than 30 days while awaiting alternative placement. Interview with Facility Commander indicates that policy prohibits placement of an inmate at high risk for sexual victimization or who has alleged sexual abuse involuntary segregated housing in lieu of other housing areas, unless an assessment has determined there is no alternative means of separation from potential abusers. Classification plan is the least restrictive housing unless the inmate has negative issues. The Commander stressed that the facility will not restrict access to programs, privileges, education or work opportunities. Interview with staff who supervise inmates in Segregated Housing indicate that when inmates are placed in Segregated Housing for protection from sexual abuse or after having alleged sexual abuse, they continue to have access to programs, privileges, education and work opportunities. Inmates may be placed in involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged. It is a Classification issue, but inmates may be placed and reviewed every 30, 60, 90 days or until an alternative means of separation from likely abusers can be arranged. </p> <p data-bbox="229 828 1509 985"> CONCLUSION: Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.68. </p>

115.71	Criminal and administrative agency investigations
	Auditor Overall Determination: Meets Standard
	<p data-bbox="242 210 451 237">Auditor Discussion</p> <p data-bbox="242 271 1481 499">115.71 (a): PREA Policy 14.15 maintains the policy related to criminal and administrative 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. Agency provided auditor with the Visio-in Custody Reporting FlowChart.pdf. The flow-Chart provides the path followed when an allegation of sexual abuse is reported. The Chart identifies the actions of Correctional Deputy, Team Sergeant, Jail Crimes/Major Crimes, PREA Manager/Coordinator, Medical, Mental Health, Investigation, Facility Captain, Classification, YWCA for victim advocacy services.</p> <p data-bbox="242 506 1481 600">Interview with Investigative staff indicates that Investigations follow the Investigative flow chart that is provided to you. Once Jail Crimes Unit receive the call, we respond rapidly to initiate the investigation. Upon arrival, we follow the protocol and handle all investigations and reporting the same and any other report.</p> <p data-bbox="242 629 1481 723">115.71 (b): PREA Policy 14.15 mandates that 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.</p> <p data-bbox="242 730 1481 925">Interview with Investigative staff indicates that they all recieved specific training to conduct sexual abuse investigations in a confinement setting. Agency provided auditor with copies of all the Special Investigators from the Jail Crimes Unit which are certified to conduct these investigations for the Agency. The training was from National Institute of Corrections (NIC). The training topics included techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection and confinement settings, and the criteria and evidence required to substantiate a case for administrative or prosecution referral.</p> <p data-bbox="242 954 1481 1216">115.71(c): PREA Policy 14.15 mandates 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. Auditor interviews of two criminal, two investigative and one major crimes supervising investigative staff members indicate special investigator gather and preserve direct and circumstantial evidence to include DNA evidence, forensic evidence, interviews with witnesses, victim, perpetrator, electronic monitoring and written communications and data. 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.</p> <p data-bbox="242 1223 1481 1350">Interview with Investigative staff indicates that when conducting an investigation, he would review the contact with regards to the incident. I would conduct the investigation the same as any other, following my training and the protocol. Review video surveillance, gather clothing or any other items of evidence, conduct interviews of witnesses, victim and perpetrator(s), obtain forensic evidence, write a report and outline the findings.</p> <p data-bbox="242 1379 1481 1440">115.71(d): PREA Policy 14.15 mandates that the Sheriffs Office shall conduct compelled interviews, only after consulting with prosecutors as to whether compelled interviews may bean obstacle for subsequent criminal prosecution.</p> <p data-bbox="242 1447 1481 1507">Interview with Investigative staff indicates that criminal investigations are similar to investigations on the street. We do not conduct compelled interviews without consulting with prosecutors so as not to damage or compromise the court court case.</p> <p data-bbox="242 1536 1481 1664">115.71(e): PREA Policy 14.15 mandates that 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.</p> <p data-bbox="242 1671 1481 1700">Interview with Investigative staff indicates that the investigation determines credibility of victim, perpetrators or witnesses.</p> <p data-bbox="242 1706 1481 1767">Interview with two inmates who reported a sexual abuse indicates that neither of them were required to take a polygraph test as a condition for proceeding with their sexual abuse interview.</p> <p data-bbox="242 1796 1481 1924">115.71(f): PREA Policy 14.15 mandates that 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.a.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.</p> <p data-bbox="242 1930 1481 2024">Interview with Investigative staff indicates that Internal Affairs (IA) investigations are tolled until completion of the criminal investigation. The IA investigators then use the Criminal case and evidence to continue with the Administrative investigation with regards to violation of policy. We document our findings in a written report and forward the report to the Sheriff.</p> <p data-bbox="242 2054 1481 2148">115.71(g): PREA Policy 14.15 mandates that all criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.</p>

Interview with both administrative and criminal investigative staff indicates each investigation is documented in a written report which contains description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence. All reports are documented providing for victim & suspect information, evidence collected, recordings of interviews, video/photo evidence, forensic evidence, witness statements, evaluation of date & findings.

115.71(h): PREA Policy 14.15 mandates that substantiated allegations of conduct that appear to be criminal shall be referred to the District Attorney's Office for prosecution. Three allegations of conduct that appear to be criminal that were referred for prosecution which occurred between 2020 and 2021. Three cases were referred to the District Attorney's office for prosecution. the DA's office declined to prosecute all three cases.

Interview with Investigative staff indicates that cases are referred for prosecution when allegations are substantiated based upon a preponderance of the evidence.

115.71(i): PREA Policy 14.15 mandates that 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.

115.71(j): PREA Policy 14.15 mandates that the departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.

Interview with Investigative Staff indicate the departure of Staff, victim or inmate perpetrator from the facility or Agency does not provide a basis for terminating the investigation. The investigation continues to completion and referred to DA office for prosecution if sustained as a possible criminal matter.

115.71(k): Auditor is not required to audit standard provision 115.71(k).

115.71(l): Interview with Facility Commander, PREA Coordinator, PREA Compliance Manager and Investigative staff all state that Santa Clara County Sheriff's Department conducts their own administrative and criminal investigations.

CONCLUSION:

Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.71.

115.72	Evidentiary standard for administrative investigations
	<p data-bbox="242 145 742 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 208 454 237">Auditor Discussion</p> <p data-bbox="242 271 1476 360">115.72(a): PREA Policy 14.15 mandates that the Sheriff's 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.</p> <p data-bbox="242 371 1444 432">Interview with Investigative staff indicates that . Interview with Investigative Staff indicate they impose no standard higher than preponderance of the evidence for sexual abuse/harassment cases.</p> <p data-bbox="242 521 406 551">CONCLUSION:</p> <p data-bbox="242 555 1332 584">Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.72.</p>

115.73	Reporting to inmates
	Auditor Overall Determination: Meets Standard
	<p data-bbox="242 210 451 237">Auditor Discussion</p> <p data-bbox="242 271 1452 365">115.73(a): PREA Policy 14.15 mandates that 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> <ol data-bbox="242 369 1433 463" style="list-style-type: none"> 1. The alleged abuser has been indicted on a charge related to sexual abuse or sexual assault within the facility; 2. The agency learns that the alleged abuser has been convicted of a charge related to sexual abuse or sexual assault 3. All such notifications are documented. <p data-bbox="242 497 1490 591">Agency reports a total of 42 criminal and/or administrative investigations of alleged inmate sexual abuse that were completed by the agency/facility in the past 12 months. Of the alleged sexual abuse investigations that were completed in the past 12 months, 17 inmates were notified, verbally or in writing, of the results of the investigation.</p> <p data-bbox="242 595 1490 656">Interview with Facility Commander indicates that the facility Shane notifies inmate who makes an allegation of sexual abuse when the allegations been determined to be substantiated unsubstantiated or unfounded following the investigation.</p> <p data-bbox="242 660 1477 754">Interview with Investigative staff indicates that Policy mandates that inmates who makes an allegation of sexual abuse must be informed as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded following an investigation. The notice is provided by the PREA Coordinator in writing.</p> <p data-bbox="242 759 1431 819">Interview with 2 inmates who reported a sexual abuse indicates that they both recieved written documentation as to the outcome of the investigation. Both were determined to be unfounded.</p> <p data-bbox="242 853 1477 947">115.73(b): Santa Clara County Sheriff's Department is responsible for conducting both administrative and criminal investigations. Over the past 12 months none of the 42 criminal and administrative investigations have been investigated by an outside entity.</p> <p data-bbox="242 981 1442 1072">115.73(c): PREA Policy 14.15 mandates that 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> <ol data-bbox="242 1077 1439 1207" style="list-style-type: none"> 1. The staff member is no longer assigned to the inmate's unit; 2. The staff member is no longer employed at the facility; 3. The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; 4. Or the agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility. <p data-bbox="242 1238 668 1265">All such notifications shall be documented.</p> <p data-bbox="242 1296 1490 1386">Agency reports there has been 4 substantiated or unsubstantiated complaint (i.e., not unfounded) of sexual abuse committed by a staff member against an inmate in an agency facility in the past 12 months. In each case the agency subsequently informed the inmate whenever:</p> <ul data-bbox="242 1393 1430 1523" style="list-style-type: none"> • The staff member was no longer posted within the inmate's unit; • The staff member was no longer employed at the facility; • The agency learned that the staff member has been indicted on a charge related to sexual abuse within the facility; or • The agency learned that the staff member has been convicted on a charge related to sexual abuse within the facility. <p data-bbox="242 1554 1490 1682">Interview of two inmates who reported a sexual abuse indicates that both their cases were determined to be unfounded. Not notification that the staff member no longer worked in the unit. They both know that the staff members were no longer seen in the unit following the inmate's report of sexual abuse. They believe that the staff members were reassigned to other facilities or housing units.</p> <p data-bbox="242 1713 1477 1841">115.73(d): PREA Policy 14.15 mandates that 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 the alleged abuser has been indicted on a charge related to sexual abuse or sexual assault within the facility.</p> <p data-bbox="242 1845 1406 1872">The agency learns that the alleged abuser has been convicted of a charge related to sexual abuse or sexual assault.</p> <p data-bbox="242 1877 1465 1937">Interview with two inmates who reported a sexual abuse indicates their allegations were both against staff. They could not answer this interview question.</p> <p data-bbox="242 1968 1477 2130">115.73(e): PREA Policy 14.15 mandates that all such notifications or attempted notifications to the inmate victims as to the outcome of any investigations that has been substantiated, unsubstantiated or unfounded shall be documented. Agency reports that out of the 42 cases provided to the auditor, 17 notifications were provided to inmates in the past 12 months. cases provided were documented notification as to the outcome of the investigations to the inmate victims. The majority of cases were sexual harassment cases.</p>

115.73(f): Auditor is not required to audit standard provision 115.73(f).

CONCLUSION:

Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.73.

115.76	Disciplinary sanctions for staff
	Auditor Overall Determination: Meets Standard
	<p data-bbox="242 210 451 237">Auditor Discussion</p> <p data-bbox="242 271 1485 432">115.76(a): PREA Policy 14.15 mandates that 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. 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.</p> <p data-bbox="242 465 1485 624">115.76(b): Policy 14.15 mandate 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. Agency reports that over the past 12 months no staff from the facility violated agency sexual abuse or sexual harassment policies. None have been terminated or resigned prior to termination for violating agency sexual abuse or sexual harassment policies.</p> <p data-bbox="242 658 1485 817">115.76(c): PREA Policy 14.15 mandates that 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. In the past 12 months, no staff member from the facility have been disciplined, short of termination, for violation of agency sexual abuse or sexual harassment policies.</p> <p data-bbox="242 851 1485 1010">115.76(d): PREA Policy 14.15 mandates that 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. In the past 12 months, no staff from the facility have been reported to law enforcement or licensing boards following their termination (or resignation prior to termination) for violating agency sexual abuse or sexual harassment policies.</p> <p data-bbox="242 1095 400 1122">CONCLUSION:</p> <p data-bbox="242 1128 1334 1155">Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.76.</p>

115.77	Corrective action for contractors and volunteers
	Auditor Overall Determination: Meets Standard
	<p data-bbox="229 192 1509 255">Auditor Discussion</p> <p data-bbox="229 255 1509 367">115.77(a): PREA Policy 14.15 mandates that any contractor or volunteer who engages in sexual victimization shall be prohibited from contact with inmates and shall be reported to the Jail Crimes Unit, unless the activity was clearly not criminal, and to relevant licensing bodies. In the past 12 months no contractor or volunteer engaged in sexual abuse of inmates.</p> <p data-bbox="229 367 1509 613">115.77(b): PREA Policy 14.15 mandates that 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. Interview with the Facility Commander indicates any sexual abuse or sexual harassment by contractor or volunteer results in immediate clearance revocation. No access to the inmate population or the jail property. Case is immediately investigated by Jail Crimes Unit and if unfounded, the contractor or volunteer can re-apply for clearance. If substantiated, the gate clearance is permanently terminated. If unsubstantiated, the decision is made by the Chief of Corrections if a re-application of a gate clearance is granted.</p> <p data-bbox="229 613 1509 725">Interview with Facility Commander indicates that in the case of any violation of agency sexual abuse or sexual harassment policy by contractor a volunteer the Facility Commander removes those individuals from the facility pending investigation by the jail crimes unit.</p> <p data-bbox="229 792 1509 837">CONCLUSION:</p> <p data-bbox="229 837 1509 882">Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.77.</p>

115.78	Disciplinary sanctions for inmates
	<p data-bbox="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 210 451 239">Auditor Discussion</p> <p data-bbox="242 271 1485 432">115.78(a): PREA Policy 14.15 mandates 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. Auditor reviewed the eight administrative and criminal investigations conducted over the past 12 months. Two cases involved an inmate on inmate sexual abuse allegation, both of which were deemed unfounded. There were no criminal findings of guilt for inmate on inmate sexual abuse occurring at the facility.</p> <p data-bbox="242 463 1485 589">115.78(b): PREA Policy 14.15 mandates that sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories. Review of the 42 sexual abuse and sexual harassment investigations that occurred over the past 12 months verify compliance to this standard provision.</p> <p data-bbox="242 598 1485 790">Interview with the Facility Commander indicates that is subject to following an administrative or criminal finding that the inmate engaged in inmate on the meat sexual abuse or sanctions proportionate to the nation circumstance of the abuse is committed, the inmates disciplinary histories, and the sanctions imposed for similar offenses by other inmates with similar histories. If case is substantiated, criminal or infraction or restrictive housing may be sanction based upon the findings. The District Attorney's office may differ regarding the charges but agency places restrictive housing sanctions on inmates in most cases such as these. Mental disability or mental illness is considered when determining sanctions.</p> <p data-bbox="242 822 1485 1081">115.78(c): PREA Policy 14.15 mandates that The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed. Interview with the Facility Commander indicates that should outcome of the case be subject to an administrative or criminal finding that the inmate engaged in inmate on the meat sexual abuse or sanctions proportionate to the nation circumstance of the abuse is committed, the inmates disciplinary histories, and the sanctions imposed for similar offenses by other inmates with similar histories. If case is substantiated, criminal or infraction or restrictive housing may be sanction based upon the findings. The District Attorney's office may differ regarding the charges but agency places restrictive housing sanctions on inmates in most cases such as these. Mental disability or mental illness is considered when determining sanctions.</p> <p data-bbox="242 1113 1485 1305">115.78(d): PREA Policy 14.15 indicates that 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. Interview with Medical and Mental Health practitioners indicate that there are no sex offenders program in the Agency, however, there is 101 counseling if required trauma therapy. The counseling is not required as a condition of access to programming or other benefits.</p> <p data-bbox="242 1337 1485 1395">115.78(e): PREA Policy 14.15 mandates that an inmate may be disciplined if found guilty of sexual victimization of a staff member.</p> <p data-bbox="242 1426 1485 1529">115.78(f): PREA Policy 14.15 mandates that 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.</p> <p data-bbox="242 1561 1485 1709">115.78(g): The California Penal Code prohibits consensual sexual activity between inmates incarcerated in California correctional facilities and inmates may be found guilty of a misdemeanor. Non-consensual sexual activity between inmates is considered a criminal action and is investigated and prosecuted. The inmate handbook cites consensual sexual activity between inmates is a deemed a serious violation of the inmate rules and participant of such actions may be sanctioned if found guilty following a disciplinary hearing.</p> <p data-bbox="242 1807 1326 1865">CONCLUSION: Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.78.</p>

115.81	<p>Medical and mental health screenings; history of sexual abuse</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>115.81(a): N/A - Standard provision 115.81(a) does not apply as Facility is not a prison.</p> <p>115.81(b): N/A – Standard provision 115.81(b) does not apply as facility is a county jail, not a prison.</p> <p>115.81(c): PREA Policy 14.15 mandates that 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. Over the past 12 months 100% of inmates who disclosed prior victimization during screening who were offered a follow up meeting with a medical or mental health practitioner.</p> <p>115.81(d): PREA Policy 14.15 mandates Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform on treatment plans, security and management decisions including housing, bed, work, education and program assignments, or as otherwise required by federal, state or local law.</p> <p>115.81(e): PREA Policy 14,15 mandates that 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. Agency provided the Santa Clara Valley Health & Hospital System adult custody health services correction plan for the PREA deficiencies. Interview with Medical and Mental Health Director indicates this plan, called the notice of privacy practices (NPP), mandates medical and mental health practitioners to provide information regarding reporting obligations and confidentiality as part of receiving information about the notice of privacy practices at the intake/booking stage. A copy of this mandate is posted on the wall in the booking and clinic areas. For reporting prior sexual victimization that did not occur in an institutional setting, medical and mental health practitioners will have the inmate sign a HIPPA compliant authorization form before incident is reported to custody bureau/sheriff's office. Inmate will sign the notice of privacy practices acknowledgement at booking. Attachment b of this mandate outlines the responsibility of medical and mental health practitioners to comply with standard provision 115.61(e).</p> <p>CONCLUSION: Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.81.</p>
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115.82	Access to emergency medical and mental health services
	<p data-bbox="240 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 273 1485 365">115.82(a): PREA Policy 14.15 mandates that 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 data-bbox="240 371 1485 463">Interview with medical and mental health staff indicates inmates receive timely and unimpeded access to emergency medical treatment and crisis intervention services. The nature and scope of treatment and diagnosis are determined by the medical and mental health practitioners according to their professional judgement.</p> <p data-bbox="240 470 1485 600">Interview with two inmates who reported sexual abuse: one indicated that he feels that he did not have a chance to see a medical or mental health doctor/nurse in a timely fashion after he reported the abuse. The second inmate indicated that he reported the sexual abuse to a nurse but he did not require medical assistance as there were no injuries. Both cases were determined to be unfounded.</p> <p data-bbox="240 629 1485 759">115.82(b): PREA Policy 14.15 mandates that at the initiation of the 1st responder protocol, custody and non-custody staff shall immediately take steps to protect the victim by separating victim and perpetrator and putting the victim in a safe place following an allegation of sexual abuse or imminent sexual abuse. 1st responder notifies his/her supervisor and secures the crime scene. Per the Coordinated Response for each facility, the supervisor contacts medical and mental health.</p> <p data-bbox="240 766 1485 925">Interview with Security and Non-Security Staff First Responders indicate that the non-security staff first responder did not experience the allegation of sexual abuse. She is trained in 1st Responder for non-security staff, however. The security staff 1st responder indicated that separated the victim & perpetrator, placed them in an area with no running water to preserve evidence on their person, notified the Sergeant and Jail Crimes Unit, sealed the crime scene (cell), contacted medical and mental health and provided a Sexual Awareness Pamphlet to the victim.</p> <p data-bbox="240 954 1485 1046">115.82(c): PREA Policy 14.15 mandates that inmate victims of sexual abuse while incarcerated are offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.</p> <p data-bbox="240 1052 1485 1182">Interview with medical and mental health staff indicates inmate victims of sexual abuse while incarcerated are offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate by both SAFE/SANE/SART following forensic examination and also through medical once inmate is returned form the hospital.</p> <p data-bbox="240 1189 1485 1249">Interview with two Inmates who Reported a Sexual Abuse indicates that neither were provided information about, and access to, emergency contraception (both were male) but both were provided information about transmitted infection prophylaxis.</p> <p data-bbox="240 1279 1485 1608">115.82(d): PREA Policy 14.15 mandates that 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. 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. 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.</p> <p data-bbox="240 1697 400 1724">CONCLUSION:</p> <p data-bbox="240 1731 1334 1758">Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.82.</p>

115.83	Ongoing medical and mental health care for sexual abuse victims and abusers
	<p data-bbox="240 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 273 1489 398">115.83 (a): PREA Policy 14.15 mandates that 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. Interview with doctor and nurse on the medical wing indicates that inmates are not charged for any medical treatment, especially one who has been the victim of sexual abuse.</p> <p data-bbox="240 434 1474 689">115.83 (b): PREA Policy 14.15 mandates that Adult Custody Health Services (ACHS) shall offer medical and mental health evaluations as appropriate, treatment to all inmates who have been victimized by sexual abuse, sexual assault, sexual harassment or sexual misconduct while incarcerated. The care provided will be consistent with the community level of care. Interview with medical and mental health staff indicate evaluation and treatment of victims of sexual abuse shall include follow-up services, treatment plans and referrals to agencies when released from custody or transfer to another facility for emotional support and continued care. Interview with 2 inmates who reported sexual abuse indicated that medical and mental health offered followup treatment was declined by both inmates as neither of them felt it necessary.</p> <p data-bbox="240 725 1493 882">115.83 (c): PREA Policy 14.15 mandates that Adult Custody Health Services (ACHS) shall offer medical and mental health evaluations as appropriate, treatment to all inmates who have been victimized by sexual abuse, sexual assault, sexual harassment or sexual misconduct while incarcerated. The care provided will be consistent with the community level of care. Interview with Medical and Mental Health practitioner indicated that the medical and mental health services offered consistent with community level of care.</p> <p data-bbox="240 918 1469 1043">115.83(d): PREA Policy 14.15 mandates that Female victims of sexually abusive vaginal penetration while incarcerated are offered pregnancy tests. Interview with SAFE/SANE/SART nurse and jail medical staff indicates victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. N/A - Interview with 2 inmates who reported sexual abuse were both male.</p> <p data-bbox="240 1079 1474 1335">115.83(e): PREA Policy 14.15 mandates that If pregnancy results from sexual abuse while incarcerated, victims receive timely and comprehensive information about, and timely access to, all lawful pregnancy-related medical services. Interview with SAFE/SANE/SART nurse and jail medical staff indicates female victims of sexual abuse shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services. Interview with Medical and Mental Health Staff indicates that pregnancy results from a sexual abuse one course rating, victims are provided timely information and access to all lawful pregnancy related services. Search victims are provided this information and access to services immediately. Interview with Inmates who Reported a Sexual Abuse indicates that both victims were male.</p> <p data-bbox="240 1370 1477 1527">115.83(f): PREA Policy 14.15 mandates that Inmate victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate. Interview with SAFE/SANE/SART nurse and jail medical staff indicate that inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate. Interview with Inmates who Reported a Sexual Abuse were offered information regarding STD prophylaxis.</p> <p data-bbox="240 1563 1453 1688">115.83(g): PREA Policy 14.15 mandates that treatment services are 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. Interview with inmate who reported sexual abuse indicated he incurred no financial cost as a result of medical and mental health treatment conducted as a result of the sexual abuse allegation.</p> <p data-bbox="240 1724 963 1751">115.83(h): Standard provision 115.83 is not applicable as facility is a jail.</p> <p data-bbox="240 1832 1334 1895">CONCLUSION: Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.83.</p>

115.86	Sexual abuse incident reviews
	<p data-bbox="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 210 451 239">Auditor Discussion</p> <p data-bbox="242 271 1493 432">115.86(a): PREA Policy 14.15 mandates that 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. During the past 12 months, six cases were found to be substantiated, Three cases were determined to be unfounded upon conclusion of the investigation by JCU. Incident Reviews were conducted on remaining three cases and determined all cases to be unfounded.</p> <p data-bbox="242 463 1481 589">115.86(b): PREA Policy 14.15 mandates that Incident Reviews shall be conducted within 30 days of the conclusion of the investigation. During the past 12 months, five sexual abuse cases were found. Incident Reviews were conducted on three of the five cases within 30 days from the completion of the investigation. The remaining two cases were determined to be unfounded.</p> <p data-bbox="242 620 1473 781">115.86(c): PREA Policy 14.15 mandates the sexual abuse incident review team shall consist of the Assistant Sheriff, PREA Coordinator/Custody Compliance Captain, Internal Affairs Lieutenant, PREA Manager, Medical staff representative (when applicable and appropriate) and Mental Health staff representative (when applicable and appropriate). Interview with Facility Commander indicates that the Incident review Team is comprised of members of the PREA Unit, Jail Crimes Unit , line supervisors, investigators medical and mental health practitioners and management representatives</p> <p data-bbox="242 813 1489 1240">115.86(d): PREA Policy 14.15 mandates that the review team shall consider:</p> <ol data-bbox="242 846 1489 1240" style="list-style-type: none"> 1. 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; 2. 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; 3. An assessment of physical plant barriers that may have enabled the alleged sexual abuse, sexual assault, sexual misconduct or sexual harassment to occur; 4. An assessment of the adequacy of staffing levels in that area at the time of the incident; 5. An assessment of whether monitoring technology should be deployed or augmented to supplement supervision by staff. 6. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager. <p data-bbox="242 1272 1441 1332">Interview with Facility Commander, PREA Compliance Manager and member of the Incident Review Team indicates the Incident Review Team considers all 6 criteria as outlined in Standard provision 115.86(d).</p> <p data-bbox="242 1364 1377 1424">The Facility Captain in charge of the facility where the incident occurred shall implement the recommendations for improvement, or shall document the reasons for not doing so.</p> <p data-bbox="242 1509 1477 1570">Based upon the analysis of evidence, the auditor finds the facility is not fully compliant with Standard provision(s) 115.86(a), 115.86(b) and 115.86(e), and corrective action is required.</p> <p data-bbox="242 1601 608 1630"><u>Corrective Action Recommended:</u></p> <p data-bbox="242 1662 866 1691">IRB documentation did not accompany investigative case files.</p> <ol data-bbox="276 1738 1377 1798" style="list-style-type: none"> 1. Agency to provide auditor with copies of such recommendations from the IRB board during past 12 months. 2. Provide auditor with date recommendations were implemented. <p data-bbox="242 1830 1433 1921">Auditor will conduct a 90-day status review on 1/4/22 to determine if corrective actions have been implemented and are institutionalized. Corrective action recommendations must be implemented by the end of the 180-day Corrective Action Period: 3/20/22.</p> <p data-bbox="242 2009 651 2038"><u>Corrective Action Completion 10/4/21:</u></p> <ol data-bbox="276 2085 1489 2145" style="list-style-type: none"> 1. 11/3/21, Agency PREA Manager provided auditor with copies of the IRB summaries for the past 12 months to include action plan summaries. During that period of time only one recommendation which was recommended and addressed

in the summary. The recommendation was not PREA related, but the Agency provided the Memorandum recommending Body Worn Camera Usage when Escorting and Transporting Inmates.

2. 11/3/21, Agency PREA Manager provided auditor with copies of the IRB summaries for the past 12 months to include action plan summaries. During that period of time only one recommendation which was recommended and addressed in the summary. The recommendation was not PREA related, but the Agency provided the Memorandum recommending Body Worn Camera Usage when Escorting and Transporting Inmates.

The agency/facility has met the requirements of Standard provision(s) 115.86(a), 115.86(b) and 115.86(e) completed during the corrective action period. The auditor has determined that the agency/facility has met the standard provision and complies with Standard 115.86.

115.87	Data collection
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>115.87(a)/(c): PREA Policy 14.15 mandates that 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 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.</p> <p>115.87(b): PREA Policy 14.15 mandates that the agency aggregate the incident-based sexual abuse data at least annually. Auditor's review of Annual Reports 2015-2016, 2016-2017, 2018 - 2019, 2019 - 2020 verifies the use of aggregated incident-based sexual abuse data.</p> <p>115.87(a)/(c): PREA Policy 14.15 mandates that 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 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.</p> <p>115.87(d): PREA Policy 14.15 mandates that the agency maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.</p> <p>115.87(e): 115.87(e): Standard provision 115.87(e) is not applicable as agency does not contract for the confinement of its inmates.</p> <p>115.87(f): Standard provision 115.87(f) is not applicable as the Department of Justice DOJ has not requested agency data. Agency did, however, provide SSV3 2019 AND SSV3 2019 PART 2</p> <p>CONCLUSION: Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.87.</p>

115.88	Data review for corrective action
	<p data-bbox="240 147 740 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 210 453 237">Auditor Discussion</p> <p data-bbox="240 273 1445 365">115.88(a): PREA Policy 14.15 mandates the PREA data will be collected from all department facilities and aggregated in order to assess and improve the effectiveness of the sexual victimization prevention, detection, and response policies, practices, and training, by including:</p> <ol data-bbox="240 371 1270 465" style="list-style-type: none"> 1. Identifying problem areas 2. Taking corrective action on an ongoing basis 3. Preparing any of its findings and corrective actions for each facility as well as the agency as a whole. <p data-bbox="240 499 1445 557">Interview with the Agency Head designee indicates that Agency uses incentive-based sexual abuse data to assess as to what they can improve upon in policy, processes in facility plant.</p> <p data-bbox="240 564 1477 689">Interview with PREA Coordinator & PREA Compliance Manager indicates data is collected for the Annual Report. Agency is meeting the PREA requirement. Review of 2019 Annual Statistical Report includes aggregated data & corrective action processes. The Annual Report identifies prevention measures taken on behalf of Santa Clara County Sheriff's Office to provide sexual safety for inmates under their supervision.</p> <p data-bbox="240 723 1485 781">Auditor pre-audit phase document review of the 2020 Annual Report Chart which verifies agency's compliance with standard provision 115.88(a).</p> <p data-bbox="240 815 1485 972">115.88(b): Policy 14.15 mandates that the PREA data reports shall include a comparison of the current year's data and the corrective actions taken as a result of prior years and shall provide an assessment of the agency's progress in addressing sexual victimization. Auditor's pre-audit phase review of 2020 Annual Report Chart displayed a comparison reports by facility of the PREA cases for the periods spanning 2014 thru 2020. Corrective actions and Continuous Prevention Measures from previous years is also indicated.</p> <p data-bbox="240 1005 1477 1097">115.88(c): PREA Policy 14.15 mandates that all sexual victimization data required to be made public shall be collected from all facilities and made available to the public at least annually through the department's website. Auditor accessed the agency's website during the pre-audit phase and located the 2019/2020 Annual Report.</p> <p data-bbox="240 1104 1418 1162">Interview with Agency Head designee indicates that he and the undersheriff approves that annual reports prior to their placement on the Sheriff's Website.</p> <p data-bbox="240 1196 1485 1288">115.88(d): Policy 14.15 mandates that all personal identifiers will be removed from all sexual victimization data made available to the public. Interview with the PREA Coordinator indicates all personal identifying information is redacted from the Annual report.</p> <p data-bbox="240 1294 1485 1352">Interview with the PREA Coordinator indicates that Materials typically redacted from the annual report or personal identifying information. Types of redacted material is described in the body of the annual report.</p> <p data-bbox="240 1444 400 1471">CONCLUSION:</p> <p data-bbox="240 1478 1334 1505">Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.88.</p>

115.89	Data storage, publication, and destruction
	Auditor Overall Determination: Meets Standard
	<p data-bbox="229 192 1509 255">Auditor Discussion</p> <p data-bbox="229 255 1509 434">115.89(a): PREA Policy 14.15 mandates that retention of data and records of any claims associated with any sexual victimization will be securely maintained with the PREA Coordinator per Departmental Policy. Interview with Apria coordinator indicates he is responsible for the incident review board data in order to assess and improve the effectiveness of its sexual abuse prevention, training, detection, and response policies. PREA documentation is retained in his office with the PREA Manager. Classification takes corrective action on an ongoing basis on the data.</p> <p data-bbox="229 434 1509 568">115.89(b): PREA Policy 14.15 mandates that the Department shall collect aggregated sexual abuse data from facilities under its direct control using a standard instrument and set of definitions. Review of 2020 Annual Report on agency website verifies agency's compliance with standard provision 115.89(b): https://countysheriff.sccgov.org/jail-operations/jail-reforms</p> <p data-bbox="229 568 1509 680">115.89(c): PREA Policy 14.15 mandates that all personal identifiers will be removed from all sexual victimization data made available to the public. Review of 2020 Annual Report verifies compliance with this standard provision. Review of 2020 Annual Report verifies compliance with this Standard provision.</p> <p data-bbox="229 680 1509 815">115.89(d): PREA Policy 14.15 mandates that all data per PREA standards shall be securely retained for at least 10 years after the date of the initial collection. The 10 year retention period overrides the County-authorized Records Retention and Destruction Schedule, DOC Policy 1.61.</p> <p data-bbox="229 815 1509 1023"> CONCLUSION: Based upon the final analysis of evidence, the auditor finds the facility is fully compliant with Standard 115.89. </p>

115.401	Frequency and scope of audits
	Auditor Overall Determination: Meets Standard
	<p data-bbox="244 210 453 237">Auditor Discussion</p> <p data-bbox="244 271 1485 398">115.401 (a): During the previous 3-year period ending in 2019,, the Agency had successfully completed PREA audits for each of their 3 facilities. Audit of the Elmwood Women’s Facility in year 2020 is the first audit in the 3-year cycle beginning in year 2020. Audit of the Santa Clara County Main Jail in 2021 is the second audit in this cycle. Agency does not house it's inmates with other agencies.</p> <p data-bbox="244 432 1474 524">115.401 (b): Agency did not start conducting PREA audits until 2014. During each one-year period starting on 5/13/14, the agency ensured that at least one-third of each facility type operated by the agency is audited. Agency does not house it's inmates with other agencies.</p> <p data-bbox="244 557 1425 616">115.401 (h): During the onsite audit, the auditor was provided access to, and ability to observe all areas of the audited facility.</p> <p data-bbox="244 649 1449 674">115.401 (i): Auditor was provided copies of any relevant documents requested either electronically or stored information.</p> <p data-bbox="244 707 1469 766">115.401 (m): Auditor was permitted to conduct private interviews with inmates in either glass visiting booths, multi-purpose rooms or interview rooms. All interviews were conducted in a confidential setting.</p> <p data-bbox="244 799 1485 958">115.401 (n): Inmates were permitted to send confidential correspondence to the auditor as if they were communicating with legal counsel. Auditor received one such communication from a Main Jail inmate and provided a documented response to the inmate’s issue as it was not PREA related. Notice of Audit was posted in all housing units and other areas throughout the facility such as areas frequented by both staff and inmates. The Notice of Auditor was posted throughout the facility at least 6 weeks prior to the onsite audit in three languages (English, Spanish and Vietnamese).</p>

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>115.403 (f): Agency has posted auditor's final reports on the agency's website allowing it to be made readily available to the public.</p> <p>https://countysheriff.sccgov.org/search?q=PREA</p>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

115.52 (d)	Exhaustion of administrative remedies	
	Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)	yes
	If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)	yes
	At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)	yes
115.52 (e)	Exhaustion of administrative remedies	
	Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Are those third parties also permitted to file such requests on behalf of inmates? (If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.)	yes
	If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)	yes
115.52 (f)	Exhaustion of administrative remedies	
	Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)	yes
	Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
	Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
115.52 (g)	Exhaustion of administrative remedies	
	If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.)	yes

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

115.61 (c)	Staff and agency reporting duties	
	Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section?	yes
	Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services?	yes
115.61 (d)	Staff and agency reporting duties	
	If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws?	yes
115.61 (e)	Staff and agency reporting duties	
	Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators?	yes
115.62 (a)	Agency protection duties	
	When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate?	yes
115.63 (a)	Reporting to other confinement facilities	
	Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred?	yes
115.63 (b)	Reporting to other confinement facilities	
	Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?	yes
115.63 (c)	Reporting to other confinement facilities	
	Does the agency document that it has provided such notification?	yes
115.63 (d)	Reporting to other confinement facilities	
	Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?	yes
115.64 (a)	Staff first responder duties	
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes

115.64 (b)	Staff first responder duties	
	If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff?	yes
115.65 (a)	Coordinated response	
	Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse?	yes
115.66 (a)	Preservation of ability to protect inmates from contact with abusers	
	Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes
115.67 (a)	Agency protection against retaliation	
	Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff?	yes
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes
115.67 (b)	Agency protection against retaliation	
	Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations?	yes

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

115.71 (b)	Criminal and administrative agency investigations	
	Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34?	yes
115.71 (c)	Criminal and administrative agency investigations	
	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
	Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
	Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes
115.71 (d)	Criminal and administrative agency investigations	
	When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?	yes
115.71 (e)	Criminal and administrative agency investigations	
	Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes
115.71 (f)	Criminal and administrative agency investigations	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes
	Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?	yes
115.71 (g)	Criminal and administrative agency investigations	
	Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?	yes
115.71 (h)	Criminal and administrative agency investigations	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
115.71 (i)	Criminal and administrative agency investigations	
	Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	yes
115.71 (j)	Criminal and administrative agency investigations	
	Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?	yes
115.71 (l)	Criminal and administrative agency investigations	
	When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).)	na

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

115.76 (c)	Disciplinary sanctions for staff	
	Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories?	yes
115.76 (d)	Disciplinary sanctions for staff	
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies(unless the activity was clearly not criminal)?	yes
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?	yes
115.77 (a)	Corrective action for contractors and volunteers	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?	yes
115.77 (b)	Corrective action for contractors and volunteers	
	In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates?	yes
115.78 (a)	Disciplinary sanctions for inmates	
	Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process?	yes
115.78 (b)	Disciplinary sanctions for inmates	
	Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories?	yes
115.78 (c)	Disciplinary sanctions for inmates	
	When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior?	yes
115.78 (d)	Disciplinary sanctions for inmates	
	If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits?	yes
115.78 (e)	Disciplinary sanctions for inmates	
	Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact?	yes

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

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

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

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

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