

# PREA Facility Audit Report: Final

**Name of Facility:** Black River Correctional Center

**Facility Type:** Prison / Jail

**Date Interim Report Submitted:** 08/01/2017

**Date Final Report Submitted:** 01/07/2018

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input checked="" type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input checked="" type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input checked="" type="checkbox"/>
<b>Auditor Full Name as Signed:</b> David Wolinski	<b>Date of Signature:</b> 01/07/2018

AUDITOR INFORMATION	
<b>Auditor name:</b>	Wolinski, David
<b>Address:</b>	
<b>Email:</b>	dwolinski@dpscs.state.md.us
<b>Telephone number:</b>	
<b>Start Date of On-Site Audit:</b>	05/17/2017
<b>End Date of On-Site Audit:</b>	05/17/2017

FACILITY INFORMATION	
<b>Facility name:</b>	Black River Correctional Center
<b>Facility physical address:</b>	W6898 East Staffon Road, Black River Falls, Wisconsin - 54615
<b>Facility Phone</b>	7153335681
<b>Facility mailing address:</b>	
<b>The facility is:</b>	<input type="radio"/> County <input type="radio"/> Federal <input type="radio"/> Municipal <input checked="" type="radio"/> State <input type="radio"/> Military <input type="radio"/> Private for profit <input type="radio"/> Private not for profit
<b>Facility Type:</b>	<input checked="" type="radio"/> Prison <input type="radio"/> Jail

Primary Contact			
<b>Name:</b>	Matthew Gerber	<b>Title:</b>	Superintendent
<b>Email Address:</b>	matthew.gerber@wi.gov	<b>Telephone Number:</b>	715-333-5681

Warden/Superintendent			
<b>Name:</b>	Matt Gerber	<b>Title:</b>	Superintendent
<b>Email Address:</b>	matthew.gerber@wi.gov	<b>Telephone Number:</b>	715-333-5681

Facility PREA Compliance Manager			
<b>Name:</b>	Matt Gerber	<b>Email Address:</b>	matthew.gerber@wisconsin.gov

Facility Health Service Administrator			
<b>Name:</b>	Lon Becher	<b>Title:</b>	Bureau of Health Services Nursing Coordinator
<b>Email Address:</b>	lon.becher@wisconsin.gov	<b>Telephone Number:</b>	608-240-5144

Facility Characteristics		
<b>Designed facility capacity:</b>	62	
<b>Current population of facility:</b>	118	
<b>Age Range</b>	Adults: 18-85	Youthful Residents:
<b>Facility security level/inmate custody levels:</b>	minimum	
<b>Number of staff currently employed at the facility who may have contact with inmates:</b>	36	

AGENCY INFORMATION	
<b>Name of agency:</b>	Wisconsin Department of Corrections
<b>Governing authority or parent agency (if applicable):</b>	State of Wisconsin
<b>Physical Address:</b>	3099 East Washington Avenue, Madison, Wisconsin - 53707
<b>Mailing Address:</b>	PO Box 7925, Madison, Wisconsin - 53707
<b>Telephone number:</b>	(608) 240-5000

Agency Chief Executive Officer Information:			
<b>Name:</b>	Jon Litscher	<b>Title:</b>	Secretary
<b>Email Address:</b>	Jon.Litscher@wisconsin.gov	<b>Telephone Number:</b>	(608) 240-5065

<b>Agency-Wide PREA Coordinator Information</b>			
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<b>Name:</b>	Cheryl Frey	<b>Email Address:</b>	cheryl.frey@wisconsin.gov
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## AUDIT FINDINGS

### **Narrative:**

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

The PREA audit of the Black River Correctional Center (BRCC) was conducted in accord with an interstate consortium agreement consisting of Maryland, Pennsylvania, Michigan, and Wisconsin. In the current audit cycle Maryland auditors are auditing the facilities under the control of the Wisconsin Department of Corrections. The Maryland audit team assigned to visit BRCC consists of David Wolinski, certified PREA Auditor, and Jack Weathers, providing assistance. Mr. Weathers is a facility PREA Compliance Manager in one of Maryland's facilities.

The PREA notices for posting at the BRCC were forwarded to the Office of the PREA Coordinator on March 21, 2017, approximately eight weeks before the onsite visit was scheduled to begin. The auditing team received acknowledgement of the receipt and posting of the notices. By mutual agreement the Wisconsin Division of Correction and the audit team elected to use the Online Audit System (OAS) to facilitate the audit. During the weeks prior to the onsite audit, the BRCC loaded documentation into the OAS. Black River Correctional Center (BRCC) is located east of Black River Falls, in Jackson County. Its current facility operating capacity is 118 adult male inmates. BRCC is part of the Wisconsin Correctional Center System, an "institution" comprised of 14 adult, male correctional centers overseen by a single warden whose office is centrally located in Madison. Inmates who are entering the BRCC are screened for appropriateness for the program. Sexually abusive inmates and inmates with serious criminal history would not be accepted at the BRCC.

The audit team arrived at BRCC at 0800 hours on May 17, 2017. After a brief introductory meeting that included Leigha Weber, a representative from the PREA Coordinator's Office, and Matt Gerber, the superintendent, a tour of the facility was initiated. A full description of the facility is included in the Description of Facility Characteristics that follows. The audit team was not denied access to any area. The tour included housing units, visiting areas, kitchen facilities, program rooms, the Health Services Unit, various offices, recreation areas and out buildings located on the property. When evaluating the safety within the facility the auditors took into account several factors. The BRCC is a minimum security facility with no walls or fences. The facility was designed to treat substance abuse and inmates are given significant incentives for successful completion of the program. Before entering the program at BRCC the inmates were screened to make sure that they were appropriate for the facility. The facility created challenges for the auditors because many of the contingencies addressed in the standards have never occurred. The facility has not experienced a reported incident in the last five years. The audit team conducted formal interviews with ten percent of the inmate population and twenty percent of the staff. The audit team felt that it was important to interview a significant percentage of the inmate population to assure that the facility was as free from sexual abuse as reported. The audit team found no indication that there were any unreported issues at the facility.

As a result of the very positive determination that the facility was free from any reported incidents, much documentation normally examined by the audit team did not exist. There were no investigations to

examine thereby eliminating any incident reviews, inmate notifications, documentation of protection against retaliation or discipline. The facility also had no restricted housing eliminating a whole line of questioning and inquiry. Much of the audit involved evaluating policy, verifying training, and determining that the facility was prepared to respond to a reported incident.

## AUDIT FINDINGS

### Facility Characteristics:

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

Black River Correctional Center (BRCC) is located east of Black River Falls, in Jackson County. Its current facility operating capacity is 118 adult male inmates. BRCC is part of the Wisconsin Correctional Center System, an "institution" comprised of 14 adult, male correctional centers overseen by a single warden whose office is centrally located in Madison. BRCC opened as a correctional "camp" for boys in 1962, when persons under 21 were not charged with felony crimes in adult court. In 1972, the law changed and BRCC was converted to an adult male facility. In December of 2003, BRCC was converted to a "military bearing" program, until September of 2014, when its focus changed to a low risk, Earned Release Program. BRCC is committed to the use of evidence-based practices in furtherance of the core principles of effective intervention strategies. BRCC's primary program, the Earned Release Program (ERP), is pursuant to Wisconsin State Statutes, Sec 302.05, and utilizes the core curriculum Cognitive Behavioral Interventions for Substance Abuse. The low-risk program is generally 90-days in length, is abstinence-based, and includes specially structured weekly activities. All inmates at BRCC are required to fully participate in programming, work-related activities and community service. Inmates also have an opportunity to attend school with individual tutoring as they work towards earning a High School Equivalency Diploma. A major emphasis of ERP is community reentry, involving the inmate's Division of Community Corrections agent from the first month of the program and with increasing involvement during release planning that addresses aftercare, residence, support services, and employment. Each inmate prepares a release plan that is reviewed by staff. Upon completion of the program, the sentencing court is notified and modifies the sentence to release inmate graduates on Extended Supervision. BRCC also provides a variety of staff and volunteer facilitated support groups. The BRCC Project Crew assists local government agencies and non-profit organizations on a variety of work projects, incorporating a positive work experience, building new skills, and giving back to the community. BRCC inmates also serve as speakers about criminality and substance abuse for various schools, colleges and universities, church groups, and other community agencies and organizations.

The BRCC is a minimum security facility with no walls or fences to contain the inmates. It is located in a rural setting within the Black River State Natural Area. This small facility accommodating just over one hundred inmates has two housing wings attached to the main building. Along the hallways running the length of the wings are cells designed for two inmates. Inmates are provided keys to their cells. Each wing has its own shower room and bathroom located near the sergeant's desk located between the two wings. Also within the main building are several classrooms, a library, a small infirmary, a dining hall, kitchen, a suite of offices for treatment staff and a gymnasium. The main building also has a basement primarily used for storage. On the grounds of the facility are smaller buildings. These building included a wood shop, a school building, a grounds shed, a garage, and pheasant breeding farm. Food service is handled on the premises with inmate providing the kitchen labor. Inmate are provided with many recreational activities. The facility has a gymnasium and considerable property available for outdoor activities.

The security staff is at BRCC consists entirely of sergeants and supervisors providing for a small but

experienced custody staff. Staffing at the BRCC is focused on treatment. The facility, based on the training records, consists of thirty-six staff members including: custody staff, social workers, teachers, treatment specialists, and other support personnel.



## AUDIT FINDINGS

### Summary of Audit Findings:

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

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

<b>Number of standards exceeded:</b>	5
<b>Number of standards met:</b>	40
<b>Number of standards not met:</b>	0

Standards Exceeded: 5

115.14, 115.31, 115.43, 115.66, 115.68

Standards Met: 39

115.11, 115.12, 115.13, 115.15, 115.16, 115.17, 115.18, 115.21, 115.22, 115.32, 115.33, 115.34, 115.35, 115.41, 115.42, 115.51, 115.52, 115.53, 115.54, 115.61, 115.62, 115.63, 115.64, 115.65, 115.67, 115.71, 115.72, 115.73, 115.76, 115.77, 115.78, 115.81, 115.82, 115.83, 115.86, 115.87, 115.88, 115.89, 115.401, 115.403

Standards Not Met: 0

### Corrective Action Plan Summary

BRCC was initially found to be out of compliance with one standard, 115.41. The facility had not performed 30 day screening reviewed as required. A corrective action plan was developed as follows:

#### 115.41 Screening for risk of victimization and abusiveness

The facility has not completed the 30 day reassessment required in section (f). The facility should immediately begin the reassessment process. The facility should show at least six continuous months of reassessments. BRCC may reassess the screening forms for three months prior to the onsite visit to begin the documentation of the six continuous months. Written documentation of reassessment should be submitted to the audit team at the end of six months.

Since the submission of the interim report on July 15, 2017 the Wisconsin Department of Corrections has made considerable improvements in its response to the inmate risk screening requirements. The Department has developed an agency-wide computer-program that guides staff members through the screening process and produces a tracking report for the thirty day follow-up. The audit team observed the system during a subsequent audit for the Department. Examples of follow-up were produced by the facility.

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<b>Standards</b>
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<b>Auditor Overall Determination Definitions</b>
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| <ul style="list-style-type: none"><li>• Exceeds Standard<br/>(Substantially exceeds requirement of standard)</li><li>• Meets Standard<br/>(substantial compliance; complies in all material ways with the stand for the relevant review period)</li><li>• Does Not Meet Standard<br/>(requires corrective actions)</li></ul> |
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<b>Auditor Discussion Instructions</b>
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Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.
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115.11	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>*115.11 (a) The agency shall have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency's approach to preventing, detecting, and responding to such conduct.</p> <p>The agency has adopted policy that is compliant with this standard. Executive Directive #72, Section XII, A states the following:</p> <p>The Wisconsin Department of Corrections has zero tolerance for sexual abuse, sexual harassment and report-related retaliation in its facilities, including those with which it contracts for the confinement of offenders. Further:</p> <ul style="list-style-type: none"> <li>&gt; The DOC provides a coordinated victim-centered response to reports of sexual abuse and sexual harassment. This includes providing medical and mental health services to victims of sexual abuse and sexual harassment while investigating all allegations.</li> <li>&gt; The DOC provides multiple avenues to report allegations of sexual abuse and sexual harassment and, further, recognizes the right of employees and offenders to be free from retaliation for reporting sexual abuse and sexual harassment.</li> <li>&gt; The DOC trains all staff members, contractors and volunteers to recognize, respond to and report sexual abuse and sexual harassment.</li> <li>&gt; The DOC provides offenders with a comprehensive orientation that details their right to be free from sexual abuse, sexual harassment and report-related retaliation.</li> <li>&gt; The DOC employs a data collection method to accurately track and aggregate sexual abuse and sexual harassment incidents, identify core causal factors and take corrective action so as to align with a zero tolerance environment.</li> </ul> <p>The Agency has a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment. The written policy outlines the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment. The Wisconsin Department of Corrections in Executive Directive #72 clearly articulates all of the elements required in a Zero Tolerance policy. The policy covers all forms of sexual abuse and sexual harassment in facilities it operates and contracts with. The policy outlines how it implements the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment. The policy is inclusive of definitions of prohibited behaviors regarding sexual abuse and harassment. Policies include sanctions for prohibited behavior and strategies and responses to prevent and reduce sexual abuse and sexual harassment. The review of the agency manual and local procedures affirmed the zero tolerance policy is in place. Random interviews with correctional staff and the facility PREA Compliance Manager reflected a substantial understanding of the zero tolerance policy. Inmate interviews reflected that all the inmates interviewed were aware of the zero tolerance policy. Signage throughout the facility reinforces the policy.</p> <p>*115.11 (b) The agency shall employ or designate an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities.</p>

The agency has employed an agency-wide PREA Coordinator. The PREA Coordinator position is in the upper-level of the agency hierarchy, reporting to the Agency's Assistant Deputy Secretary, as indicated by the organizational chart. The PREA Coordinator has sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities. The PREA Coordinator position is full-time and designated to the task. There are two additional staff members assigned to the PREA Coordinator's office. At the time of the site visit the Coordinator's position had become vacant with Assistant Deputy Secretary, Patrick Hughes, serving as the acting PREA Coordinator until this position is filled. In practice, day-to-day functions of this role are being filled by Leigha Weber, PREA Program and Policy Analyst. Ms Weber stated that she has sufficient time to perform her PREA duties to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities. She did indicate that a loss of staff support would make the job considerably more difficult. The position is designated within Executive Directive #72, Section VI (C). At the writing of this report it was learned that a new permanent PREA Coordinator had been assigned.

\*115.11 (c) Where an agency operates more than one facility, each facility shall designate a PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.

This agency operates more than one facility, and each facility has a designated PREA compliance manager according to the Agency PREA Coordinator. This is supported by written policy located in Executive Directive #72, Section VI (D). Mr. Matthew Gerber is the PREA Compliance Manager at the Black River Correctional Center (BRCC). Mr. Gerber is also the Superintendent at the facility. He has the authority to coordinate the facility's efforts to comply with the PREA standards. He indicated that he was able to perform his duties despite his many responsibilities. He was very knowledgeable of PREA standards, understands the intent of the standards and works to improve the facility's program to develop a safe facility environment. Mr. Gerber coordinates training, provides information to staff members and inmates, contacts the PREA Coordinator for clarification on issues and, as the facility manager, is able to easily coordinate with other facility leaders.

#### SUMMARY 115.11

A determination of MEETS STANDARDS was assigned for the following reasons:

- > The agency has a written policy that clearly meets the standard. (Executive Directive #72)
- > The auditor has interviewed and met the PREA Coordinator and the PREA Compliance Manager. The positions are institutionalized in policy (Executive Directive #72).
- > The Coordinator and Manager both state that they have the time and authority to perform their assignments. This has been confirmed through observation of the individuals as they interact with other staff members and is reflected in the operation of the facility.
- > An organizational chart was provided confirming the Coordinator's position in the organization.



115.12	<b>Contracting with other entities for the confinement of inmates</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <p><b>Auditor Discussion</b></p> <p>*115.12 (a) A public agency that contracts for the confinement of its inmates with private agencies or other entities, including other government agencies, shall include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards. This agency is public and it contracts for the confinement of its inmates with private agencies and has included the entity's obligation to comply with the PREA standards in any new contracts or contract renewals signed on or after August 20, 2012.</p> <p>The agency has adopted policy that is compliant with the standard Executive Directive #72, Section VII. The Wisconsin Department of Corrections maintains ten facility contracts as defined by this standard. These contracts include agreements with the Sheriff's Offices of the following counties: Fond du Lac, Vilas, Juneau, Sauk, Oneida, Sheboygan, Jefferson, Ozaukee, Racine and Vernon. Section Q of these contracts does include the contractor's obligation to adopt and comply with PREA standards. A copy of the contracts for these ten locations has been provided to the auditor.</p> <p>*115.12 (b) Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards. New contracts or contract renewals signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards.</p> <p>A review of the contracts revealed that the Wisconsin Division of Correction reserved the right in Section D of the various contracts to inspect the jails that were subject to the contract. However, it was learned from Ms. Weber that no consistent efforts have been made to assure that the contracted entities were complying with PREA standards. Upon the audit team making this observation the agency composed a notification letter, signed by Wisconsin Department of Corrections Secretary, John Litscher, which was sent all contracted agencies providing specific detail regarding their PREA obligations under their contracts. Along with the letter the agency sent a reporting form that required each subcontracted agency to explain and document progress toward full PREA compliance. The Wisconsin Division of Correction has further imposed a deadline of the end of August 19, 2019 for full subcontracted agency compliance.</p> <p>SUMMARY 115.12</p> <p>A determination of MEETS STANDARD was assigned for the following reason:</p> <ul style="list-style-type: none"> <li>&gt;The agency has developed policy in support of the standard.</li> <li>&gt;Contracts with the contracted agencies contain language that support PREA compliance.</li> <li>&gt;The contracts allow monitoring by the Wisconsin Department of Corrections.</li> <li>&gt;Despite the initial contract monitoring deficiency, the agency took quick action at its highest</li> </ul>

level to remedy the situation.

115.13	<b>Supervision and monitoring</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>*115.13 (a) The agency shall ensure that each facility it operates shall develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration: (1) Generally accepted detention and correctional practices; (2) Any judicial findings of inadequacy; (3) Any findings of inadequacy from Federal investigative agencies; (4) Any findings of inadequacy from internal or external oversight bodies; (5) All components of the facility’s physical plant (including “blind-spots” or areas where staff or inmates may be isolated); (6) The composition of the inmate population; (7) The number and placement of supervisory staff; (8) Institution programs occurring on a particular shift; (9) Any applicable State or local laws, regulations, or standards; (10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and (11) Any other relevant factors.</p> <p>The agency has adopted policy that is compliant with this standard. According to Agency policy (Executive Directive #72, Section IX (A), the Agency ensures that each facility has developed a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse. The policy states that each facility has documented a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse. The Agency ensures that each facility’s staffing plan takes into consideration the generally accepted detention and correctional practices in calculating adequate staffing levels and determining the need for video monitoring. The Agency ensures that each facility’s staffing plan takes into consideration any judicial findings of inadequacy in calculating adequate staffing levels and determining the need for video monitoring. The Agency ensures that each facility’s staffing plan takes into consideration any findings of inadequacy from Federal investigative agencies in calculating adequate staffing levels and determining the need for video monitoring. The Agency ensures that each facility’s staffing plan takes into consideration any findings of inadequacy from internal or external oversight bodies in calculating adequate staffing levels and determining the need for video monitoring. The Agency ensures that each facility’s staffing plan takes into consideration all components of the facility’s physical plant (including “blind-spots” or areas where staff or inmates may be isolated) in calculating adequate staffing levels and determining the need for video monitoring. The Agency ensures that each facility’s staffing plan takes into consideration the composition of the inmate population in calculating adequate staffing levels and determining the need for video monitoring. The Agency ensures that each facility’s staffing plan takes into consideration the number and placement of supervisory staff in calculating adequate staffing levels and determining the need for video monitoring. The Agency ensures that each facility’s staffing plan takes into consideration the institution programs occurring on a particular shift in calculating adequate staffing levels and determining the need for video monitoring. The Agency ensures that each facility’s staffing plan takes into consideration any applicable State or local laws, regulations, or standards in calculating adequate staffing levels and determining the need for video monitoring. The Agency ensures that each facility’s staffing plan takes into consideration the prevalence of substantiated and</p>



unsubstantiated incidents of sexual abuse in calculating adequate staffing levels and determining the need for video monitoring. The Agency ensures that each facility's staffing plan takes into consideration any other relevant factors in calculating adequate staffing levels and determining the need for video monitoring. The Wisconsin Department of Corrections has a policy and practice that ensures that all of its facilities develop and document a staffing plan that is supplemented by video monitoring to protect inmates against sexual abuse. BRCC has developed a staffing plan and makes its best efforts to comply with the plan. A four page staffing plan for BRCC was provided to the auditor.

The current average daily population for the facility is 100 inmates. The review revealed no deviations from the staffing plan with positions being covered by overtime, if necessary. There are unannounced rounds documented in the logs and performed randomly on all shifts. There is a documented policy that prohibits staff from alerting other staff that supervisory rounds are taking place. Random interviews with staff and inmates and observation confirmed unannounced rounds were being performed.

The facility Superintendent was interviewed and answered questions regarding staffing at BRCC. He confirmed that there was a written staffing plan at the facility and that the staffing plan provided to the auditors was the correct one. The Superintendent advised that his facility has sixteen cameras. The Superintendent explained several very important considerations when evaluating the BRCC. The BRCC is an earned release program for low risk inmates only. The inmate population has been carefully screened for entry into the program. The program at BRCC is focused on substance abuse treatment and offenders with serious criminal history are not permitted into the program. There are no fences or walls to contain the inmates. Trust is a large component of the treatment plan at the BRCC.

\*115.13 (b) In circumstances where the staffing plan is not complied with, the facility documents and justifies all deviations from the plan.

The annual review of the staffing plan revealed no deviations with open positions being covered by overtime. The staffing plan states that overtime staff will fill vacant positions even if the extra hours are forced. This overtime policy was confirmed during interviews with high level leadership and by observation of individuals that were working overtime. If circumstances occur where the staffing plan is not complied with, the facility is required by regulation to document and justify all deviations from the plan. (Executive Directive #72, Section IX, B)

The Superintendent confirmed that no deviations from the plan occur and that overtime payment is provided to officers to assure that all required posts are filled. He also stated that supervisors and managers are on call to make sure that required positions are filled. Security staffing requirements are quite low at the facility.

\*115.13 (c) Whenever necessary, but no less frequently than once each year, for each facility the agency operates, in consultation with the PREA coordinator required by § 115.11, the agency shall assess, determine, and document whether adjustments are needed to: (1) The staffing plan established pursuant to paragraph (a) of this section; (2) The facility's deployment of video monitoring systems and other monitoring technologies; and (3) The resources the facility has available to commit to ensure adherence to the staffing plan. In the past 12 months, the facility has, 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. In the past 12 months, the facility has, 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. In the past 12 months, the facility has, 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.

The staffing plan is reviewed annually by the facility. Agency policy (Executive Directive #72, section IX, C) requires that an annual review be completed in consultation with the PREA Coordinator. The PREA Coordinator's office maintains a log of the staffing plan reviews. The log indicated that the review for BRCC occurred on April 26, 2017 and the facility was represented by the PREA compliance manager.

\*115.13 (d) Each agency operating a facility shall implement 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. Such policy and practice shall be implemented for night shifts as well as day shifts. Each agency shall have a policy to prohibit 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.

The facility/agency has implemented a policy (Executive Directive #72, Section IX, D) 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. This policy and practice has been implemented for all shifts. The facility/agency has 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.

There are unannounced rounds documented in the logs and performed randomly on shifts. The logs were examined by the auditors and found to have entries documenting unannounced rounds. A copy of a log was provided to the audit team. There is a documented policy that prohibits staff from alerting other staff that supervisory rounds are taking place. Random interviews with staff and inmates and observation confirmed unannounced rounds were being performed.

Interviews with staff confirm that such rounds are conducted. An interview with a higher level supervisor indicated that such rounds are routine, adding that this is important because of the open nature of the facility.

#### SUMMARY 115.13

A determination of MEETS STANDARD provided for the following reasons:

- > The written policy supported the standard in its entirety. (Executive Directive #72, Section IX)
- > The facility provided a staffing plan for review.

- > The agency provided a log documenting the agency review by the PREA Coordinator
- > Unannounced rounds are required by policy. (Executive directive #72, Sections IX, D)
- > Rounds by upper level staff are documented in a log.
- > Staff confirmed that unannounced rounds are made during the interview process.
- > Upper Management staff also conducts facility wide tours that are documented.

<b>115.14</b>	<b>Youthful inmates</b>
	<p data-bbox="252 170 927 203"><b>Auditor Overall Determination:</b> Exceeds Standard</p> <p data-bbox="252 248 523 282"><b>Auditor Discussion</b></p> <p data-bbox="252 327 1481 450">*115.14 (a) A youthful inmate shall not be placed in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters.</p> <p data-bbox="252 495 1481 909">BRCC does not confine youthful offenders. The Wisconsin Department of Corrections makes its best efforts for youthful inmates to not be placed in a housing unit in which the youthful inmate will have sight, sound or physical contact with any adult inmate through shared dayroom or other common space, shower area, or sleeping quarters. The agency also avoids placing youthful inmates in isolation to comply with PREA standard 115.14 through designating specific facilities to confine youthful offenders. The Superintendent at BRCC confirmed that there were no youthful offenders in the facility. Additionally, a letter was submitted to the auditor from the Administrator of the Division of Adult Institutions stating that youthful offenders will not be housed in adult institutions. The auditors observed no youthful inmates in the facility.</p> <p data-bbox="252 965 1449 1088">*115.14 (b) In areas outside of housing units, agencies shall either: (1) maintain sight and sound separation between youthful inmates and adult inmates, or (2) provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact.</p> <p data-bbox="252 1133 448 1167">See 115.14 (a)</p> <p data-bbox="252 1223 1481 1424">*115.14 (c) Agencies shall make its best efforts to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, agencies shall not deny youthful inmates daily large-muscle exercise and any legally required special education services to comply with this provision. Youthful inmates shall also have access to other programs and work opportunities to the extent possible.</p> <p data-bbox="252 1480 448 1514">See 115.14 (a)</p> <p data-bbox="252 1559 496 1592">SUMMARY 115.14</p> <p data-bbox="252 1648 1337 1682">The determination of EXCEEDS STANDARDS is provided for the following reasons:</p> <ul data-bbox="252 1738 1453 1939" style="list-style-type: none"> <li>&gt; This facility does not house youthful offenders, as verified by memo and inmate roster, thereby making it impossible for the facility to violate the provisions of this standard.</li> <li>&gt; The agency has policy which meets PREA standards. (Prison Rape Elimination Act (PREA) Procedures Manual Section 2.A.8 – Sexual Abuse/Sexual Harassment Prevention and Training)</li> </ul>

115.15	<b>Limits to cross-gender viewing and searches</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>*115.15 (a) The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.</p> <p>The agency has adopted policy that is compliant with this standard. Executive Directive #72, Section X, A, 3, states the following:</p> <p>A. Except in exigent circumstances, adult facilities shall not permit cross-gender pat-down searches of female offenders nor shall juvenile facilities permit cross-gender pat-down searches of either gender.</p> <p>B. Facilities shall not permit cross-gender strip or body cavity searches except in exigent circumstances or when performed by medical practitioners.</p> <p>C. All cross-gender strip and body cavity searches, in addition to cross-gender pat-down searches of females, shall be documented.</p> <p>D. Facilities may not search or physically examine a transgender or intersex offender for the sole purpose of determining the offender’s genital status. If the offender’s genital status is unknown, it may be determined during conversations with the offender, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.</p> <p>The facility always refrains from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners. DAI Policy #306.17.02, thoroughly outlines the facilities search procedures for cross gender searches. Section III (A) specifically states the prohibition of cross-gender searches. The facility does not conduct cross-gender strip searches or cross-gender visual body cavity searches except in exigent circumstances or performed by medical staff nor does the staff search or physically examine a transgender or intersex inmate for the purpose of determining genital status. The facility has not performed cross gender strip searches or cross gender visual body cavity searches during the audit cycle. This determination was made based on interviews with correctional staff and administrators, interviews with inmates, and examination of the intake process.</p> <p>*115.15 (b) As of August 20, 2015, or August 20, 2017 for a facility whose rated capacity does not exceed 50 inmates, the facility shall not permit cross-gender pat-down searches of female inmates, absent exigent circumstances. Facilities shall not restrict female inmates’ access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.</p> <p>This section does not apply to this facility. This facility does not house female inmates.</p> <p>*115.15 (c) The facility shall document all cross-gender strip searches and cross-gender visual body cavity searches, and shall document all cross-gender pat-down searches of female inmates.</p>

The agency has adopted policy that is compliant with this standard. Executive Directive #72, Section X, C states, "All cross-gender strip and body cavity searches, in addition to cross-gender pat-down searches of females, shall be documented." Policy and Procedure dictate that such searches are documented. Interviews with staff and inmates indicated no evidence of such searches occurring during the audit cycle.

\*115.15 (d) The facility shall implement policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures shall require staff of the opposite gender to announce their presence when entering an inmate housing unit.

Agency policy supports this standard as documented in Executive Directive #72, Section IX, E, which states, "In order to enable offenders to shower, perform bodily functions and change clothing without non-medical employees of the opposite gender viewing their breasts, buttocks or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks, employees of the opposite gender shall announce their presence when entering an offender housing unit. If opposite gender status quo changes during that shift then another announcement is required. Facilities shall not restrict access to regularly available programming or other out-of-cell or housing unit opportunities in order to comply with this provision."

BRCC uses a broadcasted tone within the housing unit to announce the presence of a female on the housing unit. There was a female staff member in our tour group and the "tone" was sounded appropriately as each housing unit was entered. Additionally, a non-custodial female staff member confirmed that the announcement is a standard practice.

During a random interview of inmates at the BRCC nine out of nine confirmed that they were free from opposite gender viewing described in the standard, providing a good indication that the inmates' privacy was respected at the BRCC. All of the inmates interviewed also confirmed that females were announced when entering the housing units.

\*115.15 (e) The facility shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined 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.

The agency has adopted policy that is compliant with this standard. Executive Directive #72, Section X, A, 3, states, "Facilities may not search or physically examine a transgender or intersex offender for the sole purpose of determining the offender's genital status. If the offender's genital status is unknown, it may be determined during conversations with the offender, 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."

An interview with a sergeant assigned to the 1st shift indicated that he was aware of the policy.

A non-custodial staff member, though not required to know, was also aware of the policy through the training that she received. There are currently no known transgender or intersex inmates at the facility.

\*115.15 (f) The agency shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Detailed procedures for conducting searches of all types are included in DAI Policy #: 306.17.02. A copy of this directive was given to the auditing team. Additionally, the facility provided the training lesson plan used to instruct staff to conduct searches of all inmates in a professional and respectful manner. The documentation provided by the facility included a training roster that indicated that the staff at BRCC had been trained in these procedures.

A sergeant assigned to the 1st shift advised that he received such training through the agency's online training system. The sergeant believed that the training had occurred within the last three months. A check of the training log confirmed that the sergeant had been trained. The training log also revealed that the staff at BRCC had been trained within the last two years.

#### SUMMARY 115.15

The determination of MEETS STANDARDS is provided for the following reasons:

>The agency has developed compliant policy in Executive Directive #72, Section X.

>Cross gender searches are prohibited.

>Multiple interviews confirmed that cross gender strip searches are not conducted.

>The agency maintained specific written documentation regarding search techniques.

>Interviews with staff indicated that training was conducted regarding proper search techniques relating to transgender and intersex inmates.

115.16	<b>Inmates with disabilities and inmates who are limited English proficient</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>*115.16 (a) The agency shall take appropriate steps to ensure that inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) have an equal opportunity to participate in or benefit from all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary to ensure effective communication with inmates who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the agency shall 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, limited reading skills, or who are blind or have low vision. An agency is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164.</p> <p>The facility provided agency-wide policy which was designed to assure that inmates with disabilities were provided with services and information in a manner which accommodated their special needs. DAI Policy #: 300.00.35 provides detailed instructions for each facility to follow regarding inmates with special needs. This includes the requirement that an ADA Coordinator be established at every facility. This directive provides for the accommodation of inmates with developmental needs as well as those who are visually or hearing impaired. This policy is supported by Executive Directive #72, Section XI, B, 4, which states, “Offenders with disabilities or who have limited English proficiency shall have an equal opportunity to participate in or benefit from all aspects of the DOC’s efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary, in addition to the provision of offender education in formats accessible to all. Written materials shall be provided in formats or methods that ensure effective communication with offenders with disabilities.”</p> <p>The facility provided agency-wide policy which was designed to assure that inmates with disabilities were provided with services and information in a manner which accommodated their special needs. DAI Policy #: 300.00.35 provides detailed instructions for each facility to follow regarding inmates with special needs. This includes the requirement that an ADA Coordinator be established at every facility. This directive provides for the accommodation of inmates with developmental needs as well as those who are visually or hearing impaired.</p> <p>There are currently no inmates at the BRCC that have language impairments that fall under this standard.</p> <p>*115.16 (b) The agency shall 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</p>



harassment to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

The facility provided a copy of DAI Policy #: 300.00.61 regarding "Language Assistance for Limited English Proficiency (LEP) Inmates." This policy contained detailed procedures and guidelines for providing language assistance to the inmate population. It was designed to provide meaningful access to vital documents and verbal information to the LEP inmates. Strategies included, but were not limited to, identifying each inmate's primary language at intake, the use of translated documents and translation services, and the use of "I Speak" cards. These cards are used to help identify the language best understood by the inmate. The facility also provided information regarding the language interpreter contract.

\*115.16 (c) The agency shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under § 115.64, or the investigation of the inmate's allegations.

The agency has adopted policy that is compliant with this standard. Executive Directive #72, Section XVI, A, 4, states, "The facility shall not rely on offender interpreters, offender readers or other types of offender assistants except in exigent circumstances where an extended delay in obtaining an effective interpreter could compromise the offender's safety, the performance of first-responder duties or the investigation of the offender's allegations. The exigent circumstances in which offender assistants are used shall be documented. The facility has been incident free for at least five years.

#### SUMMARY 115.16

A determination of MEETS STANDARDS was assigned for the following reasons:

>The agency provides policy in Executive Directive #72 that is compliant with the standard.

>The agency provides resources to meet the needs of all inmates, including translated documents and videos, and a translation service.

>Each facility must employ an ADA Coordinator to assist with accommodating inmates with disabilities.

>Policy and staff members agree that inmate interpreters would not be used to respond to incidents of sexual misconduct.

115.17	<b>Hiring and promotion decisions</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>*115.17 (a) The agency shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates, who—</p> <p>(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.</p> <p>The agency has adopted policy in compliance with this standard. Executive Directive #72, Section VI, A, 1, page 4 states, "The DOC shall not hire or promote anyone who has engaged in sexual abuse in a confinement facility; has been convicted of engaging or attempting to engage in nonconsensual sexual activity in the community; or has been civilly or administratively adjudicated to have engaged in activity described above. The DOC shall consider any incidents of sexual harassment when determining whether to hire, promote or enlist the services of any employee."</p> <p>The audit team interviewed a member of the human resources staff for BRCC (interview documented) and discussed the hiring practices at the facility. The staff member confirmed the agency screens both new hires and prospective promotees for history of sexual abusiveness. The audit team received copies of two forms, the 1098D and 1098R that are used to gather information from prospective employees and promotes. These forms, the Background Check Authorization and the Candidate Reference Check, asked questions about past sexual abuse. The 1098D contains areas on the form for human resources staff to provide information regarding hiring suitability. The audit team viewed completed forms indicating that the forms are currently in use.</p> <p>*115.17 (b) The agency shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.</p> <p>The agency has adopted policy that is compliant with this standard. Executive Directive #72, Section VI, A, 1, states, "The DOC shall not hire or promote anyone who has engaged in sexual abuse in a confinement facility; has been convicted of engaging or attempting to engage in nonconsensual sexual activity in the community; or has been civilly or administratively adjudicated to have engaged in activity described above. The DOC shall consider any incidents of sexual harassment when determining whether to hire, promote or enlist the services of any employee."</p> <p>The audit team interviewed a member of the human resources staff for BRCC (interview documented) and discussed the hiring practices at the facility. The staff member confirmed the agency screens both new hires and prospective promotees for history of sexual harassment. The audit team received copies of two forms, the 1098D and 1098R that are</p>

used to gather information from prospective employees and promotes. These forms, the Background Check Authorization and the Candidate Reference Check, asked questions about past sexual harassment. The 1098D contains areas on the form for human resources staff to provide information regarding hiring suitability.

\*115.17 (c) Before hiring new employees who may have contact with inmates, the agency shall: (1) Perform a criminal background records check; and (2) 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.

The agency has adopted policy that is compliant with this standard. Executive Directive #72, Section VI, A, 3, states, "Prior to hiring new staff members and enlisting the services of any employee who may have contact with offenders, the DOC shall perform a criminal background records check." Agency policy goes on to say in Section 3a, "The DOC shall make its best effort to obtain (and, when requested, provide) reference information from all prior institutional employers on substantiated allegations of sexual abuse or sexual harassment or any resignation during a pending investigation of a sexual abuse allegation."

The audit team traveled to the Madison, Wisconsin to interview a member of the human resources staff and to view records. The interview with the human resources staff member confirmed that a criminal history is obtained for all new employees. The form 1098D confirms the background check process which indicates that background checks are conducted on employees, contractors and/or position classifications.

\*115.17 (d) The agency shall also perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates.

The agency has adopted policy that is compliant with this standard. Executive Directive #72, Section VI, A, 3, states, "Prior to hiring new staff members and enlisting the services of any employee who may have contact with offenders, the DOC shall perform a criminal background records check ."

The interview with the human resources staff member confirmed that a criminal history is obtained for all contractors. The form 1098D confirms the background check process which indicates that background checks are conducted on employees, contractors and/or position classifications.

\*115.17 (e) The agency shall 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.

The agency has adopted policy compliant with this standard. Executive Directive #72, Section VI, A, 3 states, "The DOC shall conduct a criminal background records check every five years for current employees." Interviews with the human resources representative and the representative from the PREA Coordinator's Office indicated that the agency uses a system called "PeopleSoft" to track the required background checks. It was further learned that an agency-wide check was down in 2012 and 2013, and newly hired individuals were checked as

they came into the agency. An examination of the "PeopleSoft" system revealed that there is a module, used by the agency, which tracks background checks and indicates when the next check is due.

\*115.17 (f) The agency shall 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 and in any interviews or written self-evaluations conducted as part of reviews of current employees. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.

The agency uses standardized form for hiring purposes and those forms were provided to the audit team. Form 1098D contains questions as required by this standard. In addition the agency has also adopted policy in Executive Directive #42, Section VI, A, which provides that all employees and contractors must report continue to report misconduct that occurs outside of the agency..

\*115.17 (g) Material omissions regarding such misconduct, or the provision of materially false information, are grounds for termination.

The agency has adopted policy that is compliant with this standard. Executive Directive #72, Section VI, A, 2, states, "...Applicants who fail to disclose such information shall be ineligible for hire for the current vacancy and, if applicable, may be grounds for termination." Statements to this effect can also be found incorporated into personnel hiring forms presented to the audit team.

\*115.17 (h) Unless prohibited by law, the agency shall 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.

The agency has adopted policy compliant with the standard. Executive Directive #72, Section VI, 3, A states, "The DOC shall make its best effort to obtain (and when requested, provide) reference information from all prior institutional employers on substantiated allegations of sexual abuse or sexual harassment or any resignation during a pending investigation of a sexual abuse allegation. The human resources staff member confirmed that such requests from outside agencies would be honored.

#### SUMMARY 115.17

A determination of MEETS STANDARDS was assigned for the following reasons:

>The agency has developed policy found in Executive Directive #72 that is in compliance with the standard.

>The audit was able to view blank and completed personnel forms that demonstrated compliance with the standard.

>Persons with a past history of sexual abuse are restricted from hire or promotion.

>The agency releases personnel information to other correctional facilities are required by the standard.

>Background checks are conducted as required by the standard.

>The agency imposes upon its staff a continuing duty to report as required by the standard.

<b>115.18</b>	<b>Upgrades to facilities and technologies</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>*115.18 (a) When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the agency shall consider the effect of the design, acquisition, expansion, or modification upon the agency’s ability to protect inmates from sexual abuse.</p> <p>During the tour of the facility the audits did not notice any areas within the facility that had been recently renovated or expanded. Inquires to staff members during the tour to facility confirmed this observation. The Superintendent was also asked about new construction and/or renovations and he provided some examples of renovations that had been made, but none could be considered substantial.</p> <p>*115.18 (b) When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency’s ability to protect inmates from sexual abuse.</p> <p>The BRCC currently has sixteen cameras located throughout the facility. The Superintendent advised that there have been no recent changes.</p> <p>SUMMARY 115.18</p> <p>A determination of MEETS STANDARDS was assigned for the following reasons:</p> <ul style="list-style-type: none"> <li>&gt;There is no affirmative requirement for written policy indicated in this standard.</li> <li>&gt;There were no major renovations or additions to the BRCC since the last PREA audit.</li> <li>&gt;Both the Superintendent and the agency head designee confirm that PREA requirements would be consider in the event of new construction or significant renovation</li> </ul>

115.21	<b>Evidence protocol and forensic medical examinations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>*115.21 (a) To the extent the agency is responsible for investigating allegations of sexual abuse, the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.</p> <p>The BRCC does not investigate incidents of sexual abuse when criminal charges could be possible. The Jackson County Sheriff’s Department is responsible for these investigations. The agency has developed policy that supports this standard. Executive Directive #72, Section XVII, C states, “The DOC shall follow a uniform evidence protocol that maximizes the potential for preserving and/or collecting usable physical evidence for administrative proceedings and criminal prosecutions.” The standard is further supported by DAI Policy #306.00.14, Subject: Protection, Gathering &amp; Preservation of Evidence. A copy of this policy was provided to the audit team. Additionally, the agency has also developed DAI Policy #500.30.19, Subject Sexual Abuse – Health Service Unit Procedure in the Event of Sexual Abuse. A copy of this policy was provided to the audit team and it provides a detailed procedure regarding sexual assault cases. The policy has numerous references, including the Standards for Health Services in Prisons – National Commission on Correctional Health Care 2014.</p> <p>*115.21 (b) The protocol shall be developmentally appropriate for youth where applicable, and, as appropriate, shall be 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.</p> <p>The agency has adopted policy which supports this standard. Executive Directive #72, Section XVII, C states, “...Such protocol shall be developmentally appropriate for youth, where applicable, and adapted from a comprehensive and authoritative protocol developed after 2011.” The agency has developed DAI Policy #500.30.19, Subject Sexual Abuse – Health Service Unit Procedure in the Event of Sexual Abuse. A copy of this policy was provided to the audit team and it provides a detailed procedure regarding sexual assault cases. The policy has numerous references, including the Standards for Health Services in Prisons – National Commission on Correctional Health Care 2014. It should be noted that BRCC does not house youthful or juvenile inmates.</p> <p>115.21 (c) The agency shall 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. Such examinations 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.</p> <p>The agency has adopted policy which supports this standard. Executive Directive 72, Section XVI, B, 3 states, “Further, all victims shall be offered access to forensic medical examinations,</p>

whether on-site or at an outside facility, without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Nurse Examiners (SANEs) where possible. If SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The facility shall document efforts to provide SANEs. The standard is further supported by DAI Policy #500.30.19, Section II, F which states the following:

The medical plan of care shall include:

1. Timely and unimpeded access to emergency medical treatment without cost to the inmate patient.
2. Transfer to offsite for a SANE assessment when determined evidentiarily or medically appropriate by health care staff in consultation with the SANE.
3. Contact the PSU Supervisor/designee or on-call clinician to initiate mental health services. Interviews with medical and custody staff at BRCC indicated that inmates would be transported to the Black River Memorial Hospital for treatment and examination by a SANE, if such an examination was required. All such activity would be documented in the report.

\*115.21 (d) The agency shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the agency makes available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member. Agencies shall document efforts to secure services from rape crisis centers. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages. The agency may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.

The agency has adopted policy which supports this standard. Executive Directive #72, Section XVI, B, 4 states, "The facility shall attempt to make available to the victim an advocate from a local assault service provider to accompany and support the victim through the forensic medical examination process and investigatory interviews. As requested by the victim, such a person shall provide emotional support, crisis intervention, information and referrals. If a sexual assault service provider is not available to provide victim advocate services, the DOC shall make available a member who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues. Facilities shall document efforts to secure services from a local sexual assault service provider."

The BRCC PREA Compliance Manager advised that his facility has an agreement in place to comply with this standard. A copy of a Memorandum of Understanding between the Wisconsin Department of Corrections and Bolton Refuge House was provided to the auditor. The audit team reviewed the agreement and confirmed that there were advocacy provisions in the MOU which comply with the standard. Bolton Refuge House is a local support organization dealing



with both sexual and domestic abuse. The Bolton Refuge House serves the community of Jackson County.

\*115.21 (e) As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

The agency has adopted policy which supports this standard. Executive Directive #72, Section XVI, B, 4 states, "The facility shall attempt to make available to the victim an advocate from a local assault service provider to accompany and support the victim through the forensic medical examination process and investigatory interviews. As requested by the victim, such a person shall provide emotional support, crisis intervention, information and referrals."

Victim advocates would be provided by the Bolton Refuge House, Inc. as determined by written agreement. A copy of the agreement has been provided to the audit team and was confirmed by the audit team to contain appropriate provisions for victim support. The website for Bolton Refuge House, Inc. was also examined by the audit team and found to offer such services to the public.

\*115.21 (f) To the extent the agency itself is not responsible for investigating allegations of sexual abuse, the agency shall request that the investigating agency follow the requirements of paragraphs (a) through (e) of this section.

The agency has adopted policy which requires compliance to this standard. Executive Directive #72, Section XVII, C states, "When the DOC is not responsible for investigating allegations of sexual abuse, the DOC shall request that the investigating law enforcement agency follow the requirements outlined in §115.21(a-e)...)

While the Jackson County Sheriff's Department has responsibility for the investigation of criminal offenses occurring at BRCC, the facility medical and investigative staff take responsibility for assuring that inmates receive the required treatment and services.

\*115.21 (g) The requirements of paragraphs (a) through (f) of this section shall also apply to: (1) Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in prisons or jails; and (2) Any Department of Justice component that is responsible for investigating allegations of sexual abuse in prisons or jails.

Auditor is not required to audit this provision.

\*115.21 (h) For the purposes of this section, a qualified agency staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.

The agency has adopted policy which supports this standard. Executive Directive 72, Section XVI, B, 4 states, "...If a sexual assault service provider is not available to provide victim advocate services, the DOC shall make available a member who has been screened for

appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues.”

The qualified community-based staff member would be provided by Bolton Refuge House, Inc. Bolton Refuge house, Inc. is a nonprofit organization providing services for victims of sexual assault and family/partner abuse.

#### SUMMARY 115.21

A determination of MEETS STANDARDS was assigned for the following reasons:

>Though the standard contains no affirmative provision for written policy the agency has developed compliant policy in Executive Directive #72, Section XVII.

>The agency has a specific directive dedicated to the handling of evidence.

>The agency cites several authoritative protocols used to develop its evidence handling procedures.

>The agency provides care at no cost to the inmate.

>Trained forensic sexual assault examiners are made available to victims at the local hospital.

>BRCC has developed a relationship and written agreement with a sexual assault service agency.

>Criminal investigations are the responsibility of the Jackson County Sheriff’s Department, a law enforcement agency serving the citizens of Jackson County.

115.22	<b>Policies to ensure referrals of allegations for investigations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>*115.22 (a) The agency shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVII, A states, "The DOC shall ensure that an investigation is completed for all allegations of sexual abuse and sexual harassment, including those received from third-parties and anonymous sources. DOC shall maintain a policy (ies) that governs the conduct of such investigation."</p> <p>The interview with the agency head designee confirmed that this is the policy and that investigations would be conducted on all allegations. The BRCC has had no PREA complaints for more than five years.</p>

\*115.22 (b) The agency shall have in place a policy 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. The agency publishes such policy on its website or, if it does not have one, makes the policy available through other means. The agency documents all such referrals.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVII, B states, "Allegations of sexual abuse or sexual harassment that involve potentially criminal behavior shall be referred for investigation to local law enforcement. All referrals to law enforcement shall be documented. The policy describing such referrals, in addition to the investigative responsibilities of the DOC and local law enforcement, shall be published and maintained on the DOC's website."

The auditors interviewed a trained investigator assigned to the BRCC and learned that criminal investigations were conducted by the Jackson County Sheriff's Department. The Jackson County Sheriff's Department is a local law enforcement agency empowered to conduct and prosecute criminal cases in the jurisdiction (Jackson County) where BRCC is located.

The audit team reviewed the Internet site for the Wisconsin DOC and found information about its investigative policies, as required by this standard. The agency's PREA webpage can be found at <https://doc.wi.gov/Pages/AboutDOC/PrisonRapeEliminationAct.aspx>.

\*115.22 (c) If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity.

The Wisconsin DOC reports the following on its website: "DOC refers all allegations that involve potentially criminal behavior to local law enforcement. DOC fully cooperates and collaborates with local law enforcement during an investigation to ensure that individuals involved are held accountable under criminal law and DOC administrative code." This language minimally meets the requirements of the standard.

\*115.22 (d) Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.

Auditor is not required to audit this provision.

\*115.22 (e) Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.

Auditor is not required to audit this provision.

#### SUMMARY 115.22

A determination of MEETS STANDARDS was assigned for the following reasons:

>The agency has developed policy in Executive Directive #72, Section XVII that is compliant with the requirements of this standard.

>The facility has had no PREA related incidents for more than five years.

>The facility reports investigation practices on its website as required by this standard.

>Criminal investigations are conducted by the Jackson County Sheriff's Department, a law enforcement agency serving the citizens of Jackson County.

>The agency policies and procedures were supported by an interview with the agency head designee.

>No inmates stated that their complaints went uninvestigated at the BRCC.

115.31	<b>Employee training</b>
	<p data-bbox="252 170 927 203"><b>Auditor Overall Determination:</b> Exceeds Standard</p> <p data-bbox="252 248 523 282"><b>Auditor Discussion</b></p> <p data-bbox="252 327 1484 831">*115.31 (a) The agency shall train all employees who may have contact with inmates on: (1) Its zero-tolerance policy for sexual abuse and sexual harassment; (2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures; (3) Inmates’ rights to be free from sexual abuse and sexual harassment; (4) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment; (5) The dynamics of sexual abuse and sexual harassment in confinement; (6) The common reactions of sexual abuse and sexual harassment victims; (7) How to detect and respond to signs of threatened and actual sexual abuse; (8) How to avoid inappropriate relationships with inmates; (9) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.</p> <p data-bbox="252 887 1465 1171">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XI, A specifically lists the ten items indicated in the standard. This information is used to train new agency members and for a bi-annual review for current agency staff. Training is accomplished through an online system. Staff members are required to take a test at the end of the session and must attain a passing grade. The training system logs each user’s activity and is capable of printing detailed reports. A copy of the report was provided to the auditing team.</p> <p data-bbox="252 1227 1469 1473">An interview with a sergeant assigned to the 1st shift confirmed that training regarding PREA had been received within the last three months and such training covered the information listed in items 1 -10 listed above. Furthermore, the sergeant stated that the training is conducted through an online system. An interview with a non-custodial staff member confirmed that she had also been trained on the same online system. Her name appeared on the training log and she had attained a passing score on the examination.</p> <p data-bbox="252 1529 1430 1641">*115.31 (b) Such training shall be tailored to the gender of the inmates at the employee’s facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only female inmates, or vice versa.</p> <p data-bbox="252 1697 1473 1944">As previously indicated, the agency employs an online training program to provide PREA related information to its staff members. The training is documented through training logs. An examination of the training system reveals that each time the training is presented all staff members are provided information on “Gender Considerations.” The training begins on slide #3 of the online training system and is presented to all employees regardless of the gender of the inmate population housed in the facility where the staff member is employed.</p> <p data-bbox="252 2000 1457 2157">*115.31 (c) All current employees who have not received such training shall be trained within one year of the effective date of the PREA standards, and the agency shall 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. In years in</p>

which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XI, A, 1 states, "All staff members shall receive training every two years; in years in which a staff member does not receive such refresher training, the DOC shall provide refresher information on current sexual abuse and sexual harassment policy. The PREA staff under the direction of the PREA Coordinator publishes a newsletter updating staff members on the latest PREA information. A copy of the newsletter was provided to the audit team. Examination of the training log associated with the aforementioned online training system indicates that staff members at BRCC have received their refresher training within the last two years. There are no employees at BRCC that have not received PREA training.

An interview with a sergeant assigned to the 1st shift indicated that he had received training related to PREA on the agency's online system within the last three months. A check of the training log indicated that this staff member had received the training and attained a passing score on the associated examination.

\*115.31 (d) The agency shall document, through employee signature or electronic verification, that employees understand the training they have received.

The facility provided training logs for the employees receiving training. Training is conducted through an online system with a test. The training log contained the staff member's name, test score, and date training was completed. The audit team cross referenced the names of interviewed staff members to the training log to assure that the log was representative of the staff employed at BRCC. Successful testing helps ensure that an employee understands the content of the training. A copy of the log was provided to the audit team.

#### SUMMARY 115.31

A determination of EXCEEDS STANDARDS was assigned for the following reasons:

>Despite no affirmative requirement by the standard for the agency to have written policy relating to this standard, the agency has developed appropriate and applicable written policy in its Executive Directive #72, Section XI.

>The agency trains new staff regarding PREA in its academy, as indicated by several staff interviews.

>The agency employs an online training module, complete with testing and documentation with reports. Testing is not a requisite of the standard.

>An examination of training logs indicated that all staff had been trained within the two years.

115.32	<b>Volunteer and contractor training</b>
<b>Auditor Overall Determination:</b> Meets Standard	
<b>Auditor Discussion</b>	
<p>*115.32 (a) The agency shall ensure 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.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XI, A, 2 provides guidance regarding the training of volunteers and contractors. Additional documentation provided by the agency included pages from the DAI Volunteer Orientation Manual which discuss sexual abuse in a confinement setting, a blank acknowledgement form which documents contractor and volunteer training, a brochure entitled Sexual Abuse &amp; Harassment in Confinement - A Guide for Volunteers and Contractors, and the curriculum used to inform the volunteers and contractors.</p> <p>The facility provided a training log that indicated volunteers at the facility had been trained.</p> <p>*115.32 (b) 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, but all volunteers and contractors who have contact with inmates shall be notified of the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.</p> <p>The agency provides several different training tools for the various contractors and volunteers that have contact with inmates. Brochures, handbooks and classroom training represent the various levels and types of training made available to contractors and volunteers. The DAI VOLUNTEER ORIENTATION MANUAL contains detailed information regarding the Prison Rape Elimination Act and specifically mentions the zero-tolerance policies that have been put in place. Other references provided to volunteers include a booklet entitled SEXUAL ABUSE/ASSAULT PREVENTION AND INTERVENTION and a brochure entitled PREVENTING SEXUAL MISCONDUCT AND HARASSMENT. Copies of both publications were provided to the auditor.</p> <p>*115.32 (c) The agency shall maintain documentation confirming that volunteers and contractors understand the training they have received.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive 72, Section XI, A, 2 states, “Each volunteer or contractor shall acknowledge and certify to the DOC, through signature or electronic verification, that they understand the training received.”</p> <p>The agency produced a blank and a completed acknowledgement form used to document volunteer training. .</p> <p>SUMMARY 115.32</p> <p>A determination of MEETS STANDARDS was assigned for the following reasons:</p>	

>The agency has adopted policy in Executive directive #72 that appropriately addresses this standard even though there is no affirmative requirement for such policy in the standard.

>Volunteer and contractor training materials were provided to the auditing team.

>BRCC provided training documentation in the form of acknowledgement forms.



115.33	<b>Inmate education</b>
<b>Auditor Overall Determination:</b> Meets Standard	
<b>Auditor Discussion</b>	
<p>*115.33 (a) During the intake process, inmates shall receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XI, B, 1 states, "At intake, offenders shall receive information detailing the DOC's zero tolerance policy regarding sexual abuse and sexual harassment and how to report such incidents or suspicions."</p> <p>Inmate education at BRCC consists a review of the PREA related procedures at the facility and the issuance of the "Red Book", an inmate handbook. In depth PREA education occurs at the Dodge Correctional Institution.</p> <p>Interviews conducted with inmates indicated that facility rules regarding sexual misconduct were provided to the inmates. Seven of the nine inmates confirmed the training. One inmate, arriving within the last twenty-four hours, reported that he had not been trained. One inmate reported that he could not remember.</p> <p>*115.33 (b) Within 30 days of intake, the agency shall provide comprehensive education to inmates either in person or through video 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.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XI, B, 2 states, "Within 30 days of intake at adult facilities and within 10 days at juvenile facilities, the facility shall provide a comprehensive education to offenders..."</p> <p>An interview with a custody staff member (interview documented) responsible for intake of new inmates indicated that inmates are trained at the BRCC on the day of arrival or the next business day. The staff member explained that all inmates entering the Wisconsin DOC are admitted through the Dodge Correctional Institution. It is at this location that they receive in depth PREA training. The purpose of the Dodge Correctional Institution was confirmed by checking the agency's website.</p> <p>Most of the inmates interviewed confirmed that the training was completed in less than a week with the exception of the inmate that could not remember and a newly arrived inmate. Both of the inmates that did not confirm training at BRCC, did advise that training was conducted at the Dodge Correctional Institution.</p> <p>*115.33 (c) Current inmates who have not received such education shall be educated within one year of the effective date of the PREA standards, and shall 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.</p>	

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XI, B, 3 states, "Upon Transfer to another facility, offenders shall receive education specific to the facility's sexual abuse, sexual harassment and report-related retaliation policies and procedures to the extent they differ from the previous facility."

It was learned that inmates entering the Wisconsin DOC are admitted through the Dodge Correctional Institution where they receive their initial PREA orientation and education. The purpose of the Dodge Correctional Institution was confirmed by checking the agency's website. Seven of nine inmates interviewed confirmed that they received additional training at BRCC.

\*115.33 (d) The agency shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, otherwise disabled, as well as to inmates who have limited reading skills."

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XI, B, 4 states, "Offenders with disabilities or who have limited English proficiency shall have an equal opportunity to participate in or benefit from all aspects of the DOC's efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary, in addition to the provision of offender education in formats accessible to all. Written materials shall be provided in formats or methods that ensure effective communication with offenders with disabilities."

The facility provided agency-wide policy which was designed to assure that inmates with disabilities were provided with services and information in a manner which accommodated their special needs. DAI Policy #: 300.00.35 provides detailed instructions for each facility to follow regarding inmates with special needs. This includes the requirement that an ADA Coordinator be established at every facility. This directive provides for the accommodation of inmates with developmental needs as well as those who are visually or hearing impaired. This policy is supported by Executive Directive #72, Section XI, B, 4, which states, "Offenders with disabilities or who have limited English proficiency shall have an equal opportunity to participate in or benefit from all aspects of the DOC's efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary, in addition to the provision of offender education in formats accessible to all. Written materials shall be provided in formats or methods that ensure effective communication with offenders with disabilities."

The facility provided agency-wide policy which was designed to assure that inmates with disabilities were provided with services and information in a manner which accommodated their special needs. DAI Policy #: 300.00.35 provides detailed instructions for each facility to follow regarding inmates with special needs. This includes the requirement that an ADA Coordinator be established at every facility. This directive provides for the accommodation of inmates with developmental needs as well as those who are visually or hearing impaired. Interviews with a visually impaired inmate and a Spanish speaking inmate confirmed that the facility has made accommodations to help them understand the Prison Rape Elimination Act.

\*115.33 (e) The agency shall maintain documentation of inmate participation in these education sessions.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XI, B, 5 states, "Each facility shall maintain documentation of offender participation in these education sessions."

\*115.33 (f) In addition to providing such education, the agency shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XI, B, 6 states, "Each facility shall ensure that key information is continuously and readily available or visible to offenders through posters, handbooks, and other written formats."

Standard posters in English and Spanish were visible throughout the facility and on each housing unit. In addition the auditors obtained numerous examples of written information that has been distributed to inmates regarding PREA. The facility also replays its PREA orientation video on the facility's internal television network.

#### SUMMARY 115.33

A determination of MEETS STANDARDS was assigned for the following reasons:

>The agency has developed policy in Executive Directive #72 that supports the requirements of this standard despite no affirmative mandate to do so.

>The facility provides comprehensive training with written materials and videos in addition to the inmate receiving previous at a central intake facility.

>Current inmates in the facility have been trained.

>The agency provides training materials for inmates that have limited English capability.

>The agency has developed specific policy to instruct staff members how to assist individuals with disabilities.

>Each facility must assign an ADA coordinator to handle disability issues.

>Written materials were observed throughout the facility.

>Most inmates acknowledged training during their interviews, and those who did not, expressed PREA knowledge after further questioning.

>Logs were maintained indicating which inmates were trained.



<b>115.34</b>	<b>Specialized training: Investigations</b>
	<p data-bbox="248 168 898 203"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="248 248 523 284"><b>Auditor Discussion</b></p> <p data-bbox="248 329 1469 488">*115.34 (a) In addition to the general training provided to all employees pursuant to § 115.31, the agency shall ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings.</p> <p data-bbox="248 539 1485 831">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XI, A, 4 states, “Staff who investigate incidents of sexual abuse and sexual harassment shall receive specialized training on techniques for interviewing sexual abuse victims, proper use of Miranda, Garrity and Oddsen warnings, sexual abuse evidence collection in confinement settings and the criteria and evidence required to substantiate a case for administrative action or prosecutorial referral. The DOC shall maintain documentation of training completion.”</p> <p data-bbox="248 882 1477 1088">The auditors interviewed an investigator assigned to BRCC and he advised that he attended a two day training class which covered those items listed in the standard. He received a certificate of completion from the agency documenting his training. The audit team was given a copy of the certificate earned by this specific auditor. The auditors also received curriculum and training materials related to the specialized class.</p> <p data-bbox="248 1140 1482 1299">*115.34 (b) Specialized training shall include 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.</p> <p data-bbox="248 1350 1469 1473">The interview with the investigator confirmed that the training attended included the topics described in the standard. Furthermore, an examination of the curriculum also provided proof of the information presented during the training.</p> <p data-bbox="248 1525 1369 1603">*115.34 (c) The agency shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.</p> <p data-bbox="248 1655 1418 1814">The auditor was provided a training log on indicated the staff members trained to conduct sexual abuse investigation. The log indicated names of those trained, facilities where the individual was assigned, and the dates of the training. The name of the staff member interviewed appeared on the log.</p> <p data-bbox="248 1865 497 1901">SUMMARY 115.34</p> <p data-bbox="248 1953 1303 1989">A determination of MEETS STANDARDS was assigned for the following reasons:</p> <p data-bbox="248 2040 1474 2119">&gt;The agency has developed policy in Executive Directive #72 supporting the standard despite no affirmative requirement to do so.</p>

>The investigator interviewed at the facility had been trained and received a certificate documenting the training.

>The auditors were provided curriculum information that indicated training met the requirements of the standard.

>The auditors were provided a comprehensive training log.

115.35	<b>Specialized training: Medical and mental health care</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>*115.35 (a) The agency ensures that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: (1) How to detect and assess signs of sexual abuse and sexual harassment; (2) How to preserve physical evidence of sexual abuse; (3) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and (4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, section XI, A, 5 states, “All medical and mental health care practitioners who work regularly in a DOC facility (ies) shall be trained on the subparts below. The DOC shall maintain documentation that such training has been received:</p> <ul style="list-style-type: none"> <li>a. How to detect and assess signs of sexual abuse and sexual harassment;</li> <li>b. How to preserve physical evidence of sexual abuse;</li> <li>c. How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and</li> <li>d. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.</li> </ul> <p>The audit team interviewed a registered nurse (interview documented) assigned to the Health Services Unit. Because of the size of the facility the BRCC only maintains a small medical staff. The nurse reported to the team that she had received training regarding sexual harassment and sexual abuse. She advised that she was trained how to collect and preserve evidence, sending such evidence with the patient to the forensic exam. She confirmed that she was trained how to respond to victims of sexual assault and she knew how to report incidents of suspected abuse.</p> <p>*115.35 (b) If medical staff employed by the agency conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations.</p> <p>Forensic exams are not conducted at BRCC. Interviews with medical and custody staff at BRCC indicated that inmates would be transported to the Black River Memorial Hospital for treatment and examination by a SANE, if such an examination was required. This was confirmed during the interview with a registered nurse in the Health Services Unit (HSU).</p> <p>*115.35 (c) The agency shall maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, section XI, A, 5 states, “All medical and mental health care practitioners who work regularly in a DOC facility (ies) shall be trained on the subparts below. The DOC shall maintain documentation that such training has been received.”</p>

Training logs were provided indicating medical and mental health staff had been trained accordingly.

\*115.35 (d) Medical and mental health care practitioners shall also receive the training mandated for employees under § 115.31 or for contractors and volunteers under § 115.32, depending upon the practitioner's status at the agency.

Medical and mental health staff also participated in the online training taken by other staff members. Medical and mental health staff members appeared on the training log associated with the online training.

#### SUMMARY 115.35

A determination of MEETS STANDARDS was assigned for the following reasons:

>The agency has developed policy in Executive Directive #72, Section XI that supports this standard.

>Forensic exams are conducted in a local hospital. Medical staff members at BRCC do not perform such examinations.

>The required training has been verified through training logs.

>Interviews with medical and mental health staff confirm the training.



115.41	<b>Screening for risk of victimization and abusiveness</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>*115.41 (a) All inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XII, A states, “Offenders shall be assessed during an initial screening within 72 hours of arrival at the facility, and again upon transfer to another facility, for the risk of being sexually abused by other offenders or sexually abusive toward other offenders.”</p> <p>The audit team conducted an interview (documented) with the official responsible for the screening of inmates. This individual indicated that he does 95% of the screenings with the remainder being completed by other supervisors. He reported that the screenings are completed within the required time frames.</p> <p>The audit team conducted nine random interviews with inmates at the BRCC. Eight of the nine inmates interviewed advised that they had been screened. Only one stated that he had not. This same inmate also stated that he could not remember PREA training at the facility.</p> <p>*115.41 (b) Intake screening shall ordinarily take place within 72 hours of arrival at the facility.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive 72, section XII, A states, “Offenders shall be assessed during an initial screening within 72 hours of arrival at the facility, for risk of being sexually abused by other offenders or sexually abusive to other offenders.”</p> <p>The official conducting most of the assessments confirmed that the inmates are screened within the required 72 hours as required by the standard and agency policy. A review of screening forms maintained by the facility confirmed the practice of screening inmates as they enter the facility.</p> <p>*115.41 (c) Such assessments shall be conducted using an objective screening instrument.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, section XII, A states, “The objective screening instrument shall include, at a minimum, the following criteria.”</p> <p>The auditors were provided with a copy of the screening assessment used at the BRCC. It is the document used on an agency-wide basis.</p> <p>*115.41 (d) The intake screening shall 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; (2) The age of the inmate; (3) The physical build of the inmate; (4) Whether the inmate has previously been incarcerated; (5) Whether the inmate's criminal</p>

history is exclusively nonviolent; (6) Whether the inmate has prior convictions for sex offenses against an adult or child; (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; (8) Whether the inmate has previously experienced sexual victimization; (9) The inmate's own perception of vulnerability; and (10) Whether the inmate is detained solely for civil immigration purposes.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XII, A provides a list of factors which are used to assess each inmate arriving at the facility. These factors are listed as follows:

1. The presence of a mental, physical or developmental disability;
2. Level of emotional and cognitive development (juveniles facilities only)
3. Age;
4. Physical build;
5. Previous incarcerations;
6. Exclusively nonviolent criminal history;
7. Prior convictions for sex offenses against an adult or child;
8. Is, or is perceived to be, gay, lesbian, bisexual, transgender, intersex or gender nonconforming;
9. Previously experienced sexual victimization;
10. Prior acts of sexual abuse, prior convictions for violent offenses and/or history of prior institutional violence or sexual abuse; and Offender's perception of vulnerability.

A review of a blank form used for screening and a review of forms that were completed indicated that these forms were identical. The form contained the above listed factors as criteria for evaluation of risk. The official interviewed regarding the screening process confirmed that the form used for screening and presented to the auditors was the same form used to conduct the screening of inmates.

\*115.41 (e) The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing inmates for risk of being sexually abusive.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XII, A provides a list of factors which are used to assess each inmate arriving at the facility. The policy states, "Prior acts of sexual abuse, prior convictions for violent offenses and/or history of prior institutional violence or sexual abuse; and Offender's perception of vulnerability."

Copies of the screening instrument developed by the Department of Corrections clearly indicate that prior acts of sexual violence and abuse are considered during the assessment. A review of blank forms and completed forms indicates that the forms are identical and that they contain the evaluation criteria required in this provision. The official interviewed regarding the screening process confirmed that the form used for screening and presented to the auditors was the same form used to conduct the screening of inmates.

\*115.41 (f) Within a set time period, not to exceed 30 days from the inmate's arrival at the facility, the facility will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.

The agency has adopted policy that complies with this standard. Executive Directive 72, Section XII, D states, "In addition to the initial screening, within 30 days of arrival, the facility shall reassess the offender's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the initial screening."

Upon interviewing the official conducting the assessments it was learned that no 30 day reassessment was completed. The random interviews with inmates indicated that they were not aware of any reassessment. The audit team recommended corrective action. During the corrective action period the Department of Correction developed a computer application that assisted staff with the screening process. The computer application also provided a summary of the inmates awaiting the 30 day re-evaluation. The auditor was able to see the new application at a subsequent visit to the Wisconsin Department of Correction. The BRCC also provided printed documentation from the new system indicating that the 30 day evaluations were completed.

\*115.41 (g) An inmate's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XII, D states, "Thereafter, an offender's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse or receipt of additional information that bears on the offender's risk of sexual victimization or abusiveness."

The PREA Compliance Manager was interviewed regarding this standard and he advised that new information would be used to update an inmate risk assessment. The PREA Compliance Manager provided an example when such new information was used to update an inmate's status.

\*115.41 (h) Inmates may not be 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.

The agency has adopted policy that complies with this standard. Executive Directive 72, Section XII, A provides a list of factors which are used to assess each inmate arriving at the facility. The policy states, "Offenders may not be disciplined for refusing to answer or failing to disclose information in regards to the assessment questions."

A corrections officer was interviewed regarding the screening process and he confirmed that no inmates are disciplined for refusing to answer any questions on the PREA assessment form. There were no indications that inmates had been disciplined for refusing to answer any questions related to PREA screening or any other related reasons.

\*115.41 (i) The agency shall implement 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.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XII, F requires, "Appropriate controls shall be placed on the dissemination of information gathered from the initial and follow-up screenings to ensure that sensitive information is not exploited to the offender's detriment by employees or other offenders."

The PREA Compliance Manager advised that screening forms are maintained in the Social Services Confidential file and access to the file is limited to social workers and supervisors.

#### SUMMARY 115.41

A determination of MEETS STANDARD was assigned for the following reasons:

>The agency has developed policy in Executive Directive #72 that is compliant with all components this standard.

>A screening tool has been developed and has been placed into use. The tool meets the requirements of the standard.

>Inmates entering the facility are screened upon entry into the facility.

>Staff members and inmates confirm that the screening process is currently in place.

>There is no indication that any inmates have ever been disciplined for refusing to answer questions related to screening.

>Access to the information on the screening forms is controlled.

>The agency has developed a computer application for all of its facilities to aid staff in their screening efforts and to appropriately monitor 30-day re-evaluation

115.42	<b>Use of screening information</b>
	<p data-bbox="252 170 896 203"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="252 248 523 282"><b>Auditor Discussion</b></p> <p data-bbox="252 327 1461 488">*115.42 (a) The agency shall use information from the risk screening required by § 115.41 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.</p> <p data-bbox="252 539 1481 831">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIII, A states, “Information obtained from the initial or follow-up screening shall inform housing, bed, work, education and program assignments with the goal of keeping separate those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive. For the purposes of education, programming, work, and recreation activities, line-of-sight monitoring by DOC staff is sufficient to maintain separation. Individualized placement determinations shall be made for each offender.”</p> <p data-bbox="252 882 1458 960">The official that conducts screening at BRCC reported that an individual that scored as being at risk for sexually predatory behavior would not be accepted into the BRCC program.</p> <p data-bbox="252 1012 1422 1090">*115.42 (b) The agency shall make individualized determinations about how to ensure the safety of each inmate.</p> <p data-bbox="252 1142 1409 1261">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIII, A states, “Individualized placement determinations shall be made for each offender.”</p> <p data-bbox="252 1312 1461 1391">The official that conducts screening at BRCC reported that an individual that scored as being at risk for sexually predatory behavior would not be accepted into the BRCC program.</p> <p data-bbox="252 1442 1485 1603">*115.42 (c) In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.</p> <p data-bbox="252 1655 1485 1906">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIII, A states, “When making facility, cell/unit housing and programmatic assignments for transgender or intersex offenders the DOC shall consider on a case-by-case basis whether a placement would ensure the offender’s health and safety and whether the placement would present management or security problems, in addition to serious consideration of the offender’s own views with respect to their own safety.”</p> <p data-bbox="252 1957 1469 2076">No transgender or intersex inmates could be identified at the BRCC. The official conducting screenings at the facility advised that if such an individual were assigned to the BRCC agency policy would be followed.</p> <p data-bbox="252 2128 1390 2161">*115.42 (d) Placement and programming assignments for each transgender or intersex</p>

inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIII, E states, "Placement and programming assignments for each transgender or intersex offender shall be reassessed at least twice each year to review any threats to the safety experienced by the offender."

The interview with the PREA Compliance Manager (PCM) indicated that there were no known transgender or intersex inmates at the facility at this time. The PCM indicated that such a review would be conducted when an intersex or transgender inmate is identified within the facility.

\*115.42 (e) A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIII, E states, "When making facility, cell/unit housing and programmatic assignments for transgender or intersex offenders the DOC shall consider on a case-by-case basis whether a placement would ensure the offender's health and safety and whether the placement would present management or security problems in addition to serious consideration of the offender's own views with respect to their own safety."

The official that conducts screening confirmed that an intersex or transgender inmate's views of their own safety would be given serious consideration.

\*115.42 (f) Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIII, E states, "Transgender and intersex offenders shall be given the opportunity to shower separately from other offenders."

The official who conducts screenings advised that in the event that a transgender or intersex individual were assigned to the BRCC specific shower times would be scheduled for the inmate.

\*115.42 (g) 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 a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIII, E states, "Lesbian, gay, bisexual, transgender or intersex offenders shall not be placed in dedicated facilities, wings or units solely on the basis of such identification or status."

The auditing team was able to identify an inmate that identified as gay. He stated that he was not placed in any special housing unit and was currently in the general population.

#### SUMMARY 115.42

A determination of MEETS STANDARDS was assigned for the following reasons:

>The agency has adopted written policy in Executive Directive #72 that complies with the standard even though the standard has no affirmative requirement to do so.

>The agency uses the information collected to assist in making housing decisions; however, the nature of the facility and the high level of internal security provides for a safe environment.

>BRCC has no dedicated housing units for LGBTI inmates.

115.43	<b>Protective Custody</b>
	<p data-bbox="252 170 927 203"><b>Auditor Overall Determination:</b> Exceeds Standard</p> <p data-bbox="252 248 523 282"><b>Auditor Discussion</b></p> <p data-bbox="252 327 1469 573">*115.43 (a) 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 a determination has been made that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.</p> <p data-bbox="252 629 1477 913">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIII, B states, "Offenders at high risk for sexual victimization shall not be separated from the general population 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. If an assessment cannot be conducted immediately, the facility may separate the offender involuntarily from the general population for less than 24 hours while completing the assessment."</p> <p data-bbox="252 969 1390 1088">The Superintendent advises that there is no restricted housing unit at BRCC. The Superintendent explained that inmates who violate the rules to the extent that restricted housing would be required are removed from the program and sent a nearby facility.</p> <p data-bbox="252 1144 1469 1346">*115.43 (b) Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document: (1) The opportunities that have been limited; (2) The duration of the limitation; and (3) The reasons for such limitations.</p> <p data-bbox="252 1402 1485 1648">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIII, E states, "Offenders separated from the general population for this purpose shall have access to programs, privileges, education or work opportunities to the extent possible. If the facility restricts access to programs, privileges, education or work opportunities the facility shall document the opportunities limited, the reason for such limitations and the duration of the limitation."</p> <p data-bbox="252 1704 807 1738">The BRCC has no restricted housing units.</p> <p data-bbox="252 1794 1461 1906">*115.43 (c) The facility shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.</p> <p data-bbox="252 1962 1477 2119">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIII, E states, "Involuntary separation from the general population shall only be until alternative means of separation from likely abusers can be arranged and should not ordinarily exceed 30 calendar days."</p>



The BRCC has no restricted housing units.

\*115.43 (d) If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, the facility shall clearly document: (1) The basis for the facility's concern for the inmate's safety; and (2) The reason why no alternative means of separation can be arranged.

The BRCC has no restricted housing units.

\*115.43 (e) Every 30 days, the facility shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.

The agency has adopted policy that complies with this standard. Executive Directive 72, Section XIII, E states, "Every 30 days, the facility shall review the offender's circumstances to determine whether there is a continuing need for separation from the general population and document accordingly." The agency has developed a form to be used for such review, if needed.

The BRCC has no restricted housing units.

#### SUMMARY 115.43

A determination of EXCEEDS STANDARDS was assigned for the following reasons:

>The agency has adopted written policy in Executive Directive #72 that complies with the standard even though the standard has no affirmative requirement to do so.

>The BRCC has no restricted housing unit at the facility.

115.51	<b>Inmate reporting</b>
	<p data-bbox="252 168 901 201"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="252 246 523 280"><b>Auditor Discussion</b></p> <p data-bbox="252 324 1476 481">*115.51 (a) The agency shall provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.</p> <p data-bbox="252 537 1476 828">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIV, A states, “The DOC shall provide multiple ways for offenders to privately report sexual abuse and sexual harassment, retaliation by other offenders or employees for reporting sexual abuse and sexual harassment, and employee neglect or violation of responsibilities that may have contributed to such incidents. In addition, the DOC shall provide at least one way for offenders to report sexual abuse and sexual harassment to a public or private entity that is not part of the DOC.”</p> <p data-bbox="252 884 1476 1041">During the tour of the facility the audit team observed signs near the inmate telephones that explained that the inmates could make calls to report sexual abuse. The agency made two numbers available to the inmates. One reported information internally to the agency the other reported to a local law enforcement agency.</p> <p data-bbox="252 1097 1476 1254">A sergeant from the 1st shift stated that inmates could privately report information to staff members, call the PREA hotline, or submit information in writing. Random inmate interviews with nine individuals indicated that all new of the different methods for reporting abuse and most confirmed that they had family members that could be called.</p> <p data-bbox="252 1310 1476 1556">*115.51 (b) The agency shall also provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.</p> <p data-bbox="252 1612 1476 1769">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIV, A states, “In addition, the DOC shall provide at least one way for offenders to report sexual abuse and sexual harassment to a public or private entity that is not part of the DOC.”</p> <p data-bbox="252 1825 1476 2072">The agency has provided two telephone numbers that can be called, toll free, from any inmate telephone. One number is number (777) is used to report issues to an agency representative. The second number (888) connects to an outside law enforcement agency. Discussions with inmates both within the formal interview process and informally during the tour revealed universal familiarity with the telephone system. Additionally, there are signs posted in English and Spanish explaining the telephone reporting alternatives.</p> <p data-bbox="252 2128 1476 2161">*115.51 (c) Staff shall accept reports made verbally, in writing, anonymously, and from third</p>

parties and shall promptly document any verbal reports.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIV, A states, "Employees shall accept reports made verbally, in writing, anonymously, and from third parties; promptly document any verbal reports and immediately report to supervisory staff:

- a. 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 DOC;
- b. Any incidents of retaliation against offenders or employees who reported such an incident; and/or
- c. Any employee neglect or violation of responsibilities that may have contributed to an incident or retaliation."

A sergeant from the 1st shift confirmed that he was aware of this policy stating that he would accept reports from inmates made in writing, anonymously, and from third parties. He advised that he would document the report as soon as possible. A non-custodial staff member confirmed that she had been trained to take reports verbally, in writing, anonymously or from third parties and would document such information immediately. All nine inmates interviewed randomly knew that an anonymous report of sexual misconduct could be made, as well as in writing, verbally and through a third party.

\*115.51 (d) The agency shall provide a method for staff to privately report sexual abuse and sexual harassment of inmates.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIV, C states, "The DOC shall provide a method for employees to privately report sexual abuse and sexual harassment of offenders."

A sergeant from the 1st shift was able to name three ways that he could privately report information relating to the sexual abuse of inmates. A non-custodial staff member also told the audit team three ways to privately report such information at the BRCC.

#### SUMMARY 115.51

A determination of MEETS STANDARDS was assigned for the following reasons:

>The agency has adopted policy that is compliance with the standard in Executive Directive #72, Section XIV, even though the standard has no affirmative requirement to have such a written policy.

>Interviewed staff members uniformly reported that they would take all PREA complaints regardless of the source or nature of the information.

>The agency provides to inmates two different hotline numbers for inmates to report incidents, one of those numbers reports to a law enforcement agency outside of the DOC.

>Staff members reported during interviews that they could make private complaints to supervisors or management.

115.52	<b>Exhaustion of administrative remedies</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>*115.52 (a) An agency shall be exempt from this standard if it does not have administrative procedures to address inmate grievances regarding sexual abuse.</p> <p>The agency has adopted policy that removes complaints of sexual abuse from its Inmate Complaint Review System. Executive Directive #72, Section XV states, “All sexual abuse and sexual harassment complaints filed through the Inmate Complaint Review System shall be immediately redirected and referred for sexual abuse and/or sexual harassment investigation. See Investigations (Section XVII.) for guidelines. Inmates shall be notified within 30 days of the initial complaint that an investigation into the portion of the complaint alleging sexual abuse or sexual harassment has commenced and the Inmate Complaint Review process has concluded.” Since the agency has effectively removed complaints of sexual abuse from its administrative complaint procedure the remaining sections in this standard do not apply.</p> <p>*115.52 (b) (1) The agency shall not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse. (2) The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse. (3) The agency shall not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. (4) Nothing in this section shall restrict the agency’s ability to defend against an inmate lawsuit on the ground that the applicable statute of limitations has expired.</p> <p>N/A</p>
	<p>*115.52 (c) The agency shall ensure that— (1) An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and (2) Such grievance is not referred to a staff member who is the subject of the complaint.</p> <p>N/A</p>
	<p>*115.52 (d) (1) The agency issues 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. (2) Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal. (3) The agency may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the inmate in writing of any such extension and provide a date by which a decision will be made. (4) At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.</p> <p>N/A</p>
	<p>*115.52 (e) (1) Third parties, including fellow inmates, staff members, family members,</p>

attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates. (2) 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. (3) If the inmate declines to have the request processed on his or her behalf, the agency shall document the inmate's decision.

N/A

\*115.52 (f) (1) The agency shall establish procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse. (2) After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the agency shall 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, shall provide an initial response within 48 hours, and shall issue a final agency decision within 5 calendar days. The initial response and final agency decision documents the agency's determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

N/A

\*115.52 (g) The agency may discipline an inmate for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the inmate filed the grievance in bad faith.

N/A

#### SUMMARY 115.52

A determination of MEETS STANDARDS was assigned for the following reasons:

>The agency has removed sexual misconduct complaints from its administrative complaint process in favor of its policy for investigating PREA related reports.

115.53	<b>Inmate access to outside confidential support services</b>
	<p data-bbox="248 168 898 203"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="248 248 523 284"><b>Auditor Discussion</b></p> <p data-bbox="248 329 1469 616">*115.53 (a) The facility shall 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, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The facility shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.</p> <p data-bbox="248 667 1485 1086">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVI, B, 5 states, "Thereafter, the facility shall provide offenders with access to outside victim advocates, with whom the DOC shall maintain or attempt to enter into memoranda of understanding with, for emotional support services related to sexual abuse. Access includes giving offenders mailing addresses and telephone numbers, including toll-free hotline numbers where available. The facility shall enable reasonable communication between offenders and these organizations and agencies, in as confidential a manner as possible and, in advance, provide notification to offenders of the extent to which such conversations will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws."</p> <p data-bbox="248 1137 1469 1386">The BRCC has entered into an agreement with Bolton Refuge House which provides free, confidential support for victims of sexual assault and domestic violence. The memorandum of understanding between the BRCC and the Bolton Refuge House provides an outline of responsibilities for both the BRCC and the Bolton Refuge House. Section C of the agreement provides guidelines for privacy, confidentiality, and exchange of information. Contact for the Bolton Refuge House has been posted within the facility</p> <p data-bbox="248 1438 1481 1559">*115.53 (b) The facility shall 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.</p> <p data-bbox="248 1610 1469 1859">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVI, B, 5 states, "...The facility shall enable reasonable communication between offenders and these organizations and agencies, in as confidential a manner as possible and, in advance, provide notification to offenders of the extent to which such conversations will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws."</p> <p data-bbox="248 1910 1485 2114">The MOU between the agency and the Bolton Refuge House provides for the manner in which confidentiality issues will be handled between the inmate and the advocate. These issues are to be discussed in person prior to services being rendered. Both BRCC and the Bolton Refuge House have agreed to jointly keep the inmate informed and provide confidentiality as required by law.</p>

\*115.53 (c) The agency shall 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. The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVI, B, 5 states, "Thereafter, the facility shall provide offenders with access to outside victim advocates, with whom the DOC shall maintain or attempt to enter into memoranda of understanding with, for emotional support services related to sexual abuse." A copy of a Memorandum of Understanding between the Wisconsin Department of Corrections and Bolton Refuge House was provided to the auditor. The agreement contained provisions to meet this standard.

**SUMMARY 115.53**

A determination of MEETS STANDARDS was assigned for the following reasons:

>The agency has adopted policy in support of this standard in its Executive Directive #72, Section XVI. Written policy has been provided despite no affirmative requirement to do so.

>Inmates have been provided access to a community sexual assault advocacy resource.

>A written agreement has been entered with the Bolton Refuge House.

>The BRCC has taken steps documented within the MOU with the Bolton Refuge House to appropriately address confidentiality issues, making sure that inmates are informed.

<b>115.54</b>	<b>Third-party reporting</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>*115.54 (a) The agency shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate.</p> <p>The agency has provided instructions to the community on its website explaining how third-party reports can be made on behalf of an inmate. The website URL is:</p> <p><a href="https://doc.wi.gov/Pages/AboutDOC/PrisonRapeEliminationAct.aspx">https://doc.wi.gov/Pages/AboutDOC/PrisonRapeEliminationAct.aspx</a></p> <p><b>SUMMARY 115.54</b></p> <p>A determination of MEETS STANDARDS was assigned for the following reasons:</p> <p>&gt;The agency publishes information on its website regarding third-party reports.</p>





115.61	<b>Staff and agency reporting duties</b>
	<p data-bbox="252 170 896 203"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="252 248 523 282"><b>Auditor Discussion</b></p> <p data-bbox="252 327 1474 528">*115.61 (a) The agency shall 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; 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 data-bbox="252 584 1410 658">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIV, C, 1 states:</p> <ol data-bbox="252 669 1458 1043" style="list-style-type: none"> <li>1. Employees shall accept reports made verbally, in writing, anonymously, and from third parties; promptly document any verbal reports [§115.51(c), §115.351(c)]; and immediately report [§115.61(a), §115.361(a)]:       <ol style="list-style-type: none"> <li>a. 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 DOC;</li> <li>b. Any incidents of retaliation against offenders or employees who reported such an incident; and/or</li> <li>c. Any employee neglect or violation of responsibilities that may have contributed to an incident or retaliation.</li> </ol> </li> </ol> <p data-bbox="252 1099 1458 1346">An interview with a sergeant assigned to the first shift indicated that staff members have a duty to report any information relating to sexual misconduct. An interview with a nurse at the BRCC also confirmed that she would report any indication of sexual abuse. She also stated that she has never been made aware of any such incidents. An interview with a non-custody staff member indicated that she was aware of the agency’s reporting policy and would report any information that she received relating to sexual misconduct involving inmates.</p> <p data-bbox="252 1402 1474 1559">*115.61 (b) Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.</p> <p data-bbox="252 1615 1426 1816">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIV, C, 5 states, “Employees shall not reveal any information related to a sexual abuse or sexual harassment report to anyone other than to supervisors, investigators, and designated officials. Such information shall be limited to information necessary to make treatment, investigation, and other security and management decisions.”</p> <p data-bbox="252 1872 1426 1946">There have been no reported incidents at the facility for at least five years. The only PREA information maintained at the facility (screening instrument) is filed securely.</p> <p data-bbox="252 2002 1458 2159">*115.61 (c) Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse 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.</p>

The agency has adopted policy to support this standard. Executive Directive #72, Section XIV, C, 6 states' "Medical and mental health practitioners shall be required to report sexual abuse and to inform offenders of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services."

The agency provided a copy of form DOC1023 – LIMITS OF CONFIDENTIALITY OF HEALTH INFORMATION. This form indicates the provider's duty to report and is signed by the inmate. The original document is maintained by the agency and a copy is given to the patient.

\*115.61 (d) If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, the agency shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.

There are no youthful inmates in the BRCC.

\*115.61 (e) The facility shall report all allegations of sexual abuse and sexual harassment; including third-party and anonymous reports, to the facility's designated investigators.

During the interview with the Superintendent he confirmed that his facility would assure that all complaints are investigated regardless of the source. Third-party and anonymous reports would also be investigated. He further reported that it had been over five years since the facility had received any such complaints.

#### SUMMARY 115.61

A determination of MEETS STANDARDS was assigned for the following reasons:

- >The agency has adopted the required policy to meet this standard in Executive Directive #72, Section XIV.
- >Interviewed staff members confirm knowledge of the reporting policy.
- >Confidentiality is maintained.
- >Designated investigators receive all complaints of sexual misconduct.

<b>115.62</b>	<b>Agency protection duties</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>115.62 (a) When an agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVI states, “When the department or facility learns that an offender is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the offender.”</p> <p>The Superintendent stated that such incidents have not occurred at the BRCC, but would do whatever necessary to protect the victim. A perpetrator would be immediately removed from the facility and transported to a nearby medium security facility. There is no restricted housing at BRCC. The agency head designee also confirmed during the interview that protection of the inmate was the primary consideration with appropriate changes in housing and investigation initiated.</p> <p>SUMMARY 115.62</p> <p>A determination of MEETS STANDARDS was assigned for the following reasons:</p> <ul style="list-style-type: none"> <li>&gt;The agency has adopted supportive policy in Executive Directive #72.</li> <li>&gt;Staff members that would normally become aware of dangerous or imminent situations were aware of their duty to take immediate action.</li> <li>&gt;Higher level officials within the organization were supportive of such policy and supportive of the inmate’s right to protection by the agency.</li> </ul>

115.63	<b>Reporting to other confinement facilities</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <p><b>Auditor Discussion</b></p> <p>*115.63 (a) Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVI, C, 8 states, “ Within 72 hours of receiving an allegation that an offender was the victim of sexual abuse while confined at another facility, the information shall be reported to the head of the facility where the alleged abuse occurred. In the event the alleged victim is a juvenile, facility employees shall also notify the appropriate investigative agency. All notifications shall be documented and the appointing authority that receives such notification shall ensure that the allegation is investigated.”</p> <p>The Superintendent confirmed that he would follow regulations if such an event occurred, but he reported that no such events have occurred for more than five years.</p> <p>*115.63 (b) Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVI, C, 8 states, “ Within 72 hours of receiving an allegation that an offender was the victim of sexual abuse while confined at another facility, the information shall be reported to the head of the facility where the alleged abuse occurred.”</p> <p>The BRCC Superintendent advised that such notifications would be made in a timely manner.</p> <p>*115.63 (c) The agency shall document that it has provided such notification.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVI, C, 8 states, “All notifications shall be documented and the appointing authority that receives such notification shall ensure that the allegation is investigated.”</p> <p>The audit team discussed this procedure with the Superintendent at BRCC and he stated that no such incidents have been reported, but policy would be followed in the event such notification was required.</p> <p>SUMMARY 115.63</p> <p>A determination of MEETS STANDARDS was assigned for the following reasons:</p> <ul style="list-style-type: none"> <li>&gt;The agency has developed policy to support the standard.</li> <li>&gt;The Superintendent advised that there have been no reports, but policy would be followed in the event of such notification being required.</li> </ul>

>The facility initiates an investigation to document the report and subsequent notification.

115.64	<b>Staff first responder duties</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p><b>Auditor Discussion</b></p> <p>*115.64 (a) Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to: (1) Separate the alleged victim and abuser; (2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence; (3) 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; and (4) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVI, A, 1 states as follows:</p> <p>1. Upon learning of an allegation that an offender was sexually abused, the first security staff member to respond to the report shall be required to, at a minimum [§115.64(a), §115.364(a)]:</p> <ol style="list-style-type: none"> <li>a. Separate the alleged victim and abuser;</li> <li>b. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;</li> <li>c. 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; and</li> <li>d. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.</li> </ol> <p>*115.64 (b) If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVI, A, 1 states, “If the first employee responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, then notify security staff.”</p> <p>The audit team interviewed a non-custodial staff member and she was aware of here duties to protect evidence and call for help.</p> <p>SUMMARY 115.64</p>

A determination of MEETS STANDARDS was assigned for the following reasons:

>The agency has developed policy in Executive Directive #72 in support of the standard.

>The security staff clearly had been trained in responding to cases of sexual assault.

>The non-security staff member interviewed understood his responsibilities when encountering an incident of sexual assault.

115.65	Coordinated response
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>*115.65 (a) The facility shall develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership.</p> <p>In response to this standard the facility presented its BRCC SEXUAL ABUSE RESPONSE TEAM PROTOCOL. This seven page document provided specific instructions to security staff, supervisors, the compliance manager, medical staff, mental health staff, a victim services coordinator, the investigator(s), the appointing authority, and the review team. Included also was a flow chart that illustrated the plan step by step.</p> <p>The Superintendent advised that the plan is easily accessible in the event that an incident would occur at the BRCC.</p> <p>SUMMARY 115.65</p> <p>A determination of MEETS STANDARD was assigned for the following reasons:</p> <p>&gt;The facility presented to the audit team a written plan that clearly articulates the facility's response to sexual misconduct or abuse.</p>



<b>115.66</b>	<b>Preservation of ability to protect inmates from contact with abusers</b>
	<b>Auditor Overall Determination:</b> Exceeds Standard
	<b>Auditor Discussion</b>
	<p>*115.66 (a) Neither the agency nor any other governmental entity responsible for collective bargaining on the agency's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.</p> <p>During the interview the agency head designee advised that there is no union or collective bargaining agreement representing the staff at BRCC or the Wisconsin DOC at this time.</p> <p>*115.66 (b) Nothing in this standard shall restrict the entering into or renewal of agreements that govern: (1) The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §§ 115.72 and 115.76; or (2) Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated.</p> <p>There is no union or collective bargaining agreement representing the staff at BRCC at this time.</p> <p>SUMMARY 115.66</p> <p>A determination of EXCEEDS STANDARD was assigned for the following reasons:</p> <p>&gt;There are no agreements in place with collective bargaining units and there is no union representation, thereby making it very unlikely that the facility could be out of compliance with this standard.</p>

115.67	<b>Agency protection against retaliation</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>*115.67 (a) The agency shall establish 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, and shall designate which staff members or departments are charged with monitoring retaliation.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVIII, A, states, “Each facility shall designate an employee(s) to monitor retaliation to ensure that all offenders and employees involved in the reporting or investigation of sexual abuse and/or sexual harassment are protected.” A copy of a form used by the agency to monitor retaliation was presented to the auditing team.</p> <p>The audit team interviewed (documented) the Superintendent at the BRCC regarding this standard. He advised that if the facility were to have a complaint of sexual misconduct that he would take responsibility for monitoring retaliation.</p> <p>*115.67 (b) The agency shall 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.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVIII, B, states, “For at least 90 days following a report of sexual abuse, the designated facility-based employee(s) shall monitor the conduct and treatment of the offender(s) or employee(s) who reported the sexual abuse and the offender(s) who were reported to have experienced sexual abuse to determine if retaliation occurred. For offenders, such monitoring shall include periodic status checks. Employees shall act promptly to remedy any such retaliation. Monitoring beyond 90 days shall continue if the initial monitoring indicates a continuing need.”</p> <p>The Superintendent reports that he would personally monitor for retaliation, but there have been no reports at the facility for over five years. The Superintendent was familiar with the policy regarding protection of individuals reporting abuse with specific details placed within the response plan.</p> <p>*115.67 (c) For at least 90 days following a report of sexual abuse, the agency shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse and 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, and shall act promptly to remedy any such retaliation. Items the agency should monitor include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.</p>

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVIII, B, states, "For at least 90 days following a report of sexual abuse, the designated facility-based employee(s) shall monitor the conduct and treatment of the offender(s) or employee(s) who reported the sexual abuse and the offender(s) who were reported to have experienced sexual abuse to determine if retaliation occurred. For offenders, such monitoring shall include periodic status checks. Employees shall act promptly to remedy any such retaliation. Monitoring beyond 90 days shall continue if the initial monitoring indicates a continuing need."

There have been no reports at this facility for over five years. Retaliation procedures at the BRCC can be found in its response plan and agency policy. The Superintendent reported that he would follow all policies in the event of a reported incident.

\*115.67 (d) In the case of inmates, such monitoring shall also include periodic status checks.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVIII, B, states, "...For offenders, such monitoring shall include periodic status checks."

There have been no reports at this facility for over five years. Retaliation procedures at the BRCC can be found in its response plan.

\*115.67 (e) If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation.

There have been no reports at this facility for over five years. Retaliation procedures at the BRCC can be found in its response plan. The Superintendent stated that his facility is prepared to monitor retaliation should the need arise.

\*115.67 (f) An agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

Audit Instructions: Auditor is not required to audit this provision.

#### SUMMARY 115.67

A determination of MEETS STANDARD was assigned for the following reasons:

- >The agency has adopted policy in Executive Directive #72 that is compliant with the standard.
- >The BRCC has had no reported incidents for more than five years.
- >A key staff member confirms that retaliation monitoring would occur should the need arise.

<b>115.68</b>	<b>Post-allegation protective custody</b>
	<b>Auditor Overall Determination:</b> Exceeds Standard
	<b>Auditor Discussion</b>
	<p>*115.68 (a) Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the requirements of § 115.43.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVI, A, 5 states, “Any use of restricted status housing to protect an offender who is alleged to have suffered sexual abuse shall be subject to the requirements of §115.43 and §115.343 as found within Placement (Section XIII.)</p> <p>As mentioned earlier, the Superintendent advised that there is no restricted housing unit in the facility. This was also confirmed by visual inspection.</p> <p>SUMMARY 115.68</p> <p>A determination of EXCEEDS STANDARD was assigned for the following reasons:</p> <ul style="list-style-type: none"> <li>&gt;The agency has adopted written policy in Executive Directive #72, Section XVI that supports the standard. There is no provision in the standard requiring written policy.</li> <li>&gt;There is no restrictive housing at the BRCC, making it impossible to place an at risk inmate contrary to the standard.</li> <li>&gt;The agency has form which is used to monitor inmates placed in restrictive housing in the event that restrictive housing is used as an option.</li> </ul>

115.71	<b>Criminal and administrative agency investigations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>*115.71 (a) When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.</p> <p>As previously mentioned the facility does not conduct criminal investigations. Executive Directive #72, Section XVII, A requires the investigation of third-party and anonymous reports. Executive Directive #72, Section XVII, E calls for objectivity in the investigation while Sections B, C, and D address thoroughness.</p> <p>The BRCC has not had any reported incidents of sexual misconduct of any type for over five years. The nine inmates interviewed randomly reported that none of them had ever reported sexual abuse while at the BRCC. However, an interview with the Superintendent indicated that such a complaint would be handled according to this standard. The investigator interviewed at BRCC added that in the event of a reported incident the investigation would begin immediately.</p> <p>*115.71 (b) Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations pursuant to § 115.34.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XI, A, 4 states, “Staff who investigate incidents of sexual abuse and sexual harassment shall receive specialized training on techniques for interviewing sexual abuse victims, proper use of Miranda, Garrity and Oddsden warnings, sexual abuse evidence collection in confinement settings and the criteria and evidence required to substantiate a case for administrative action or prosecutorial referral. The DOC shall maintain documentation of training completion.”</p> <p>The auditor team interviewed an investigator assigned to BRCC and he advised that he attended a two day training class which covered those items listed in the standard. He received a certificate of completion from the agency documenting his training. The auditors received curriculum and training materials related to the specialized class. The auditors also received a copy of an agency-wide training log for the required course of training.</p> <p>*115.71 (c) Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVII, D states, “Investigators shall preserve and/or collect direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.”</p>

The audit team interviewed the investigator regarding his investigative methods as they relate to this standard. The investigator stated he would conduct interviews, and use an investigative packet to lead him through the process. In the event that the incident was criminal in nature the Jackson county Sheriff's Department would be notified.

The warden confirmed that the Jackson County Sheriff's Department is the law enforcement agency responsible for investigating sexual misconduct complaints that could result in criminal prosecution.

\*115.71 (d) When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

The agency is not responsible for criminal prosecution. All cases of a criminal nature are referred to the Jackson County Sheriff's Department for investigation and prosecution. Criminal cases are subject to the rules and regulations of the sheriff's department and the prosecutor's office in Jackson County.

\*115.71 (e) 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 inmate or staff. No agency shall require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVII, E states, "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 offender or employee. The DOC shall not require an offender who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

The investigator interviewed understood his obligation to make individual assessments of victims and witness and that he said that he would not require an inmate to take a polygraph exam as a condition of taking the complaint and investigating.

\*115.71 (f) Administrative investigations: (1) Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and (2) Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVII, F states, "Administrative investigations shall include an effort to determine whether employee actions or failures to act contributed to the abuse."

The investigator advised during the interview that he would forward any such information to the facility management for further action.

\*115.71 (g) 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.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVII, H states, "Administrative and criminal investigations shall be documented in a written report to be retained for as long as the alleged abuser is incarcerated or employed by the DOC, plus ten years. Administrative investigative reports shall include a description of the physical and testimonial evidence, the reasoning behind credibility assessments and the investigative facts and findings."

Criminal investigations are conducted by the Jackson County Sheriff's Department and subject to its own retention policies and investigative practices.

\*115.71 (h) Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVII, B states, "Allegations of sexual abuse or sexual harassment that involve potentially criminal behavior shall be referred for investigation to local law enforcement."

According to the Superintendent and one of the BRCC investigators the Jackson County Sheriff's Department is responsible for criminal investigations and referrals for prosecution.

\*115.71 (i) The agency shall retain all written reports referenced in paragraphs (f) and (g) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVII, H states, "Administrative and criminal investigations shall be documented in a written report to be retained for as long as the alleged abuser is incarcerated or employed by the DOC, plus ten years." The agency had produced its official retention schedule supporting the policy. An interview with a staff member in the PREA Coordinator's Office revealed that no PREA related reports have ever been destroyed.

\*115.71 (j) 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.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVII, I states, "The departure of an alleged abuser or victim from the employment or control of the facility or the DOC, or the recantation of the allegation, shall not provide a basis for terminating an investigation."

The interview with an investigator indicated that the investigation would continue.

\*115.71 (k) Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.

Auditor is not required to audit this provision.

\*115.71 (l) When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVII, J states, "When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall work to remain informed about the progress of the investigation."

This standard was discussed with the Superintendent for the facility and he stated that he would remain in contact with the Jackson County Sheriff's Department.

#### SUMMARY 115.71

A determination of MEETS STANDARDS was assigned for the following reasons:

- >The agency has developed detailed policy in its Executive directive #72 that supports this standard in its entirety.
- >There were no investigations conducted at the BRCC for over five years.
- >An interview with an investigator at BRCC confirmed compliance to the standard and agency policy.
- >The Jackson County Sheriff's Department conducts criminal investigations in accordance with its rules and regulations regarding criminal investigations and prosecutions in Jackson County.
- >The warden also confirmed the relationship between the BRCC and the Jackson County Sheriff's Department



<b>115.72</b>	<b>Evidentiary standard for administrative investigations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>*115.72 (a) The agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVII, G states, “The DOC shall impose no standard higher than a preponderance of the evidence in determining whether the allegations of sexual abuse or sexual harassment are substantiated.”</p> <p>The interview with one of the BRCC investigators indicated that he was familiar with this provision and he would comply with related agency policy. There have been no reports of sexual abuse for over five years at the BRCC.</p> <p>SUMMARY 115.72</p> <p>A determination of MEETS STANDARDS was assigned for the following reasons:</p> <ul style="list-style-type: none"> <li>&gt;The agency has developed policy in it Executive Directive #72 supporting the standard.</li> <li>&gt;The BRCC investigator confirmed compliance with the policy.</li> <li>&gt;A review of the investigative reports revealed no deviations from the policy.</li> </ul>

115.73	<b>Reporting to inmates</b>
	<p data-bbox="252 170 896 203"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="252 248 523 282"><b>Auditor Discussion</b></p> <p data-bbox="252 327 1398 450">*115.73 (a) Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, the agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.</p> <p data-bbox="252 499 1485 790">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVII, K states, "Following an investigation of an allegation that an offender suffered sexual abuse in a DOC facility, the facility shall inform the alleged victim, and document such notification, as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded. If the DOC did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the alleged victim. The DOC's obligation to report shall terminate if the alleged victim is released from custody."</p> <p data-bbox="252 840 1437 1003">When asked if inmates are informed regarding the results of investigations, the investigator stated that memo is sent to the inmate explaining the results of the investigation. The audit team retained a copy of a blank form letter used to notify the inmate of the investigation results.</p> <p data-bbox="252 1052 1385 1131">*115.73 (b) If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.</p> <p data-bbox="252 1180 1437 1344">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVII, K states, "If the DOC did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the alleged victim. The DOC's obligation to report shall terminate if the alleged victim is released from custody."</p> <p data-bbox="252 1393 1430 1471">The audit team determined that no incidents have been reported at the BRCC for over five years.</p> <p data-bbox="252 1520 1469 1818">*115.73 (c) Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever: (1) The staff member is no longer posted within 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; or (4) The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.</p> <p data-bbox="252 1868 1469 2157">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVII, L states, "Following an offender's allegation that an employee committed sexual abuse against an offender and the findings are substantiated or unsubstantiated, the DOC shall subsequently inform the alleged victim, and document such notification, whenever the employee is no longer posted within the alleged victim's unit; the employee is no longer employed at the facility; or the DOC learns that the employee has been indicted or convicted on a charge related to the initial allegation of sexual abuse."</p>

\*115.73 (d) Following an inmate's allegation that he or she has been sexually abused by another inmate, the agency shall subsequently inform the alleged victim whenever: (1) The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or (2) The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVII, M states, "Following an offender's allegation that he or she has been sexually abused by another offender, the DOC shall subsequently inform the alleged victim, and document such notification, whenever the DOC learns that the alleged abuser has been indicted or convicted on a charge related to the initial allegation of sexual abuse."

\*115.73 (e) All such notifications or attempted notifications shall be documented.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVII, M states, "Following an offender's allegation that he or she has been sexually abused by another offender, the DOC shall subsequently inform the alleged victim, and document such notification, whenever the DOC learns that the alleged abuser has been indicted or convicted on a charge related to the initial allegation of sexual abuse."

No such notifications have been required at BRCC during the past year.

\*115.73 (f) An agency's obligation to report under this standard shall terminate if the inmate is released from the agency's custody.

Auditor is not required to audit this provision.

#### SUMMARY 115.73

A determination of MEETS STANDARDS was assigned for the following reasons:

>The agency has developed compliant policy in its Executive Directive #72.

>Inmates are notified of the outcomes of their complaints as documented in a letter to the inmate.

115.76	<b>Disciplinary sanctions for staff</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p><b>Auditor Discussion</b></p> <p>*115.76 (a) Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIX, A, 1 states, “Staff members who are found to have violated the DOC sexual abuse, sexual harassment and retaliation policies shall be subject to disciplinary sanctions up to and including termination.”</p> <p>*115.76 (b) Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIX, A, 3 states, “Termination is the presumptive sanction for a staff member who engaged in sexual abuse. All terminations for violations of the DOC sexual abuse and sexual harassment policies, including resignations that would have resulted in termination if not for the resignation, shall be reported to any relevant licensing bodies.”</p> <p>*115.76 (c) Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIX, A, 2 states, “Sanctions shall be commensurate with the nature and circumstances of the violation, the staff member’s disciplinary history and the sanctions imposed for comparable offenses by other staff with similar histories.”</p> <p>*115.76 (d) All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIX, A, 3 states, “Termination is the presumptive sanction for a staff member who engaged in sexual abuse. All terminations for violations of the DOC sexual abuse and sexual harassment policies, including resignations that would have resulted in termination if not for the resignation, shall be reported to any relevant licensing bodies.”</p> <p>SUMMARY 115.76</p> <p>A determination of MEETS STANDARDS was assigned for the following reasons:</p>

>The agency has developed policy in Executive Directive #72 that is compliant with the standard.

>There have been no reported incidents for over five years.

<b>115.77</b>	<b>Corrective action for contractors and volunteers</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>*115.77 (a) Any contractor or volunteer who engages in sexual abuse is prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIX, A, 4 states, “Any volunteer or contractor who engages in sexual abuse shall be prohibited from contact with offenders and shall be reported to relevant licensing bodies. Appropriate remedial measures shall be taken by the facility to ensure the safety of offenders in contact with volunteers and contractors.”</p> <p>The Superintendent in his interview stated that incident involving contractors or volunteers would be investigated. Contractors or volunteers accused of committing any acts of sexual misconduct would have access to BRCC suspended and/or terminated.</p> <p>*115.77 (b) The facility takes appropriate remedial measures, and considers whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIX, A, 4 states, “Appropriate remedial measures shall be taken by the facility to ensure the safety of offenders in contact with volunteers and contractors.”</p> <p>During the interview with the warden he elaborated on this standard stating that contractors or volunteers found to be engaging in any form of sexual misconduct would be banned from the facility.</p> <p>SUMMARY 115.77</p> <p>A determination of MEETS STANDARDS was assigned for the following reasons:</p> <ul style="list-style-type: none"> <li>&gt;The agency has adopted policy in support of the standard.</li> <li>&gt;The interview with the warden supported the agency policy.</li> </ul>

115.78	<b>Disciplinary sanctions for inmates</b>
<b>Auditor Overall Determination:</b> Meets Standard	
<b>Auditor Discussion</b>	
<p>*115.78 (a) Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIX, B, 1 states, "Offenders who have committed offender-on-offender sexual abuse are subject to disciplinary sanctions pursuant to a formal disciplinary process."</p> <p>The agency provided a comprehensive inmate discipline manual entitled RULES OF DEPARTMENT OF CORRECTIONS, DIVISION OF ADULT INSTITUTIONS, DOC 303 RELATING TO DISCIPLINE, CODE OF INMATE OFFENSES AND DISCIPLINARY PROCEDURES.</p> <p>*115.78 (b) 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.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIX, B, 1 states, "Sanctions shall be commensurate with the nature and circumstances of the violation, the offender's disciplinary history and the sanctions imposed for comparable offenses by other offenders with similar histories."</p> <p>During the interview the Superintendent stated that an accused inmate would be removed from the facility until the investigation was complete. Inmate discipline would be administered in accord with agency procedures (see 115.78 (a)) and criminal charges would be the responsibility of the Jackson County Sheriff's Department.</p> <p>There were no incidents at BRCC to review for compliance.</p> <p>*115.78 (c) 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.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIX, B, 3 states, "The disciplinary process shall consider whether a perpetrating offender's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed."</p> <p>There were no incidents at BRCC to review for compliance.</p> <p>*115.78 (d) If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending inmate to participate in such interventions as a condition of access to</p>	

programming or other benefits.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIX, B, 4 states, "The facility shall consider requiring perpetrating offenders to participate in interventions, such as therapy or counseling, to address and correct underlying reasons or motivations for the abuse. For juveniles, the DOC may require participation in such interventions as a condition of access to any rewards-based behavior management system or other behavior-based incentives, but not as a condition to general programming or education."

There were no incidents at BRCC to review for compliance.

\*115.78 (e) The agency may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIX, B, 5 states, "An offender may only be disciplined for sexual contact with an employee upon a finding that the employee did not consent to such contact."

The audit team determined that there were no reported incidents at the BRCC for over five years.

\*115.78 (f) For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIX, B, 6 states, "Reports of sexual abuse or sexual harassment 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 to substantiate the allegation."

The audit determined there have been no investigations of sexual abuse at the BRCC for over five years.

\*115.78 (g) An agency may, in its discretion, prohibit all sexual activity between inmates and may discipline inmates for such activity. An agency may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XIX, B, 7 states, "While consensual sexual activity between offenders is prohibited in the DOC facilities, the DOC may not deem consensual sexual activities as sexual abuse if it is determined that the activity is not coerced."

The audit determined there have been no investigations of sexual abuse at the BRCC for over five years.

SUMMARY 115.78



A determination of MEETS STANDARDS was assigned for the following reasons:

>The agency has adopted policy in Executive Directive #72 that is compliant with this standard.

>Interviews with staff support the standard.

>The agency has a written policy regarding inmate discipline.

>The audit team could find no sustained cases against inmates that violated any provisions of the standard.

115.81	<b>Medical and mental health screenings; history of sexual abuse</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>*115.81 (a) If the screening pursuant to § 115.41 indicates that a prison/jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XII, E states, “If either the initial or follow-up screening indicates an offender has previously experienced prior sexual victimization or has perpetrated sexual abuse, whether it occurred in an institutional setting or in a community setting, employees shall ensure the offender is offered a follow-up meeting with a mental health provider within 14 days of the initial or follow-up screening.”</p> <p>The agency provided two forms used in conjunction with this standard. The Referral Relating to Suspected Sexual Contact (DOC-3542A) and Diagnostic Testing Relative to Suspected Sexual Contact (DOC-3542) are used to refer and evaluate inmates who have reported sexual contact.</p> <p>The interview with the official who performs inmate screening (documented) advised that referrals are made as required. The facility has its own Psychological Services Unit to provide the required treatment.</p> <p>*115.81 (b) If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XII, E states, “If either the initial or follow-up screening indicates an offender has previously experienced prior sexual victimization or has perpetrated sexual abuse, whether it occurred in an institutional setting or in a community setting, employees shall ensure the offender is offered a follow-up meeting with a mental health provider within 14 days of the initial or follow-up screening.”</p> <p>See 115.81 (a).</p> <p>115.81 (c) See 115.81(a)</p> <p>*115.81 (d) Any information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.</p>

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XII, F states, "Further, any information related to sexual victimization or abusiveness occurring in an institutional setting shall be confidential and strictly limited to medical and mental health clinicians and other employees, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education and program assignments or as otherwise required by law."

The auditing received two forms used by the agency to control the release of protected health information within its facilities. These forms are the LIMITS OF CONFIDENTIALITY OF HEALTH INFORMATION (DOC-1923) and the AUTHORIZATION FOR USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION (DOC-1163A). During the facility tour the auditors learned that medical and mental health information is strictly controlled.

During the interviews of both the medical and health care providers the confidentiality of records was confirmed. The audit team observed that patient records were maintained in locked files.

\*115.81 (e) Medical and mental health practitioners shall 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.

During the interview with the registered nurse assigned to HSU (see 115.35) the nurse reported that she would obtain informed consent before reporting prior victimization. The agency has forms to control the release of information. See 115.81 (d).

#### SUMMARY 115.81

A determination of MEETS STANDARDS was assigned for the following reasons:

- >The agency has developed written policy in Executive Directive #72 to support the standard.
- >The facility has provided copies of forms used to control the release of information.
- >Staff members providing mental and medical health care to inmates confirmed that the information they gather is strictly controlled and only released per agency policy.

115.82	<b>Access to emergency medical and mental health services</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>*115.82 (a) Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVI, B, 1 states, “Victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.”</p> <p>The interview with a nurse assigned to BRCC indicated that she was confident that the facility would provide the required care in the event that an incident was to occur. She also confirmed that she is allowed to practice according to her professional judgement.</p> <p>*115.82 (b) If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim pursuant to § 115.62 and shall immediately notify the appropriate medical and mental health practitioners.</p> <p>Medical staff members are not always on duty at this facility and the agency does have policy that complies with this standard. The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVI, B, states, “In the event that no qualified medical or mental health practitioners are on duty at the time of a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health employees.”</p> <p>The facility depends on the Jackson Correctional Institution and the Black River Memorial Hospital for medical support when no medical personnel are on duty at the BRCC.</p> <p>*115.82 (c) Inmate victims of sexual abuse while incarcerated shall be 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>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVI, B, 3 states, “The DOC’s medical response shall include the timely dissemination of information and access to emergency contraception and sexually transmitted disease prophylaxis.”</p> <p>The nurse assigned to BRCC stated that the inmate’s at BRCC would be treated for suspected exposure to sexually transmitted diseases. Since this an all-male facility the emergency contraception provision does not apply.</p>

\*115.82 (d) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVII, B, 2 states, "All medical and mental health treatment services shall be provided to the victim without financial cost, regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident, and in a manner consistent with the community level of care."

The medical staff confirmed that inmates are not charged for services and medical service will be provided.

#### SUMMARY 115.82

A determination of MEETS STANDARDS was assigned for the following reasons:

- >The agency has developed policy in its Executive Directive #72 that supports the standard.
- >The medical staff interview confirmed the policy.
- >All medical care is provided without charge.

115.83	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>
	<p data-bbox="252 170 896 203"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="252 248 523 282"><b>Auditor Discussion</b></p> <p data-bbox="252 327 1461 450">*115.83 (a) The facility shall 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.</p> <p data-bbox="252 499 1469 745">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVII, B, 6 states, “The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all offenders who have been victimized by sexual abuse in any confinement setting. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities or their release from custody.”</p> <p data-bbox="252 795 1461 875">Interviews with a nurse assigned to BRCC confirmed that such services are provided. Written materials provided to the inmates indicate that such services are available.</p> <p data-bbox="252 925 1477 1048">*115.83 (b) The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.</p> <p data-bbox="252 1097 1469 1261">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVII, B, 6 states, “The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities or their release from custody.”</p> <p data-bbox="252 1310 1461 1391">An interview with a nurse assigned to the BRCC confirmed that such services would be made available, if needed.</p> <p data-bbox="252 1440 1414 1520">*115.83 (c) The facility shall provide such victims with medical and mental health services consistent with the community level of care.</p> <p data-bbox="252 1570 1477 1733">The agency has adopted policy consistent with this standard. The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVII, B, 2 states, “All medical and mental health treatment services shall be provided..., and in manner consistent with the community level of care.”</p> <p data-bbox="252 1783 1430 1906">The nurse interviewed stated that she felt that the care provided inmates was equal to that provided to the community. This is further supported by the practice of providing sexual assault treatment at the local hospital that also serves the public.</p> <p data-bbox="252 1955 1461 2036">*115.83 (d) Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.</p> <p data-bbox="252 2085 938 2119">BRCC is a male facility; this standard does not apply.</p>

\*115.83 (e) If pregnancy results from the conduct described in paragraph (d) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

BRCC is a male facility; this standard does not apply.

\*115.83 (f) Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVI, B, 7 states, "Victims of sexual abuse shall be offered tests for sexually transmitted infections. Victims of sexually abusive vaginal penetration shall be offered pregnancy tests, in addition to timely and comprehensive information about and timely access to lawful pregnancy-related medical services.

The medical staff member confirmed that this treatment is provided. Additionally, inmates are transported to an outside medical facility for the forensic exam. Such tests are routine at facilities conducting such examinations.

\*115.83 (g) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVI, B, 2 states, "Victims of sexual abuse shall be offered tests for sexually transmitted infections. Victims of all medical and mental health treatment services shall be provided to the victim without financial cost, regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident, and in a manner consistent with the community level of care."

\*115.83 (h) All prisons 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.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XVI, B, 2 states, "Further, facilities shall attempt to conduct a mental health evaluation of all known offender-on-offender abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners."

#### SUMMARY 115.83

A determination of MEETS STANDARDS was assigned for the following reasons:

>The agency has developed policy in Executive directive #72 that is compliant with the standard.

>Medical and mental health staff members confirm that services are provided.

>Inmates do not pay for any medical services.

>Inmates receive forensic care at an outside hospital indicating a level of care provided to the community.



<b>115.86</b>	<b>Sexual abuse incident reviews</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>*115.86 (a) The facility shall 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.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XX, A, states “All facilities shall conduct a review within 30 days of the conclusion of every sexual abuse investigation unless the allegation was determined to be unfounded.”</p> <p>The Superintendent confirmed during his interview that reviews of incidents would be completed within thirty day of the completion of an investigation. The responsibilities of the review team are included in the facility protocol.</p> <p>*115.86 (b) Such review shall ordinarily occur within 30 days of the conclusion of the investigation.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XX, A, states “All facilities shall conduct a review within 30 days of the conclusion of every sexual abuse investigation unless the allegation was determined to be unfounded.”</p> <p>According to the Superintendent, the case review is completed within thirty days in the event that an investigation should occur.</p> <p>*115.86 (c) The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XX, A, states, “The team shall consist of upper level management officials with input from supervisors, investigators and medical and mental health practitioners.”</p> <p>The facility further supports the standard in the BRCC protocol for responding to reports of sexual abuse.</p> <p>*115.86 (d) The review team shall: (1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; (2) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility; (3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; (4) Assess the adequacy of staffing levels in that area during different shifts; (5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and (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</p>

improvement and submit such report to the facility head and PREA compliance manager.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XX, A, states, “The review team shall:

1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse;
2. 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 was motivated or otherwise caused by other group dynamics at the facility;
3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
4. Assess the adequacy of staffing levels in that area during different shifts;
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by employees; and
6. Prepare a report of its findings, including but not necessarily limited to determinations made in the above items, and any recommendations for improvement and submit such report to the facility head and PREA Compliance Manager.”

The BRCC facility protocol provides detailed instructions should an investigation occur.

\*115.86 (e) The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

The agency has adopted policy that complies with this standard. Executive Directive #72, Section XX, A, states, “The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.”

The BRCC facility protocol provides detailed instructions should an investigation occur.

#### SUMMARY 115.86

A determination of MEETS STANDARD was assigned for the following reasons:

- >Written policy has been developed by the agency in Executive Directive #72.
- >The Superintendent confirmed that a review would be conducted when required.
- >Agency policy is supported by the facility protocol.

115.87	<b>Data collection</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>*115.87 (a) The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XXI, A, 1, states, “The DOC shall collect accurate, uniform data from incident-based documents such as reports, investigation files and sexual abuse incident reviews for every allegation of sexual abuse within facilities, including facilities with which it contracts for the confinement of offenders, using a standardized instrument and set of definitions. The extracted data, at minimum, shall include the information to answer all questions from the most recent version of the Department of Justice Survey of Sexual Victimization. This data shall be aggregated annually, reported to the Department of Justice as requested and, with personal identifiers removed, posted publicly to the DOC’s website annually.” A review of the agency’s website supports compliance with the standard.</p> <p>*115.87 (b) The agency shall aggregate the incident-based sexual abuse data at least annually.</p> <p>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XXI, A, 1, states, “The extracted data, at minimum, shall include the information to answer all questions from the most recent version of the Department of Justice Survey of Sexual Victimization. This data shall be aggregated annually, reported to the Department of Justice as requested and, with personal identifiers removed, posted publicly to the DOC’s website annually.” The agency has posted data for the years 2014 and 2015. The report for 2016 has not been posted as of the writing of this document.</p> <p>*115.87 (c) 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>The agency has adopted policy that complies with this standard. Executive Directive #72, Section XXI, A, 1, states, “The extracted data, at minimum, shall include the information to answer all questions from the most recent version of the Department of Justice Survey of Sexual Victimization. This data shall be aggregated annually, reported to the Department of Justice as requested and, with personal identifiers removed, posted publicly to the DOC’s website annually.” A review of the agency’s website reveals reports have been posted as required.</p> <p>115.87 SUMMARY</p> <p>A determination of MEETS STANDARDS was assigned for the following reasons:</p> <p>&gt;The agency has adopted policy compliant with the standard.</p> <p>&gt;Compliant reports appear on the agency website.</p>



115.88	<b>Data review for corrective action</b>
	<p data-bbox="252 168 901 201"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="252 246 526 280"><b>Auditor Discussion</b></p> <p data-bbox="252 324 1460 526">*115.88 (a) The agency shall 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: (1) Identifying problem areas; (2) Taking corrective action on an ongoing basis; and (3) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.</p> <p data-bbox="252 582 1476 828">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XXI, A, 2, states, “The data collected and aggregated shall be analyzed to assess and improve effectiveness of the DOC’s sexual abuse prevention, detection and response policies, practices and training by identifying problem areas; taking corrective action on an ongoing basis; and preparing an annual report of its findings and corrective actions for each facility as well as the DOC as a whole.”</p> <p data-bbox="252 884 1476 1041">The facility provided a copy of the agency’s 2014 report. The 2015 report also is available on the agency’s website. The report provides the required information as indicated by the standard. The agency head designee during the interview indicated that the information in the annual report is used to improve the agency’s response to sexual misconduct.</p> <p data-bbox="252 1097 1476 1209">*115.88 (b) Such report shall include a comparison of the current year’s data and corrective actions with those from prior years and shall provide an assessment of the agency’s progress in addressing sexual abuse.</p> <p data-bbox="252 1265 1476 1377">The agency’s website was examined and found to have detailed reports covering years 2014 and 2015. The reports contained the comparison data required, as well as other data required by the standard, if necessary.</p> <p data-bbox="252 1433 1428 1512">*115.88 (c) The agency’s report shall be 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.</p> <p data-bbox="252 1568 1476 1680">The agency’s website was examined and found to have detailed reports covering years 2014 and 2015. The report for 2016 has not been completed as of the writing of this document. The reports have been approved by the agency head.</p> <p data-bbox="252 1736 1476 1848">*115.88 (d) The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.</p> <p data-bbox="252 1904 1476 2027">The agency’s website was examined and found to have detailed reports covering years 2014 and 2015. The report for 2016 has not been completed as of the writing of this document. No information has been redacted from these reports.</p> <p data-bbox="252 2083 502 2116">115.88 SUMMARY</p>

A determination of MEETS STANDARDS was assigned for the following reasons:

>The agency has developed policy which supports the standard in Executive Directive #72, Section XXI, though no written policy is required by the standard.

>The agency has produced comprehensive reports for the years 2014 and 1015.

>The reports have been posted on the agency's website without redactions.

>Interviews with staff involved in the reporting process confirm that the reports are used for the intended purpose.

>The reports have been signed by the agency head.

115.89	<b>Data storage, publication, and destruction</b>
	<p data-bbox="248 168 898 203"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="248 248 523 284"><b>Auditor Discussion</b></p> <p data-bbox="248 329 1426 403">*115.89 (a) The agency shall ensure that data collected pursuant to § 115.87 are securely retained.</p> <p data-bbox="248 456 1430 575">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XXI, A, 1, states, “All data shall be securely retained and maintained for at least 10 years after the date of initial collection.”</p> <p data-bbox="248 629 1477 748">*115.89 (b) The agency shall 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.</p> <p data-bbox="248 801 1445 1301">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XXI, A, 1, states, “The DOC shall collect accurate, uniform data from incident-based documents such as reports, investigation files and sexual abuse incident reviews for every allegation of sexual abuse within facilities, including facilities with which it contracts for the confinement of offenders, using a standardized instrument and set of definitions. The extracted data, at minimum, shall include the information to answer all questions from the most recent version of the Department of Justice Survey of Sexual Victimization. This data shall be aggregated annually, reported to the Department of Justice as requested and, with personal identifiers removed, posted publicly to the DOC’s website annually.” The agency maintains a public website with a web address of <a href="http://doc.wi.gov/About/DOC-Overview/Office-of-the-Secretary/Prison-Rape-Elimination-Act-Unit">http://doc.wi.gov/About/DOC-Overview/Office-of-the-Secretary/Prison-Rape-Elimination-Act-Unit</a>. The site contained reports for 2015 and 2016.</p> <p data-bbox="248 1355 1458 1429">*115.89 (c) Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.</p> <p data-bbox="248 1482 1474 1691">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XXI, A, 1, states, “This data shall be aggregated annually, reported to the Department of Justice as requested and, with personal identifiers removed, posted publicly to the DOC’s website annually.” The reports from 2014 and 2015 were examined and found to be free of personal identifiers.</p> <p data-bbox="248 1744 1477 1863">*115.89 (d) The agency shall 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.</p> <p data-bbox="248 1917 1430 2036">The agency has adopted policy that complies with this standard. Executive Directive #72, Section XXI, A, 3, states, “All data shall be securely retained and maintained for at least 10 years after the date of initial collection.”</p> <p data-bbox="248 2089 1477 2163">The agency began reporting data for the year 2014 and is continuing the practice. The agency has indicated its commitment to maintaining data for ten years and as of this point in time</p>

complying with the standard.

#### 115.89 SUMMARY

A determination of MEETS STANDARDS was assigned for the following reasons:

>The agency has developed policy that supports the standard.

>The agency has begun posting its aggregate data to its website as required.

>No personal identifiers have been posted on the website.

>The agency is progressing toward maintaining its data for at least ten years.



<b>115.401</b>	<b>Frequency and scope of audits</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <p><b>Auditor Discussion</b></p> <p>*115.401 (a) During the three-year period starting on August 20, 2013, and during each three-year period thereafter, the agency shall ensure that each facility operated by the agency, or by a private organization on behalf of the agency, is audited at least once.</p> <p>The Wisconsin Department of Corrections began the auditing its facilities in 2015. At the writing of this report all of its adult facilities have been audited at least one time. During the first year of the send cycle of audits the agency is on track to audit the required one-third of its facilities.</p> <p>*115.401 (b) During each one-year period starting on August 20, 2013, the agency shall ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, is audited.</p> <p>During the first year of the send cycle of audits the agency is on track to audit the required one-third of its facilities.</p> <p>*115.401 (i) The auditor shall be permitted to request and receive copies of any relevant documents (including electronically stored information).</p> <p>The auditing team was able to receive any document requested.</p> <p>*115.401 (h) The auditor shall have access to, and shall observe, all areas of the audited facilities.</p> <p>The auditing team was allowed to tour the entire facility, including locked areas when requested.</p> <p>*115.401 (m) The auditor shall be permitted to conduct private interviews with inmates.</p> <p>All interviews were conducted in private.</p> <p>*115.401 (n) Inmates shall be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.</p> <p>The signs soliciting comments were posted as requested Some of the signs were still in evidence at the time of the on-site visit.</p> <p>115.401 SUMMARY</p> <p>A determination of MEETS STANDARD was assigned for the following reasons:</p> <p>&gt;Audit team observations confirmed each part of the standard</p>

115.403	<b>Audit contents and findings</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>*115.403 (f) The agency shall ensure that the auditor’s final report is published on the agency’s website if it has one, or is otherwise made readily available to the public.</p> <p>The requisite reports appear on the agency's website.</p> <p><a href="https://doc.wi.gov/Pages/AboutDOC/PrisonRapeEliminationAct.aspx">https://doc.wi.gov/Pages/AboutDOC/PrisonRapeEliminationAct.aspx</a></p>

## Appendix: Provision Findings

115.11 (a)	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>	
	Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment?	yes
	Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment?	yes

115.11 (b)	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>	
	Has the agency employed or designated an agency-wide PREA Coordinator?	yes
	Is the PREA Coordinator position in the upper-level of the agency hierarchy?	yes
	Does the PREA Coordinator have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities?	yes

115.11 (c)	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>	
	If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.)	yes
	Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.)	yes

115.12 (a)	<b>Contracting with other entities for the confinement of inmates</b>	
	If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	yes

115.12 (b)	<b>Contracting with other entities for the confinement of inmates</b>	
	Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates OR the response to 115.12(a)-1 is "NO".)	yes

115.13 (a)	<b>Supervision and monitoring</b>	
	Does the agency ensure that each facility has developed a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?	yes
	Does the agency ensure that each facility has documented a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the generally accepted detention and correctional practices in calculating adequate staffing levels and determining the need for video monitoring?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration any judicial findings of inadequacy in calculating adequate staffing levels and determining the need for video monitoring?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration any findings of inadequacy from Federal investigative agencies in calculating adequate staffing levels and determining the need for video monitoring?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration any findings of inadequacy from internal or external oversight bodies in calculating adequate staffing levels and determining the need for video monitoring?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration all components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated) in calculating adequate staffing levels and determining the need for video monitoring?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the composition of the inmate population in calculating adequate staffing levels and determining the need for video monitoring?	yes
	Does the agency ensure that each facility's staffing plan takes into	yes

	consideration the number and placement of supervisory staff in calculating adequate staffing levels and determining the need for video monitoring?	
	Does the agency ensure that each facility's staffing plan takes into consideration the institution programs occurring on a particular shift in calculating adequate staffing levels and determining the need for video monitoring?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration any applicable State or local laws, regulations, or standards in calculating adequate staffing levels and determining the need for video monitoring?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the prevalence of substantiated and unsubstantiated incidents of sexual abuse in calculating adequate staffing levels and determining the need for video monitoring?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration any other relevant factors in calculating adequate staffing levels and determining the need for video monitoring ?	yes

<b>115.13 (b)</b>	<b>Supervision and monitoring</b>	
	In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.)	na

<b>115.13 (c)</b>	<b>Supervision and monitoring</b>	
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan?	yes

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 in non-exigent circumstances? (N/A here for facilities with less than 50 inmates before August 20,2017.)	na
	Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A here for facilities with less than 50 inmates before August 20,2017.)	na

115.15 (c)	Limits to cross-gender viewing and searches	
	Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?	yes
	Does the facility document all cross-gender pat-down searches of female inmates?	yes

115.15 (d)	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility implement a policy and practice that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit?	yes

115.15 (e)	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status?	yes
	If an inmate's genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner?	yes

115.15 (f)	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes
	Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes

115.16 (a)	<b>Inmates with disabilities and inmates who are limited English proficient</b>	
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all	yes



	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?	
	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)	<b>Hiring and promotion decisions</b>	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the hiring or promotion of anyone who 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)	<b>Hiring and promotion decisions</b>	
	Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates?	yes

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

<b>115.17 (g)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes

<b>115.17 (h)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.)	yes

<b>115.18 (a)</b>	<b>Upgrades to facilities and technologies</b>	
	If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)	na

<b>115.18 (b)</b>	<b>Upgrades to facilities and technologies</b>	
	If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)	na

115.21 (a)	<b>Evidence protocol and forensic medical examinations</b>	
	If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes

115.21 (b)	<b>Evidence protocol and forensic medical examinations</b>	
	Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
	Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice’s Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents,” or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes

115.21 (c)	<b>Evidence protocol and forensic medical examinations</b>	
	Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate?	yes
	Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?	yes
	If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?	yes
	Has the agency documented its efforts to provide SAFEs or SANEs?	yes

115.21 (d)	<b>Evidence protocol and forensic medical examinations</b>	
	Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?	yes
	If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member?	yes
	Has the agency documented its efforts to secure services from rape crisis centers?	yes

115.21 (e)	<b>Evidence protocol and forensic medical examinations</b>	
	As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews?	yes
	As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?	yes

115.21 (f)	<b>Evidence protocol and forensic medical examinations</b>	
	If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating entity follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.)	yes

115.21 (h)	<b>Evidence protocol and forensic medical examinations</b>	
	If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency attempts to make a victim advocate from a rape crisis center available to victims per 115.21(d) above.)	yes

115.22 (a)	<b>Policies to ensure referrals of allegations for investigations</b>	
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse?	yes
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment?	yes

115.22 (b)	<b>Policies to ensure referrals of allegations for investigations</b>	
	Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior?	yes
	Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?	yes
	Does the agency document all such referrals?	yes

115.22 (c)	<b>Policies to ensure referrals of allegations for investigations</b>	
	If a separate entity is responsible for conducting criminal investigations, does such publication describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).)	yes



115.31 (a)	<b>Employee training</b>	
	Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?	yes
	Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?	yes
	Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims?	yes
	Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse?	yes
	Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?	yes

115.31 (b)	<b>Employee training</b>	
	Is such training tailored to the gender of the inmates at the employee's facility?	yes
	Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa?	yes

115.31 (c)	<b>Employee training</b>	
	Have all current employees who may have contact with inmates received such training?	yes
	Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures?	yes
	In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies?	yes

115.31 (d)	<b>Employee training</b>	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes

115.32 (a)	<b>Volunteer and contractor training</b>	
	Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes

115.32 (b)	<b>Volunteer and contractor training</b>	
	Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)?	yes

<b>115.32 (c)</b>	<b>Volunteer and contractor training</b>	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes

<b>115.33 (a)</b>	<b>Inmate education</b>	
	During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes

<b>115.33 (b)</b>	<b>Inmate education</b>	
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents?	yes

<b>115.33 (c)</b>	<b>Inmate education</b>	
	Have all inmates received such education?	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 have received training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes

115.34 (b)	<b>Specialized training: Investigations</b>	
	Does this specialized training include techniques for interviewing sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include proper use of Miranda and 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)	<b>Specialized training: Investigations</b>	
	Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes

115.35 (a)	<b>Specialized training: Medical and mental health care</b>	
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment?	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?	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?	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?	yes

<b>115.35 (b)</b>	<b>Specialized training: Medical and mental health care</b>	
	If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams.)	na

<b>115.35 (c)</b>	<b>Specialized training: Medical and mental health care</b>	
	Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere?	yes

<b>115.35 (d)</b>	<b>Specialized training: Medical and mental health care</b>	
	Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31?	yes
	Do medical and mental health care practitioners contracted by and volunteering for the agency also receive training mandated for contractors and volunteers by §115.32?	yes

<b>115.41 (a)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
	Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes

<b>115.41 (b)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Do intake screenings ordinarily take place within 72 hours of arrival at the facility?	yes

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, when 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, when 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, when 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 a: Incident of sexual abuse?	yes
	Does the facility reassess an inmate's risk level when warranted due to a: Receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness?	yes

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

<b>115.41 (i)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates?	yes

<b>115.42 (a)</b>	<b>Use of screening information</b>	
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments?	yes

<b>115.42 (b)</b>	<b>Use of screening information</b>	
	Does the agency make individualized determinations about how to ensure the safety of each inmate?	yes

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?	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?	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?	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 access to programs, privileges, education, or work opportunities, does the facility document: The opportunities that have been limited?	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The duration of the limitation?	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The reasons for such limitations?	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?	yes

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.)	na
	Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.)	na

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.)	na
	Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	na

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.)	na
	If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)	na
	At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)	na



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.)	na
	Are those third parties also permitted to file such requests on behalf of inmates? (If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.)	na
	If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)	na

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.)	na
	After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.)	na
	After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.)	na
	After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)	na
	Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	na
	Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	na
	Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	na

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.)	na

115.53 (a)	<b>Inmate access to outside confidential support services</b>	
	Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations?	yes
	Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies?	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)	<b>Inmate access to outside confidential support services</b>	
	Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws?	yes

115.53 (c)	<b>Inmate access to outside confidential support services</b>	
	Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse?	yes
	Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements?	yes

115.54 (a)	<b>Third-party reporting</b>	
	Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment?	yes
	Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate?	yes

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

<b>115.61 (e)</b>	<b>Staff and agency reporting duties</b>	
	Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators?	yes

<b>115.62 (a)</b>	<b>Agency protection duties</b>	
	When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate?	yes

<b>115.63 (a)</b>	<b>Reporting to other confinement facilities</b>	
	Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred?	yes

<b>115.63 (b)</b>	<b>Reporting to other confinement facilities</b>	
	Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?	yes

<b>115.63 (c)</b>	<b>Reporting to other confinement facilities</b>	
	Does the agency document that it has provided such notification?	yes

<b>115.63 (d)</b>	<b>Reporting to other confinement facilities</b>	
	Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?	yes

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

<b>115.66 (a)</b>	<b>Preservation of ability to protect inmates from contact with abusers</b>	
	Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes

<b>115.67 (a)</b>	<b>Agency protection against retaliation</b>	
	Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff?	yes
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes

<b>115.67 (b)</b>	<b>Agency protection against retaliation</b>	
	Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations?	yes

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 residents 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



<b>115.67 (e)</b>	<b>Agency protection against retaliation</b>	
	If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?	yes

<b>115.68 (a)</b>	<b>Post-allegation protective custody</b>	
	Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43?	yes

<b>115.71 (a)</b>	<b>Criminal and administrative agency investigations</b>	
	When the agency conducts its own investigations into allegations 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

<b>115.71 (b)</b>	<b>Criminal and administrative agency investigations</b>	
	Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34?	yes

<b>115.71 (c)</b>	<b>Criminal and administrative agency investigations</b>	
	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
	Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
	Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes

<b>115.71 (d)</b>	<b>Criminal and administrative agency investigations</b>	
	When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?	yes

<b>115.71 (e)</b>	<b>Criminal and administrative agency investigations</b>	
	Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes

<b>115.71 (f)</b>	<b>Criminal and administrative agency investigations</b>	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes
	Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?	yes

<b>115.71 (g)</b>	<b>Criminal and administrative agency investigations</b>	
	Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?	yes

<b>115.71 (h)</b>	<b>Criminal and administrative agency investigations</b>	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes

<b>115.71 (i)</b>	<b>Criminal and administrative agency investigations</b>	
	Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	yes

<b>115.71 (j)</b>	<b>Criminal and administrative agency investigations</b>	
	Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?	yes

<b>115.71 (l)</b>	<b>Criminal and administrative agency investigations</b>	
	When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).)	yes

<b>115.72 (a)</b>	<b>Evidentiary standard for administrative investigations</b>	
	Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?	yes

<b>115.73 (a)</b>	<b>Reporting to inmates</b>	
	Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	yes

<b>115.73 (b)</b>	<b>Reporting to inmates</b>	
	If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)	yes

115.73 (c)	Reporting to inmates	
	Following a inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the inmate's unit?	yes
	Following a 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 a 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 a 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

<b>115.73 (e)</b>	<b>Reporting to inmates</b>	
	Does the agency document all such notifications or attempted notifications?	yes

<b>115.76 (a)</b>	<b>Disciplinary sanctions for staff</b>	
	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes

<b>115.76 (b)</b>	<b>Disciplinary sanctions for staff</b>	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes

<b>115.76 (c)</b>	<b>Disciplinary sanctions for staff</b>	
	Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories?	yes

<b>115.76 (d)</b>	<b>Disciplinary sanctions for staff</b>	
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies(unless the activity was clearly not criminal)?	yes
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?	yes

115.77 (a)	<b>Corrective action for contractors and volunteers</b>	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?	yes

115.77 (b)	<b>Corrective action for contractors and volunteers</b>	
	In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates?	yes

115.78 (a)	<b>Disciplinary sanctions for inmates</b>	
	Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process?	yes

115.78 (b)	<b>Disciplinary sanctions for inmates</b>	
	Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories?	yes

115.78 (c)	<b>Disciplinary sanctions for inmates</b>	
	When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior?	yes

<b>115.78 (d)</b>	<b>Disciplinary sanctions for inmates</b>	
	If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits?	yes

<b>115.78 (e)</b>	<b>Disciplinary sanctions for inmates</b>	
	Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact?	yes

<b>115.78 (f)</b>	<b>Disciplinary sanctions for inmates</b>	
	For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation?	yes

<b>115.78 (g)</b>	<b>Disciplinary sanctions for inmates</b>	
	Does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.)	yes

<b>115.81 (a)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening?	yes

<b>115.81 (b)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)	yes

<b>115.81 (c)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening?	yes

<b>115.81 (d)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?	yes

<b>115.81 (e)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	yes

<b>115.82 (a)</b>	<b>Access to emergency medical and mental health services</b>	
	Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?	yes



115.82 (b)	<b>Access to emergency medical and mental health services</b>	
	If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62?	yes
	Do security staff first responders immediately notify the appropriate medical and mental health practitioners?	yes

115.82 (c)	<b>Access to emergency medical and mental health services</b>	
	Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate?	yes

115.82 (d)	<b>Access to emergency medical and mental health services</b>	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes

115.83 (a)	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?	yes

115.83 (b)	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody?	yes

<b>115.83 (c)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Does the facility provide such victims with medical and mental health services consistent with the community level of care?	yes

<b>115.83 (d)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if all-male facility.)	na

<b>115.83 (e)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if all-male facility.)	na

<b>115.83 (f)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes

<b>115.83 (g)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes

<b>115.83 (h)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)	yes

<b>115.86 (a)</b>	<b>Sexual abuse incident reviews</b>	
	Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded?	yes

<b>115.86 (b)</b>	<b>Sexual abuse incident reviews</b>	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes

<b>115.86 (c)</b>	<b>Sexual abuse incident reviews</b>	
	Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?	yes

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

<b>115.87 (c)</b>	<b>Data collection</b>	
	Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice?	yes

<b>115.87 (d)</b>	<b>Data collection</b>	
	Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?	yes

<b>115.87 (e)</b>	<b>Data collection</b>	
	Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.)	yes

<b>115.87 (f)</b>	<b>Data collection</b>	
	Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)	yes

<b>115.88 (a)</b>	<b>Data review for corrective action</b>	
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?	yes
	Does the agency review data collected and aggregated pursuant 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

<b>115.88 (b)</b>	<b>Data review for corrective action</b>	
	Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse?	yes

<b>115.88 (c)</b>	<b>Data review for corrective action</b>	
	Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means?	yes

<b>115.88 (d)</b>	<b>Data review for corrective action</b>	
	Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility?	yes

<b>115.89 (a)</b>	<b>Data storage, publication, and destruction</b>	
	Does the agency ensure that data collected pursuant to § 115.87 are securely retained?	yes

<b>115.89 (b)</b>	<b>Data storage, publication, and destruction</b>	
	Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means?	yes

<b>115.89 (c)</b>	<b>Data storage, publication, and destruction</b>	
	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes

<b>115.89 (d)</b>	<b>Data storage, publication, and destruction</b>	
	Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise?	yes

<b>115.401 (a)</b>	<b>Frequency and scope of audits</b>	
	During the three-year period starting on August 20, 2013, and during each three-year period thereafter, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once.? (N/A before August 20, 2016.)	yes

<b>115.401 (b)</b>	<b>Frequency and scope of audits</b>	
	During each one-year period starting on August 20, 2013, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited?	yes

<b>115.401 (h)</b>	<b>Frequency and scope of audits</b>	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes

<b>115.401 (i)</b>	<b>Frequency and scope of audits</b>	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes

<b>115.401 (m)</b>	<b>Frequency and scope of audits</b>	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes

<b>115.401 (n)</b>	<b>Frequency and scope of audits</b>	
	Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes

<b>115.403 (f)</b>	<b>Audit contents and findings</b>	
	The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports within 90 days of issuance by auditor. The review period is for prior audits completed during the past three years PRECEDING THIS AGENCY AUDIT. In the case of single facility agencies, the auditor shall ensure that the facility's last audit report was published. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or in the case of single facility agencies that there has never been a Final Audit Report issued.)	yes