

Prison Rape Elimination Act (PREA) Audit Report

Adult Prisons & Jails

Interim Final

Date of Report May 30, 2019

Auditor Information

Name: Sonya Love

Email: sonya.love@nakamotogroup.com

Company Name: The Nakamoto Group, Inc.

Mailing Address: 11820 Parklawn Drive, Suite 240

City, State, Zip: Rockville, MD. 20852

Telephone: 301-468-6535

Date of Facility Visit: February 25 – 28, 2019

Agency Information

Name of Agency:
Federal Bureau of Prisons

Governing Authority or Parent Agency (If Applicable):
U.S. Department of Justice

Physical Address: 320 First Street, NW

City, State, Zip: Washington, DC 20534

Mailing Address: 320 First Street, NW

City, State, Zip: Washington, DC 20534

Telephone: 202-307-3198

Is Agency accredited by any organization? Yes No

The Agency Is:

Military

Private for Profit

Private not for Profit

Municipal

County

State

Federal

Agency mission: The mission of the Federal Bureau of Prisons is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

Agency Website with PREA Information:

https://www.bop.gov/inmates/custody_and_care/sexual_abuse_prevention.jsp

Agency Chief Executive Officer

Name: Hugh Hurwitz

Title: Acting Director

Email: BOP-CPD/PREACoordinator@BOP.GOV

Telephone: 202-616-2112

Agency-Wide PREA Coordinator

Name: Jill Roth

Title: National PREA Coordinator

Email: BOP-CPD/PREACoordinator@BOP.GOV	Telephone: 202-616-2112
PREA Coordinator Reports to: R.L. Rhodes, Acting Assistant Director, Reentry Services Division	Number of Compliance Managers who report to the PREA Coordinator None

Facility Information

Name of Facility: Federal Correctional Institution (FCI) Fairton			
Physical Address: 655 Fairton-Millville Road, Fairton NJ 08320			
Mailing Address (if different than above): P.O. Box 280, Fairton NJ 08320			
Telephone Number: 856-453-1177			
The Facility Is:	<input type="checkbox"/> Military	<input type="checkbox"/> Private for profit	<input type="checkbox"/> Private not for profit
<input type="checkbox"/> Municipal	<input type="checkbox"/> County	<input type="checkbox"/> State	<input checked="" type="checkbox"/> Federal
Facility Type:	<input type="checkbox"/> Jail	<input checked="" type="checkbox"/> Prison	

Facility Mission: The mission of the institution is to fulfill a public service obligation by confining offenders in a safe, humane, sanitary, and economically efficient facility and to provide work and self-improvement opportunities to assist offenders in becoming law-abiding citizens.

Facility Website with PREA Information:
https://www.bop.gov/inmates/custody_and_care/sexual_abuse_prevention.jsp

Warden/Superintendent

Name: Scott Young	Title: Warden
Email: FAI/PREAComplianceMgr@bop.gov	Telephone: 856-453-1177

Facility PREA Compliance Manager

Name: Jamal Jamison	Title: Associate Warden
Email: FAI/PREAComplianceMgr@bop.gov	Telephone: 856-453-1177

Facility Health Service Administrator

Name: Brian Murphy	Title: Health Services Administrator
Email: FAI/PREAComplianceMgr@bop.gov	Telephone: 856-453-1177

Facility Characteristics

Designated Facility Capacity: 880	Current Population of Facility: 966
Number of inmates admitted to facility during the past 12 months	631

Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 30 days or more:		621	
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 72 hours or more:		621	
Number of inmates on date of audit who were admitted to facility prior to August 20, 2012:		953	
Age Range of Population:	Youthful Inmates Under 18: 0	Adults: 18 - 79	
Are youthful inmates housed separately from the adult population?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input checked="" type="checkbox"/> NA	
Number of youthful inmates housed at this facility during the past 12 months:		N/A	
Average length of stay or time under supervision:		75.8 Months	
Facility security level/inmate custody levels:		FCI: High, Medium, Low Security/ In custody FCI: Minimum Security/Out and Community Custody	
Number of staff currently employed by the facility who may have contact with inmates:		267	
Number of staff hired by the facility during the past 12 months who may have contact with inmates:		23	
Number of contracts in the past 12 months for services with contractors who may have contact with inmates:		28	
Physical Plant			
Number of Buildings: 14 inside and 6 outside		Number of Single Cell Housing Units: 0	
Number of Multiple Occupancy Cell Housing Units:		9	
Number of Open Bay/Dorm Housing Units:		1	
Number of Segregation Cells (Administrative and Disciplinary):		48	
Description of any video or electronic monitoring technology (including any relevant information about where cameras are placed, where the control room is, retention of video, etc.): FCI Fairton utilizes a video camera system for video surveillance. Cameras are placed strategically throughout the facility to ensure the safety and security of both inmates and staff. Several cameras have been added since the previous PREA audit in 2016.			
Medical			
Type of Medical Facility:		Care Level 2	
Forensic sexual assault medical exams are conducted at:		Inspira Medical Center, Vineland, NJ	
Other			
Number of volunteers and individual contractors, who may have contact with inmates, currently authorized to enter the facility:		41	
Number of investigators the agency currently employs to investigate allegations of sexual abuse:		253	

Audit Findings

Audit Narrative

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

Overview

The on-site Prison Rape Elimination Act (PREA) compliance audit of Federal Correctional Institution (FCI) and the Satellite Prison Camp (SCP), located in Fairton, New Jersey was conducted on February 25-28, 2019 by U.S. Department of Justice (DOJ) certified PREA Auditor, Sonya Love, The Nakamoto Group, Inc. The Auditor conducted an opening meeting, toured the entire facility, interviewed a random sample of staff and inmates, and reviewed PREA related staff and inmate documentation. Upon completion of the onsite audit process, a closing meeting was held with the administrative staff to discuss the next step in the audit process.

Pre-Audit Phase

This is the second PREA (Prison Rape Elimination Act) audit for the Federal Correctional Institution Fairton, New Jersey. The standards used for this audit became effective August 20, 2012. An internet search confirmed the FCI Fairton 2016 PREA Report was posted on the facility's website August 10, 2016.

The Auditor found the Admissions and Orientation Handbook, in both English and Spanish, located on the facility's website. The handbook contained information such as the facility rules, available programs and services, details on the inmate telephone system (TRUFONE), intake screening and orientation process information and specifics on the inmate Electronic Bulletin Board (EBB), available to inmates via a TRULINCS terminal located on each housing unit.

TRULINCS is one mechanism available for inmates to correspond with the Federal Bureau of Prisons' (BOP) National PREA Coordinator, Institution PREA Compliance Manager (IPCM), the Warden, Regional Director and the Office of the Inspector General (OIG), and U.S. Department of Justice.

An examination of the inmate handbook revealed that the facility notifies all inmates:

- Telephone calls are subject to monitoring and recording except for unmonitored inmate calls to attorneys.
- There is a zero-tolerance policy and no-tolerance philosophy for sexual victimization.

- There is a process in place to conduct investigations into all allegations of sexual abuse and sexual harassment.
- Provides information on how to access advocacy services in the local community.
- There is a comprehensive grievance process (Administrative Remedy).
- Their rights and responsibilities.
- There are guidelines for inmate correspondence.
- How to access health care.
- Consensual sexual contact with staff and other inmates is prohibited.

The Auditor completed a review of the Pre-Audit Questionnaire (PAQ), applicable program statements, institution supplements, and other supportive documentation. Telephone calls and emails were exchanged between the Bureau of Prisons (BOP) Management Analyst assigned to serve as a liaison between the facility and the Auditor during the audit process.

The following documentation was requested to be provided on the first day of the onsite audit:

- Individual rosters of inmates by unit which includes inmates with disabilities, Limited English Proficient (LEP), LGBTI, inmates who reported sexual abuse, and inmates who reported sexual victimization during risk screening
- Individual rosters of staff by shift, new employees in the past 12 months, and specialized staff identified by the auditor.
- Inmate census the first day of the audit
- Quarterly Salary Workforce minutes 2018
- Unannounced institutional rounds (TRUSCOPE)
- List of contact information for volunteers
- SANE/SAFE point of contact information
- Copies of training acknowledgments for volunteers and contractors

Entrance Briefing and Tour (On-site Audit)-First day

The on-site visit for the Prison Rape Elimination Act (PREA) compliance audit of the Federal Correctional Institution (FCI) Fairton was conducted on February 25-28, 2019. The population on the first day of the audit was 664. The rated capacity is 712. A meeting took place with management staff to outline the Auditor's sampling strategy, logistics for the facility tour, interview schedule and to discuss the need to review additional supportive documentation. The Auditor was provided a private room in which to work and conduct confidential interviews. All requested files and rosters, both staff and inmates, were made available to the Auditor for review.

The tour of FCI Fairton included the Receiving and Discharge (R&D) intake processing areas, all housing units, the Special Housing Unit (SHU), the Health Services Department, Recreation, Food Service, facility support areas, Education, Visiting Room, Psychology Services, other programming areas, and UNICOR. Unit Management office space was found on each housing unit and it was easily accessible to inmates.

The Special Housing Unit (SHU) has 48 segregation cells. During the onsite visit, no inmates were housed in SHU as a result of sexual victimization. All housing units were equipped with showers and privacy curtains. All housing units had toilet stalls with privacy screens to protect the privacy of inmates. The tour revealed missing shower curtains that were immediately replaced.

The auditor interviewed the following categories of specialized and random staff, during the on-site phase of the audit:

Category of Staff Interviewed	# Interviews Conducted
Random Staff	20
Specialized Staff	27
Total Staff Interviewed	47

Note: Selected from all shifts

Other staff interactions during the facility tour	# Interviews Conducted
Staff Interactions during the facility tour	1
Staff who refused to be interviewed	0
Total Staff Interviewed	1

Category of Specialized Staff Interviewed	# Interviews Conducted
Agency Contract Administrator	1
Intermediate or higher-level facility staff responsible for conducting an announced round to identify and deter staff sexual abuse and sexual harassment	3
Line staff who supervise youthful inmates, if any	0
Education staff who work with youthful inmates, if any	0
Program staff who work with youthful inmates, if any	0
Medical staff	3
Mental health staff	2
Administrative (human resource) staff	1
SAFE and SANE staff	1
Volunteers who have contact with inmates	4
Contractors who have contact with inmates	0
Investigative staff	2
Staff who perform screening for risk of victimization and abusiveness	3
Staff who supervise inmates in segregated housing	2
Designated staff member charged with monitoring retaliation	1
First responders, security staff	1
First responders, non-security staff	1

Intake staff	2
Total staff interviewed	27

Site Review

Immediately following the opening meeting, a tour of the facility was completed. The Auditor was escorted by the IPCM. During the tour, the Auditor reviewed PREA related documentation and materials located on bulletin boards. The Auditor observed camera surveillance, physical supervision, and electronic monitoring capabilities throughout the facility. Other areas of focus during the facility tour included, but were not limited to, levels of staff supervision, and limits to cross-gender viewing. All signs and postings were in both English and Spanish. Inmates can shower, dress, and use the toilet facilities without exposing themselves to employees of the opposite gender. Informal and formal conversations with employees and inmates regarding the PREA standards were conducted. Postings regarding PREA violation reporting and the agency's zero-tolerance policy for sexual abuse and sexual harassment were prominently displayed in all housing units and other meeting areas throughout the facility. Audit notice postings with the PREA Auditor's contact information were posted in the same areas and were posted within the time limits outlined in the standard. Inmate interviews confirmed the placement of the PREA notices. Other notable observations during the tour:

- Zero inmates were housed in SHU because of an allegation of victimization.
- Crime Stoppers # 1-856-575-5431 was posted on all housing units.
- There are no youthful offenders.
- TRULINCS and telephones were assessable to inmates and found in good working order.

Inmate Interviews

At the time of the audit, there were 664 male inmates housed at FCI Fairton. A total of 30 inmates were interviewed which included one Limited English Proficiency (LEP), four physically disabled, two blind inmates, and two inmates who self-identified as being a part of the LGBTI community. In addition, the Auditor interviewed one inmate who reported sexual abuse and one inmate who reported sexual victimization during risk screening. No inmates refused to be interviewed. Interviews were conducted using the Department of Justice (DOJ) protocols to assess inmate's knowledge of PREA and the reporting mechanisms available to them.

Staff Interviews

A total of 47 staff members were interviewed to include correctional officers (from all three shifts) and administrative/specialized staff. The administrative staff included the Human Resource Manager, IPCM Associate Warden, lieutenants, Health Services Administrator, Psychologist, and unit managers. Staff interviews confirmed they were all trained to act as first responders in the event of a PREA related incident. Both random and specialized staff were interviewed on each day of the on-site audit.

The Auditor conducted a telephone interview with the local community victim advocacy organization which confirmed that FCI Fairton has a relationship with an organization that will provide a 24 hours per day, seven days per week Sexual Assault Hotline, medical accompaniment and advocacy for an inmate victim of sexual assault. A representative at the Inspira Medical Center confirmed that forensic examinations of inmates of sexual assault will be conducted by trained SANE/SAFE at the hospital.

File Review

The Auditor reviewed the FCI Fairton training ledger to confirm that random and specialized staff interviewed during the audit were following PREA training mandates. The Auditor confirmed compliance with training requirements established by PREA. The screening and intake procedures were evaluated by reviewing 30 random and targeted inmate files which included a vulnerability assessment instrument and inmate education verification documentation and interviews with intake and Unit Team staff.

Investigations

During the current auditing period, there were ten reported allegations of sexual abuse/sexual harassment. All investigations are handled by either the Office of the Inspector General (OIG), Federal Bureau of Investigation (FBI), or the facility's Special Investigative Services Department. Information is transmitted quickly to the appropriate investigating agency. The IPCM is responsible for receiving verbal and telephonic referrals 24 hours a day, seven days a week. Additionally, abuse investigation outcomes and general protective services assessment outcomes are submitted to, reviewed by, and finalized by the IPCM which is forwarded to the appropriate higher authority. The investigative packets on the ten reported cases were reviewed and found to be comprehensive in keeping with standard requirements.

Closeout

A closing meeting was held with the Auditor and the administrative staff on February 28, 2019. Discussions centered around the audit process, preliminary findings, and the post-audit process. The Auditor thanked the staff for their hard work and dedication to the PREA process.

Facility Characteristics

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

The Federal Correctional Institution (FCI) Fairton is located in New Jersey. The facility is located on the northwestern end of the property, approximately six miles from Interstate 64. There are three entrance and exit points for the facility, including the front entrance (primary

entrance), the receiving and discharge entrance (east gate), and the rear gate. The FCI is a medium security level facility with a total of 27 acres within the secure perimeter. The facility includes a Satellite Prison Camp (SCP). There are 248 allocated staff positions for both the FCI and the SCP.

The SCP is comprised of approximately five acres with four structures. The main structure contains the visiting room, food service, laundry/commissary, unit management offices, the control center, and administration offices. The second and third buildings serve as inmate housing units. Behind the housing units are the indoor recreation area, weight room, Chapel, and education department.

The Camp is an all-male, minimum-security facility which was activated in 1992. The Camp inmates provide labor to support the operation of the FCI.

The facility offers various educational opportunities which include, but not limited to:

General Educational Development (GED)

The GED program is offered in English and Spanish and covers all academic levels.

Adult Continuing Education (ACE)

The ACE Program is designed to provide continuing educational experiences in a wide variety of high interest subject areas. Course offerings are determined by inmate surveys and by staff requests.

Courses with a business emphasis have been popular with the inmate population. The Adult Continuing Education Program includes general interest courses designed to enrich inmates' general knowledge in particular subjects. Classes are from eight to twelve weeks in length and course completion is noted on a student transcript.

English as a Second Language (ESL)

ESL is mandatory for non-English speaking inmates. An exemption is granted to limited English speaking inmates who demonstrate English proficiency at the eighth-grade level on the CASAS (Comprehensive Adult Student Assessment System) Examination.

The FCI offers various job opportunities throughout the facility and operates a Federal Prison Industries factory under the trade name UNICOR which provides employment opportunities for inmates.

Summary of Audit Findings

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

Overview

During the auditing period, FCI Fairton reported ten allegations of sexual abuse/harassment in the revised Pre-Audit Questionnaire (PAQ). There is a well-established zero-tolerance culture throughout the institution with documentation addressing PREA standards. The agency, Bureau of Prisons (BOP), maintains agency policies and FCI Fairton has developed more facility specific PREA supplemental guidance for staff. FCI Fairton has a system to capture criminal five-year records checks of current employees and contractors. The Auditor was provided documentation that twenty criminal background checks were conducted in the past 12 months on current employees and seven criminal background checks on new employees. A random review of forty-seven random and specialized employee training records established compliance with PREA training and background mandates.

Staff Interviews

Interviews with random and specialized staff confirmed that staff understood the agency position regarding the Prison Rape Elimination Act (PREA). Random and specialized staff were knowledgeable about their roles in the prevention, reporting, and detection of sexual abuse and sexual harassment, and their responsibilities in the event of a PREA related incident, particularly as a first responder. Each staff member (Random and Specialized) verbalize the steps they would take as a first responder to a PREA related incident. Reporting mechanisms were displayed in all common areas throughout the facility. A review of the FCI Fairton staff training ledger and curriculum was completed by the Auditor. The records of training support the finding that all staff have received general PREA training.

Inmate Interviews

Interviews with inmates revealed a good understanding of the PREA safeguards and the zero-tolerance policy. Comprehensive inmate PREA education is provided in written form (i.e. Inmate Handbook, entrance packet), personal instruction, videos, and posters. Thirty vulnerability assessment instruments were reviewed by the Auditor which affirmed that intake and classification assessments are efficient and seamless in addressing referrals based on victimization or abusiveness screening data. Inmates (Random and Targeted) interviews acknowledged the admissions screening process included questions regarding any history of sexual abuse or victimization and whether they would like to identify a sexual preference. Inmates expressed during interviews that they were aware of how to report abuse internally and externally. Random and targeted inmates expressed trust in the staff, and they felt

comfortable reporting abuse to facility staff. Some inmates were very aware of the services provided by the local victim advocacy organization. Other inmates had a vague knowledge of community advocacy services available to victims of abuse, but they knew how to obtain more information about advocacy services from Unit Team members in the facility.

During the audit, it was discovered a supervisor conducting unannounced rounds was in two different locations at the exact same time. Another supervisor documented rounds in SHU, located in the interior of the main facility and minutes later the same supervisor documented making rounds at the work camp located outside the main perimeter. FCI Fairton utilizes a paper-driven system to document unannounced rounds which can be easily manipulated which is in violation of Standard 115.13. Corrective action included all supervisors were re-trained in accordance with the standard and policy. Each supervisor signed an acknowledgement form confirming their participation in the training class. The signature page was provided to the Auditor. The facility provided documentation to the Auditor that indicated that they corrected the deficiency and are in full compliance with 115.13.

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

Number of Standards Exceeded: 0

Number of Standards Met: 45

- §115.11; §115.12; §115.13; §115.14; §115.15; §115.16; §115.17; §115.18
- §115.21; §115.22
- §115.31; §115.32; §115.33; §115.34; §115.35
- §115.41; §115.42; §115.43
- §115.51; §115.52; §115.53; §115.54
- §115.61; §115.62; §115.63; §115.64; §115.65; §115.66; §115.67; §115.68
- §115.71; §115.72; §115.73; §115.76; §115.77; §115.78
- §115.81; §115.82; §115.83; §115.86; §115.87; §115.88; §115.89
- §115.401; §115.403

Number of Standards Not Met: 0

Summary of Corrective Action (if any)

Standard 115.13: Supervision and monitoring. During the audit, it was discovered a supervisor conducting unannounced rounds was in two different locations at the exact same time. Another supervisor documented rounds in SHU, located in the interior of the main facility and minutes later the same supervisor documented making rounds at the work camp located outside the main perimeter. FCI Fairton utilizes a paper-driven system to document

unannounced rounds which can be easily manipulated. All supervisors were re-trained in accordance with Standard 115.13. Each supervisor signed an acknowledgement form confirming their participation in the training class. The signature page was provided to the Auditor. The auditor reviewed documentation of unannounced rounds after re-training was completed to determine the effectiveness of the re-training of staff. The staff conducting rounds documentation were not correct. The facility needs to provide documentation during the six month CAP to support compliance with the standard. The facility provided documentation to the Auditor through May 29, 2019 that indicated that they corrected the deficiency and are in full compliance with 115.13.

Standard 115.15: Limits to Cross-gender viewing and searches. The facility has several four-man rooms which allowed for cross-gender viewing of inmates while dressing and using the toilet. FCI Fairton corrected the problem during the on-site audit by installing privacy friendly curtains.

Standard 115.86: Sexual abuse incident reviews. The auditor reviewed ten investigative files and found one investigation in which the inmate was reported the outcome to an investigation on 3/27/18 but the investigation has a completion date on 5/11/19. Another investigative file revealed that the investigation concluded on 5/11/18 with the sexual abuse incident review taking place on 7/30/18. FCI Fairton corrected the problem during the onsite visit by alerting staff regarding the time-imposed constraints outlined in Standard 115.86, re-training staff on this standard, and correcting problems with routing investigative packets to the Warden for review.

PREVENTION PLANNING

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

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

115.11 (a)

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

115.11 (b)

- Has the agency employed or designated an agency-wide PREA Coordinator? Yes No
- Is the PREA Coordinator position in the upper-level of the agency hierarchy? Yes No
- Does the PREA Coordinator have sufficient time and authority to develop, implement, and

oversee agency efforts to comply with the PREA standards in all of its facilities?

Yes No

115.11 (c)

- If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.) Yes No NA
- Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.) Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire (PAQ)
2. Program Statement (PS) 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. Institutional Supplement (IS) FAI 5324.12
4. Employee PREA training Curriculum and Sign-in sheets
5. FCI Fairton Employee Handbook
6. Admissions and Orientation (A&O) Handbook
7. Sexually Abusive Behavior Prevention and Intervention Pamphlet (SABPIP)
8. 2019 Corporate Organizational Chart
9. Interviews with the following:
 - a. Institution PREA Compliance Manager (IPCM)/Associate Warden

The agency's zero-tolerance policy against sexual abuse was clearly established in the above documentation and via interviews. The agency's zero-tolerance toward sexual abuse is clearly established and the policy also outlines the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment allegations. The Associate Warden serves as the Institution PREA Compliance Manager (IPCM). In addition to the IPCM, the agency has designated a National PREA Coordinator and a PREA Coordinator assigned to each regional office to ensure adherence to the PREA. The IPCM reports to the Warden. Zero-tolerance posters are displayed throughout every area of the facility. Agency and facility directives outline a zero-tolerance policy for all forms of sexual abuse and sexual harassment. Inmates are informed orally and in writing about the zero-tolerance policy and the PREA program during in-processing and are required to view a video during admissions and orientation presentations. PREA program information is contained in the Admissions and Orientation (A&O) Handbook, the Sexually Abusive Behavior Prevention and Intervention Pamphlet (SABPIP), and is posted throughout the facility, as observed during the tour by this Auditor. All PREA information, both video and written, is available in English and Spanish. Interpretive services are available for inmates who do not speak or read English or Spanish. Both institution staff and inmates are provided with multiple opportunities to become informed of PREA policies and procedures. All employees receive initial training and Annual Refresher Training (ART), and the correctional officers are updated during routine teleconferences throughout the year. FCI Fairton met the requirements for Standard 115.11.

Corrective action: None required

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

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

115.12 (a)

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

115.12 (b)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire (PAQ)
2. Interview with IPCM\Associate Warden

An interview with the IPCM\Associate Warden, and the review of the PAQ substantiates that the agency requires contractual entities which they contract for the confinement of inmates (privatized prisons and/or residential reentry centers) to adopt and comply with the PREA standards. The IPCM\Associate Warden confirmed that the agency contractual agreements were modified effective February 1, 2013, to incorporate the language requiring contractors to adopt and comply with PREA standards. FCI Fairton does not individually contract for the confinement of inmates. FCI Fairton met the requirements for Standard 115.12.

Corrective action: None required

Standard 115.13: Supervision and monitoring

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

115.13 (a)

- Does the agency ensure that each facility has developed a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse? Yes No
- Does the agency ensure that each facility has documented a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse? Yes No

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

115.13 (b)

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

115.13 (c)

- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section? Yes No
- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies? Yes No
- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan? Yes No

115.13 (d)

- Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment? Yes No
- Is this policy and practice implemented for night shifts as well as day shifts? Yes No
- Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. PS 3000.03: Human Resource Management Manual pages 8-12
5. Warden's 115.13(c)-1 Assurance Memo
6. FY18 1st. Qtr. Salary/Workforce Utilization Committee Meeting Minutes
7. FY18 2nd. Qtr. Salary/Workforce Utilization Committee Meeting Minutes
8. FY18 4th. Qtr. Salary/Workforce Utilization Committee Meeting Minutes
9. Institutional Duty Officer Unannounced Institutional Rounds Reports
10. Interviews with the following:
 - a. Institution PREA Compliance Manager (IPCM)/Associate Warden
 - b. Staff conducting unannounced rounds

Agency policy requires each facility to review its staffing plans on an annual basis. Interviews with the Warden and executive staff revealed compliance with this subsection of Standard 115.13 and that other safety and security issues are always a primary focus when the facility considers and reviews their respective staffing plans. In addition to the quarterly Workforce Utilization meeting, the Warden meets weekly with his executive staff including the Business Administrator, Captain, SIS Lieutenant, and the HRM to address staffing issues as it relates to the PREA. Quarterly Workforce Utilization minutes are on file and confirm the review of staffing takes place at least quarterly. The facility has been provided with all necessary resources to support the programs and procedures to ensure compliance with PREA standards. The audit included an examination of video monitoring systems, inmate access to telephones, the TRULINCS email system, staff interviews, and rosters. Supervisory/Administrative staff members routinely make unannounced rounds covering all shifts and these rounds are documented. Interviews with staff confirmed unannounced rounds to all areas of the facility are conducted on a weekly basis, with no warning to employees. The FCI utilizes video cameras throughout the facility. These cameras were pointed out to the Auditor during the tour of the facility. The facility does utilize convex mirrors to supplement security in areas where there are numerous corners or potential blind spots.

FCI Fairton has a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds. However, there were some concerns raised by the Auditor on the consistency of unannounced rounds by staff. Institutional Duty Officers (IDO) are required to make unannounced rounds daily and document them. During the audit, it was discovered a supervisor conducting unannounced rounds was in two different locations at the exact same time in the facility. Another supervisor documented rounds in SHU, located in the interior of the main facility and minutes later the same supervisor documented making rounds at the work camp located outside the main perimeter. FCI Fairton utilizes a paper-driven system to document unannounced rounds which can be easily manipulated.

Corrective action: During the audit, it was discovered a supervisor conducting unannounced rounds was in two different locations at the exact same time. Another supervisor documented rounds in SHU, located in the interior of the main facility and minutes later the same supervisor documented making rounds at the work camp located outside the main perimeter. FCI Fairton utilizes a paper-driven system to document unannounced rounds which can be easily manipulated. All supervisors were re-trained in accordance with Standard 115.13. Each supervisor signed an acknowledgement form confirming their participation in the training class. The signature page was provided to the Auditor. The auditor reviewed documentation of unannounced rounds after re-training was completed to determine the effectiveness of the re-training of staff. The staff conducting rounds documentation were not correct. The facility needs to provide documentation during the six month CAP to support compliance with the standard. The facility provided documentation to the Auditor through May 29, 2019 that indicated that they corrected the deficiency and are in full compliance with 115.13.

Standard 115.14: Youthful inmates

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

115.14 (a)

- Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates [inmates <18 years old].) Yes No NA

115.14 (b)

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

115.14 (c)

- Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates [inmates <18 years old].) Yes No NA
- Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates [inmates <18 years old].) Yes No NA

- Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates [inmates <18 years old].)
 Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

FCI Fairton does not house youthful inmates.

Corrective action: None required

Standard 115.15: Limits to cross-gender viewing and searches

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

115.15 (a)

- Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?
 Yes No

115.15 (b)

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

115.15 (c)

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

115.15 (d)

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

115.15 (e)

- Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status? Yes No
- If an inmate's genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner? Yes No

115.15 (f)

- Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? Yes No
- Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? Yes No

Auditor Overall Compliance Determination

Exceeds Standard (*Substantially exceeds requirement of standards*)

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. Warden's Assurance Memo 115.15 (d)-1 Exigent Circumstances Memo
5. Inmate Pat Search CSV-0704 BXX Report
6. Employee Training Acknowledgements
7. Sexually Abusive Behavior Prevention and Intervention Pamphlet (SABPIP)
8. Annual Refresher Training Curriculum
9. Interviews with the following:
 - a. Institution PREA Compliance Manager (IPCM)/Associate Warden
 - b. Staff (Random/Specialized)

Policies and documentation address this standard. Cross-gender strip or cross-gender body cavity searches are prohibited, except in emergency situations or when performed and documented by a medical practitioner. Staff interviews indicated they received cross-gender pat search training during initial and annual training. The Auditor observed that each unit has individual shower stalls for privacy. Four-man rooms lack privacy when inmates are dressing or on the toilet. Inmates constructed their own privacy screens. The facility has implemented a policy that all staff working the unit will announce themselves prior to walking the range to allow inmates the opportunity to prepare themselves from a privacy perspective. The inmates interviewed acknowledged they can shower, dress, and use the toilet privately, without being viewed by staff of the opposite gender. Staff (random and specialized), coupled with a majority of the inmates interviewed, indicated that employees of the opposite gender announce their presence before entering a housing unit. Likewise, staff interviewed also affirmed that FCI Fairton trains 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. The possibility of opposite gender staff entering the housing units is also announced over the speaker system at the beginning of each shift. All staff interviewed confirmed that they were aware of the policy prohibiting the search of a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. During the past 12 months, there were no exigent circumstances that required cross-gender viewing of an inmate by a staff member at

FCI Fairton. The IPCM Associate Warden indicated that there were no exigent circumstances in which a cross-gender strip search or cross-gender-body cavity search took place in the past 12-month period. FCI Fairton met the requirements of Standard 115.15.

Corrective action: The facility has several four-man rooms which allowed for cross-gender viewing of inmates while dressing and using the toilet. FCI Fairton corrected the deficiency during the on-site audit by installing privacy friendly curtains.

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

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

115.16 (a)

- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing? Yes No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are blind or have low vision? Yes No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have intellectual disabilities? Yes No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have psychiatric disabilities? Yes No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have speech disabilities? Yes No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Other (if "other," please explain in overall determination notes)? Yes No

- Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing? Yes No
- Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? Yes No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have intellectual disabilities? Yes No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills? Yes No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Are blind or have low vision? Yes No

115.16 (b)

- Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient? Yes No
- Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? Yes No

115.16 (c)

- Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. FCI Fairton Warden's Assurance Memo 115.16 (a)-1 Protocol for Disabled Inmates
5. BOP PREA Poster English
6. BOP PREA Poster Spanish
7. Inmate A & O Handbook
8. Interpretation Services telephone numbers and instructions
9. Employee Training Acknowledgements
10. Annual Refresher Training Curriculum
11. Interviews with the following:
 - a. Institution PREA Compliance Manager (IPCM)/Associate Warden
 - c. Staff (Random and Specialized)
 - d. Inmates (Random and Targeted)

FCI Fairton takes appropriate steps to ensure inmates with disabilities and LEP inmates have an opportunity to participate in and benefit from the facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. PREA handouts, bulletin board postings, and the inmate handbook are in both English and Spanish which was reviewed by the Auditor. Interviewed staff were aware of the policy that, under no circumstances, are inmate interpreters or assistants to be used when dealing with PREA issues. The Department of Justice (DOJ) has set up a blanket purchase agreement for on-demand over-the-phone interpreter services, which are available to all BOP institutions. The translation service is LanguageLine Solutions and is provided for inmates who don't have a basic command of the English language. A LEP inmate was interviewed during this audit and indicated that he received the PREA information in a language he understood. The review of documentation staff and inmate interviews support a finding that FCI Fairton met the requirements for Standard 115.16.

Corrective action: None required

Standard 115.17: Hiring and promotion decisions

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

115.17 (a)

- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? Yes No
- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse? Yes No
- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? Yes No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? Yes No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse? Yes No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? Yes No

115.17 (b)

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

115.17 (c)

- Before hiring new employees, who may have contact with inmates, does the agency: perform a criminal background records check? Yes No
- Before hiring new employees, who may have contact with inmates, does the agency: consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse? Yes No

115.17 (d)

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

115.17 (e)

- Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees? Yes No

115.17 (f)

- Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions? Yes No
- Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees? Yes No
- Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct? Yes No

115.17 (g)

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

115.17 (h)

- Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.) Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. Memo from Human Resource Manager verifying 20 background checks of current employees and 7 background checks of new employees conducted in the past 12 months.
5. PS 3000.03: Human Resource Management Manual pages 28, 41 & 45
6. PS 3420.11 Standards of Employee Conduct pages 6 & 7, Pre-Employment Guide Page 2
7. Questionnaire for Public Trust Positions page 1
8. BOP Recruitment Flyer Page 1
9. Email from FAI/Human Resources dated 2/12/2019, 5-year Background Checks (e-QIP)
10. Interviews with the following:
 - a. IPCM/Associate Warden
 - b. Human Resource Manager (HRM)

Policies and interviews confirm compliance with this standard. Employment with the BOP is subject to satisfactory completion of a background investigation to determine suitability for employment as a law enforcement official. Its scope includes law enforcement and criminal record checks, credit checks, and inquiries with previous employers and personal references. Suitability determinations are made on a case-by-case basis and are based upon an individual's character or conduct that could affect how the agency accomplishes its duties or responsibilities.

The HRM was interviewed and stated that all components of this standard have been met. A review of personnel files sampled revealed that background checks have been completed on all employees, contractors, and volunteers. BOP regional office personnel also conduct background checks before approving staff promotions. A tracking system is in place to ensure that updated background checks are conducted every five years. Policy clearly states the submission of false information by any applicant is grounds for termination. The agency makes its best efforts to contact all prior institution employers for information on substantiated allegations of sexual abuse or resignations occurring during a pending investigation of sexual abuse. The agency also provides information on substantiated allegations of sexual abuse/sexual harassment involving former employees, when requested by a potential institutional employer, unless prohibited by law. Appropriate licensing and certifying agencies are notified, when professional employees are terminated for substantiated allegations of sexual abuse/sexual harassment. During the audit, it was revealed that due to the Federal

government shutdown, there were a small backlog of cases to be scheduled for background checks. Documentation on file supports a finding that the facility is in compliance with this standard. FCI Fairton met the requirements for Standard 115.17.

Corrective action: None required

Standard 115.18: Upgrades to facilities and technologies

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

115.18 (a)

- If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)
 Yes No NA

115.18 (b)

- If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)
 Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Warden's Memo 115.18 (b)-1 Updated Video Monitoring System
2. Interviews with the following:
 - a. IPCM

Policies and interviews confirm compliance with this standard. FCI Fairton utilizes a video camera system for video surveillance. Cameras are placed strategically throughout the facility to ensure the safety and security of both inmates and staff. Several cameras have been added since the previous PREA audit in 2016. FCI Fairton met the requirements for Standard 115.18.

Corrective action: None required

RESPONSIVE PLANNING

Standard 115.21: Evidence protocol and forensic medical examinations

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

115.21 (a)

- If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)
 Yes No NA

115.21 (b)

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

115.21 (c)

- Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiary or medically appropriate? Yes No

- Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible? Yes No
- If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)? Yes No
- Has the agency documented its efforts to provide SAFEs or SANEs? Yes No

115.21 (d)

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

115.21 (e)

- As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews? Yes No
- As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals? Yes No

115.21 (f)

- If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating entity follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.) Yes No NA

115.21 (g)

- Auditor is not required to audit this provision.

115.21 (h)

- If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination

issues in general? [N/A if agency attempts to make a victim advocate from a rape crisis center available to victims per 115.21(d) above.] Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. PS 6031.04 Patient Care pages 42 & 43, Guide for First Responders/Operations
5. Telephone interview with SANE\SAFE examiner at Inspira Medical Center
6. Telephone interview with Services Empowering Rights of Victims (SERV)
7. Email contact with Just Detention International
8. Interviews with the following:
 - a. IPCM
 - b. Health Services Administrator
 - c. Psychologist

Correctional and medical staff members were interviewed concerning this standard and all were knowledgeable of the procedures required to secure and obtain usable physical evidence when sexual abuse is alleged. Staff were also aware the Special Investigative Services (SIS) Lieutenant conducts investigations relative to sexual abuse allegations. All forensic medical examinations are conducted by SANE/SAFE staff at Inspira Medical Center, Vineland, New Jersey. An interview with the SANE/SAFE representative at Inspira Medical Center was conducted and they confirmed an awareness of PREA standards. The representative indicated that a SANE/SAFE is available 24 hours a day, seven days a week. There was one SANE/SAFE examination conducted during the past 12 months. Just Detention International (JDI), a national victim advocacy agency, was contacted by this Auditor via email, but the agency had no information related to FCI Fairton. Services Empowering Rights of Victims (SERV) was also contacted regarding advocacy services for inmates at FCI Fairton. The

Memorandum of Understanding (MOU) with SERV was reviewed for compliance with the standard. FCI Fairton met the requirements for Standard 115.21.

Corrective action: None required

Standard 115.22: Policies to ensure referrals of allegations for investigations

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

115.22 (a)

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

115.22 (b)

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

115.22 (c)

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

115.22 (d)

- Auditor is not required to audit this provision.

115.22 (e)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. FBI Memorandum of Understanding (MOU)
5. SANE/SAFE Assurance Memo
6. Psychologists Licensures
7. MOU between FCI Fairton and SERV
8. Federal BOP Course completion Forensic Medical Exams: an Overview for Victims
9. The FBI's Domestic Investigations and Operations Guide (DIOG) web link
<http://vault.fbi.gov/FBI%20Domestic%20Investigations%20and%20Operations%20Guide%20%28DIOG%29>
10. Interviews with the following:
 - a. IPCM
 - b. SIS Lieutenant
 - c. SIS Technician

Policies, documents, and the FBI MOU address the mandates of this standard. Administrative and criminal investigations are completed on all allegations of sexual abuse/sexual harassment. The SIS, Office of Internal Affairs (OIA), Federal Bureau of Investigations (FBI) and Office of the Inspector General (OIG) conduct all investigations. The SIS Lieutenant was interviewed and proved very knowledgeable concerning the protocols for conducting investigations of alleged sexual abuse/sexual harassment. There are 253 agency investigators in the BOP. In addition, the Auditor interviewed one SIS technician at FCI Fairton. The FBI conducts the criminal investigations. The BOP/FBI MOU, dated August 1996, delineates each agency's responsibilities relative to an incident involving a criminal act. There were ten allegations of sexual abuse and sexual harassment in the past 12 months. Ten investigations were initiated, and one investigation is still pending. The documentation related to the investigations was contained in each SIS file and was reviewed by the Auditor.

The facility utilizes an IPCM Information Tracking Log to ensure all required steps of the investigation are completed and are timely. The tracking form is maintained by SIS. The information tracked includes the date of the allegation, name of the victim/perpetrator, SHU placement/reviews, initial two-day after-action review, full protocol, investigation outcome/date, date inmate notified of outcome, and retaliation monitoring. Each completed inmate investigation resulted in a written inmate outcome notification. A review of training documents confirmed that all investigators received specialized training instruction in conducting sexual assault investigations in confined spaces/prisons. Interviews with staff (specialized and random), an investigator, and an examination of supporting documentation confirm compliance with this standard. FCI Fairton met the requirements for Standard 115.22.

Corrective action: None required

TRAINING AND EDUCATION

Standard 115.31: Employee training

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

115.31 (a)

- Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment? Yes No
- Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures? Yes No
- Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment Yes No
- Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment? Yes No
- Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement? Yes No
- Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims? Yes No
- Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse? Yes No

- Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates? Yes No
- Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates? Yes No
- Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities? Yes No

115.31 (b)

- Is such training tailored to the gender of the inmates at the employee's facility? Yes No
- Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa? Yes No

115.31 (c)

- Have all current employees who may have contact with inmates received such training? Yes No
- Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures? Yes No
- In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies? Yes No

115.31 (d)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. PS 6031.04, Patient Care pages 47,48,49, and 50
5. Staff sign-in training acknowledgement
6. Staff PREA Training Agenda
7. Interviews with the following:
 - a. IPCM
 - b. Staff

The BOP provides extensive PREA training at the Federal Law Enforcement Training Center (FLETC). All newly hired employees must attend and successfully complete the course curriculum. Employees also have PREA information noted on the computer desktops and screensavers. Additionally, contractors and volunteers are provided training relative to their role, duties and responsibilities in the facility. All staff are mandated to receive training annually and the curriculum includes an extensive review of PREA requirements. Training curriculum, training sign-in sheets, and other related training documentation were reviewed by the Auditor. Interviewed staff verified the requirement to acknowledge, in writing, not only that they received the PREA training, but that they understood it. FCI Fairton met the requirements for Standard 115.31.

Corrective action: None required

Standard 115.32: Volunteer and contractor training

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

115.32 (a)

- Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures? Yes No

115.32 (b)

- Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and

contractors shall be based on the services they provide and level of contact they have with inmates)? Yes No

115.32 (c)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. Volunteer and Contractor PREA Training Agenda
5. Interviews with the following:
 - a. Staff (Random and Specialized)
 - b. Contractor

Policies, Annual Training 2018 Lesson Plan, and Annual Training 2018 Agenda/Presentation address the mandates of this standard. The IPCM Associate Warden confirmed that forty-one volunteers and contractors received the PREA training, including the zero-tolerance policy, reporting, and responding requirements. Training is documented and maintained locally. Copies of training sign-in sheets and other related documents were reviewed by the Auditor at the facility. Four volunteers were interviewed, and all indicated that they received PREA training. Each volunteer confirmed that they understood the training they received. FCI Fairton met the requirements for Standard 115.32.

Corrective action: None required

Standard 115.33: Inmate education

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

115.33 (a)

- During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment? Yes No
- During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment? Yes No

115.33 (b)

- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment? Yes No
- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents? Yes No
- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents? Yes No

115.33 (c)

- Have all inmates received such education? Yes No
- Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility? Yes No

115.33 (d)

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

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

115.33 (e)

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

115.33 (f)

- In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. BP-A0518 Institution Admissions and Orientation Program Checklist
5. Admissions and Orientation (A&O) Handbook
6. SABPIP (English and Spanish)
7. Interviews with the following:
 - b. Staff (Random and Specialized)
 - c. Inmates (Random and Targeted)

PS 5324.12 pages 26 & 27, A&O Handbook (English and Spanish), SABPIP (English and Spanish), and A&O Program Checklist/Signature Sheets address the mandates of this standard. The facility puts forth its best efforts to educate the inmates regarding the PREA. Inmates receive information during the intake process including a pamphlet and inmate handbook. Unit team staff conduct PREA education for all inmates within 30 days of their arrival at FCI Fairton. Random and targeted inmates interviewed by the Auditor confirmed receiving PREA education within 30 days of their arrival. Inmate PREA education includes definitions of sexually abusive behavior and sexual harassment, prevention strategies, and reporting modalities. Inmates also view a PREA orientation video that explains the facility's zero-tolerance policy and covers the inmate's right to be free from sexual abuse, sexual harassment, and retaliation. PREA posters were displayed throughout the facility and in each housing unit. Inmates also have access to a "PREA Hotline" telephone number, which may be called to report sexual abuse or sexual harassment. Since the "Hotline" telephone number is an 800-toll-free number, inmates are advised via the SABPIP to contact a member of their unit team to place the call.

The OIG mailing address is listed in the A&O Handbook and posted in each housing unit for inmate correspondence concerning any sexual abuse or sexual harassment allegation. There is also a translation language line available to LEP inmates. The Auditor was provided a random sampling of A&O Checklists/Signature Sheets to verify that inmates, admitted during the auditing period, received the SABPIP education and relevant written materials. All inmates are required to acknowledge, in writing, completion of PREA education. During the interview process, random and targeted inmates indicated they received information about FCI Fairton's rules against sexual abuse/sexual harassment, when they arrived at the facility. All random and targeted inmates also indicated they were advised about their right not to be sexually abused/sexually harassed, how to report sexual abuse/sexual harassment, and their right not to be punished for reporting sexual abuse/sexual harassment. Some inmates were aware of available services outside of the facility for dealing with sexual abuse. FCI Fairton met the requirements for Standard 115.33.

Corrective action: None required

Standard 115.34: Specialized training: Investigations

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

115.34 (a)

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

115.34 (b)

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

- Does this specialized training include proper use of Miranda and Garrity warnings? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).] Yes No NA

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

- Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).] Yes No NA

115.34 (c)

- Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).] Yes No NA

115.34 (d)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. Online education course CSV-0601-BXX PREA Investigation and Reporting-BOP
5. Online education course NIC-5187-BXX PREA Investigating Sexual Abuse in a Confinement Setting
6. Training Logs/Records of Investigative Staff
7. Interviews with the following:
 - a. SIS Lieutenant
 - b. SIS Technician
 - c. Staff (Random and Specialized)

Policies, Sexual Violence PREA Training Slide Show, National Institute of Corrections (NIC) Investigative Intel Training Records (PREA-Investigating Sexual Abuse in a Confinement Setting), BOP Learn Video Series, TRUIINTEL Investigative Report Training Agenda, Training Logs/Records of Investigative Staff, and SIS/PREA National Video Conference Training meet the mandates of this standard. The SIS staff and FBI criminal investigators have received PREA specialized training at the National Institute of Corrections (NIC) and through the Department of Justice. FCI Fairton has an Evidence Recovery Team (ERT) comprised of specially trained staff, to process potential crime scenes to preserve evidence. This Auditor reviewed specialized training documentation, including the BOP Course Completion List for Investigating Sexual Abuse in a Confinement Setting. The SIS Lieutenant was interviewed and was found to be very knowledgeable of the PREA investigative process. FCI Fairton met the requirements for Standard 115.34.

Corrective action: None required

Standard 115.35: Specialized training: Medical and mental health care

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

115.35 (a)

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

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

115.35 (b)

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

115.35 (c)

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

115.35 (d)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. Online education course CPG-223-BXX PREA for Medical and Mental Health Care-BOP
5. Staff Training Agenda 2018 Annual Refresher Training
6. Training Logs/Records For Medical and Mental Health Practitioners
7. Interviews with the following:
 - a. Psychologist
 - b. Health Services Administrator
 - c. Staff (Random and Specialized)

Policies, Annual Training Lesson Plan, Introduction to Correctional Techniques, SABPIP Power Point Presentation, and 6-hour PREA Video Series address the mandates of this standard. Other training includes online specialized training (Victim Advocacy). The agency ensures all full- and part-time medical and mental health practitioners, who work regularly in its facilities, have been trained according to the practitioner's status in the Bureau. All mental health and medical staff have received the required specialized training on victim identification, interviewing, reporting, and clinical interventions. FCI Fairton employees receive training annually and supportive documentation is on file. Medical and mental health staff interviewed acknowledged completing specialized training for medical and mental health providers. These staff also signed written acknowledgement forms affirming that they received and understood the training as it relates to PREA. Furthermore, interviews with medical and mental health staff confirmed awareness of their responsibilities to detect, assess signs of sexual abuse and sexual harassment, preserve physical evidence of sexual abuse and how to respond and report PREA related incidents. FCI Fairton met the requirements for Standard 115.35.

Corrective action: None required

SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

Standard 115.41: Screening for risk of victimization and abusiveness

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

115.41 (a)

- Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates? Yes No
- Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates? Yes No

115.41 (b)

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

115.41 (c)

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

115.41 (d)

- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated?
 Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent?
 Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization? Yes No

- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes? Yes No

115.41 (e)

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

115.41 (f)

- Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening? Yes No

115.41 (g)

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

115.41 (h)

- Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section? Yes No

115.41 (i)

- Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. PREA Intake Objective Screening Instrument
5. FAI 535.08 Intake Screening Form
6. BOP Psychology Services Risk of Victimization notes
7. BOP Psychology Services Risk of Abusiveness notes
8. Interviews with the following:
 - a. Psychologist
 - b. Health Services Administrator
 - c. Staff (Random and Specialized)
 - d. Unit team members

Policy addresses the requirements of this standard. Agency and facility policy requires the use of a screening instrument to determine proper housing, bed assignment, work assignment, education and other program assignments, with the goal of keeping inmates at a high risk of being sexually abused/sexually harassed separate from those inmates who are at a high risk

of being sexually abusive. Bureau policy also requires all inmates to be screened within 72 hours of arrival; however, they are routinely screened on the day of arrival. Risk management staff review all relevant pre-sentence documentation and information from other confinement facilities and reassess an inmate's risk level, as necessary, within 30 days of his arrival. Agency policy prohibits inmates from being disciplined for refusing to answer, or for not disclosing complete information in response to questions regarding their mental/physical health, developmental disability, sexual preferences, sexual victimization history, and perception of vulnerability. Housing and program assignments are made on a case-by-case basis and inmates are not placed in housing units based solely on their sexual identification or status. Interviews with risk management staff and a random review of 42 risk screening assessments support the finding that the facility is in compliance with this standard. FCI Fairton met the requirements for Standard 115.41.

Corrective action: None required

Standard 115.42: Use of screening information

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

115.42 (a)

- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments? Yes No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments? Yes No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments? Yes No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments? Yes No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments? Yes No

115.42 (b)

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

115.42 (c)

- When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)? Yes No
- When making housing or other program assignments for transgender or intersex inmates, does the agency consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems? Yes No

115.42 (d)

- Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate? Yes No

115.42 (e)

- Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments? Yes No

115.42 (f)

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

115.42 (g)

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

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. PREA Intake Objective Screening Instrument
5. FAI 535.08 Intake Screening Form FAI
6. BOP Psychology Services Risk of Victimization notes
7. BOP Psychology Services Risk of Abusiveness notes
8. Warden's Department Head Meeting Minutes (Quarterly Examples)
9. Interviews with the following:
 - a. Psychologist
 - b. Staff (Random and Specialized)
 - c. Inmates (Random and Targeted)
 - d. IPCM

Policies, screening forms, and interviews address the requirements of this standard. Policy and procedures require the use of a screening instrument to determine proper housing, bed assignment, work assignment, education and other program assignments, with the goal of keeping inmates at a high risk of being sexually abused/sexually harassed separate from those inmates who are at a high risk of being sexually abusive. Housing and program assignments are made on a case-by-case basis and inmates are not placed in housing units based solely on their sexual identification or status. The Auditor interviewed random and targeted inmates

during the onsite audit. Unit team staff and the IPCM\Associate Warden all confirmed that transgender and intersex inmates are reassessed twice a year to review any threats to safety experienced by the inmate. The views of these inmates with respect to their own safety are given serious consideration. Additionally, they are given the opportunity to shower separately from other inmates. Staff and inmate interviews, the review of supporting documentation and the Auditor's observations support the facility being in compliance with the standard. FCI Fairton met the requirements for Standard 115.42.

Corrective action: None required

Standard 115.43: Protective Custody

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

115.43 (a)

- Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers? Yes No
- If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment? Yes No

115.43 (b)

- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible? Yes No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible? Yes No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible? Yes No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible? Yes No
- If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The opportunities that have been limited? Yes No
- If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The duration of the limitation? Yes No

- If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The reasons for such limitations? Yes No

115.43 (c)

- Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged? Yes No
- Does such an assignment not ordinarily exceed a period of 30 days? Yes No

115.43 (d)

- If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The basis for the facility's concern for the inmate's safety? Yes No
- If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged? Yes No

115.43 (e)

- In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire

2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. PREA Intake Objective Screening Instrument
5. FAI 535.08 Intake Screening Form
6. BOP Psychology Services Risk of Victimization notes
7. BOP Psychology Services Risk of Abusiveness notes
8. Warden's Memo: 115.43(e)-1 Involuntary Segregated Housing Unit Assignments
9. Interviews with the following:
 - a. Psychologist
 - b. Special Housing Unit officers
 - c. Staff (Random and Specialized)
 - d. Inmates (Random and Targeted)

Policy addresses the requirements of this standard. Policy indicates that inmates at high risk for sexual victimization shall not be placed in the Special Housing Unit (SHU) unless an assessment of all available alternatives has been made and there is no available means of separating the victim from the abuser. The inmates are reassessed every seven days after entering the SHU. There were zero inmates at risk of sexual victimization held in the SHU in the past 12 months for one to 24 hours awaiting completion of an assessment. There were no inmates at risk of sexual victimization who were assigned to the SHU in the past 12 months for longer than 30 days while awaiting alternative placement. Mental health and unit staff meet with each inmate in SHU status at least once each week. A Safeguarding of Inmates Alleging Sexual Abuse/Assault Allegation Form is completed when considering all appropriate alternatives for safeguarding alleged inmate victims. Interviews with staff, a tour of SHU, an examination of SHU operations and an examination of policy/documentation confirmed that FCI Fairton met the requirements for Standard 115.43.

Corrective action: None required

REPORTING

Standard 115.51: Inmate reporting

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

115.51 (a)

- Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment? Yes No
- Does the agency provide multiple internal ways for inmates to privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment? Yes No

- Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents? Yes No

115.51 (b)

- Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency? Yes No
- Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials? Yes No
- Does that private entity or office allow the inmate to remain anonymous upon request? Yes No
- Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? Yes No

115.51 (c)

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

115.51 (d)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does

not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. Warden's Memo: 115.51(b)-1 Agreement of Reporting with Outside Entity
5. Warden's Memo: 115.51(c)-1 Mandatory Acceptance of Reports
6. Warden's Memo: 115.51(c)-2 Staff Documentation
7. PREA Compliance Manager Information Tracking log
8. BOP PREA zero-tolerance Policy poster (English)
9. BOP PREA zero-tolerance Policy poster (Spanish)
10. BOP information to inmates "Sexually Abusive Behavior Prevention and Intervention: An Overview for Offenders"
11. Interviews with the following:
 - a. Staff (Random and Specialized)
 - b. Inmates (Random and Targeted)

Policies, the PREA Notices, A&O Handbook address the requirements of the standard. A review of supporting documentation and staff/inmate interviews indicated that there are multiple ways (verbally, in writing, anonymously, privately and from a third party) for inmates to report sexual abuse/sexual harassment. The facility has procedures in place for staff to document all allegations. There are posters and other postings on display throughout the facility which also explain reporting methods. During the tour of the facility, several TRULINCS computers were observed in each housing unit. Inmates were able to demonstrate to the Auditor how to log into the TRULINCS system and how to file a PREA report, if needed. Staff members promptly accept and document all verbal, written, anonymous, private, and third-party reports of alleged abuse. Family and friends of inmates may report sexual abuse/sexual harassment by using the BOP website, phoning the OIG, or contacting facility staff. All interviewed inmates confirmed awareness of the multiple methods of reporting sexual abuse/assault allegations. Inmates at FCI Fairton are not detained solely for civil immigration purposes. Interviews with staff and inmates, observations of posters addressing reporting methods, and an examination of policy/documentation confirmed that FCI Fairton met the requirements for Standard 115.51.

Corrective action: None required

Standard 115.52: Exhaustion of administrative remedies

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

115.52 (a)

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

115.52 (b)

- Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.) Yes No NA
- Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (c)

- Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) Yes No NA
- Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (d)

- Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.) Yes No NA
- If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.) Yes No NA
- At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (e)

- Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)
 Yes No NA

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

- If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)
 Yes No NA

115.52 (f)

- Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) Yes No NA

- After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.)
 Yes No NA

- After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.) Yes No NA

- After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)
 Yes No NA

- Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) Yes No NA

- Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) Yes No NA

- Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (g)

- If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.) Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. PS 1330.18 Administrative Remedy Program
4. FAI 5324.12
5. Warden's Memo: 115.52(d)-1 Extension of Time Frame
6. Warden's Memo: 115.52(d)-6 Notification of Writing for Extension of Time Frame
7. Warden's Memo: 115.52(c)-6 Grievance Submission
8. Interviews with the following:
 - a. Staff (Random and Specialized)
 - b. Inmates (Random and Targeted)
 - c. IPCM\Associate Warden

Policies, and the Administrative Remedy Program address the requirements of this standard. The policies require that all PREA grievances be processed in accordance with 115.52a-f. Inmates may file a grievance, however, all allegations of sexual abuse/sexual harassment, when received by staff, will immediately be referred for investigation. Inmates are not required to use an informal grievance process and procedures also allow an inmate to submit a grievance alleging sexual abuse without submitting it to the staff member who is the subject of the complaint. Additionally, policy prohibits the investigation of the allegation by either staff alleged to be involved in the incident or any staff who may be under their supervision. There is no time frame for filing a grievance relating to sexual abuse or sexual harassment. Allegations of physical abuse by staff shall be referred to the OIA, in accordance with procedures established for such referrals. Policy addresses the filing of emergency administrative remedy

requests. If an inmate files the emergency grievance with the institution and believes he is under a substantial risk of imminent sexual abuse, an expedited response is required to be provided within 48 hours. Best efforts are made to provide Regional Office and Central Office expedited appeal responses within five calendar days.

If an inmate reasonably believes the issue is sensitive and the inmate's safety or well-being would be placed in danger, if the remedy became known at the institution, the inmate may submit the remedy directly to the appropriate Regional Office. Third parties, including fellow inmates, staff members, family members, attorneys and outside victim advocates shall be permitted in assisting inmates to file administrative remedies related to allegations of sexual abuse. There were no grievances filed involving PREA related issues during the past 12 months. There were no grievances alleging sexual abuse that involved an extension due to the final decision not being reached within 90 days. Additionally, there were no grievances alleging sexual abuse filed by inmates in which the inmate declined third-party assistance. Inmates are held accountable for manipulative behavior and false allegations. Generally, disciplinary action would be taken if a grievance was filed in bad faith. FCI Fairton met the requirements for Standard 115.52.

Corrective action: None required

Standard 115.53: Inmate access to outside confidential support services

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

115.53 (a)

- Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations? Yes No
- Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? Yes No
- Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible? Yes No

115.53 (b)

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

115.53 (c)

- Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse? Yes No
- Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. MOU between FCI Fairton and SERV
5. Inmate Handbook (English and Spanish)
6. SABPIP (English and Spanish)
7. Interviews with the following:
 - a. Staff (Random and Specialized)
 - b. Inmates (Random and Targeted)
 - c. Psychologist
 - d. IPCM

Policies and the A&O Handbook address the requirements of this standard. The facility has a MOU with a local victim advocacy group. The Auditor reviewed the signed MOU. The inmate handbook provides the contact information for alternate services and the information is also posted in the housing units. Psychology services staff members have all received victim advocacy support training. FCI Fairton met the requirements for Standard 115.53.

Corrective action: None required

Standard 115.54: Third-party reporting

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

115.54 (a)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. MOU between FCI Fairton and SERV
5. Inmate Handbook (English & Spanish)
6. SABPIP (English & Spanish)
7. Interviews with the following:
 - a. Staff (Random and Specialized)
 - b. Inmates (Random and Targeted)
 - c. Psychologist
 - d. IPCM

The BOP SABPIP (English and Spanish), A&O Handbook (English and Spanish), PREA Posters: How You Can Report (English and Spanish), OIG address and BOP website

(www.bop.gov), and BOP/SERV MOU meet the mandates of this standard. The website and posted notices assist third party reporters to report allegations of sexual abuse/sexual harassment. The inmates interviewed indicated they were aware of third-party reporting and would probably feel more comfortable reporting an incident of sexual abuse to someone outside the facility. A National Sexual Abuse Hotline (800-656-HOPE) is also available to the inmate population for reporting incidents of sexual abuse/sexual harassment. Calls to toll-free telephone numbers must be coordinated with a member of the unit team, per the SABPIP. FCI Fairton met the requirements for Standard 115.54.

Corrective action: None required

OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT

Standard 115.61: Staff and agency reporting duties

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

115.61 (a)

- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency? Yes No
- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment? Yes No
- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation? Yes No

115.61 (b)

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

115.61 (c)

- Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section? Yes No

- Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services? Yes No

115.61 (d)

- If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws? Yes No

115.61 (e)

- Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. Interviews with the following:
 - a. Staff (Random and Specialized)
 - b. Inmates (Random and Targeted)
 - c. IPCM\Associate Warden

Policies and procedures address the requirements of this standard. Staff, contractors and volunteers must report and respond to allegations of sexually abusive behavior, regardless of the source of the report. Staff members interviewed were aware of their duty to immediately report all allegations of sexual abuse, sexual harassment and retaliation relevant to the PREA standards. Staff typically reports allegations of sexual abuse to the Operations Lieutenant, but

reports can be made privately or by a third-party. Policy requires the information concerning the identity of the alleged inmate victim and the specific facts of the case to be shared with staff on a need-to-know basis, because of their involvement with the victim's welfare and/or the investigation of the incident. A review of policy and interviews with staff support the finding that the facility is in compliance with this standard. FCI Fairton met the requirements for Standard 115.61.

Corrective action: None required

Standard 115.62: Agency protection duties

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

115.62 (a)

- When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. Warden Institutional Memo 115.62(a)-2 Determination of Risk
5. Interviews with the following:
 - a. Staff (Random and Specialized)
 - b. Inmates (Random and Targeted)
 - c. IPCM/Associate Warden

Policy addresses the requirement of this standard. Staff members interviewed were aware of their duties and responsibilities when they become aware or suspect that an inmate is being sexually abused or sexually harassed. All staff indicated they would act immediately to protect the inmate, including separating the victim/predator, securing the scene to protect possible evidence, preventing the destruction of potential evidence and contacting the Operations Lieutenant and medical staff. In the past 12 months, there were no instances in which FCI Fairton staff determined that an inmate was subject to a substantial risk of imminent sexual abuse. FCI Fairton met the requirements for Standard 115.62.

Corrective action: None required

Standard 115.63: Reporting to other confinement facilities

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

115.63 (a)

- Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred? Yes No

115.63 (b)

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

115.63 (c)

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

115.63 (d)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. Warden Institutional Memo 115.63(c)-1 Notification to other facilities
5. Interviews with the following:
 - a. Associate Warden

Policy addresses the requirements of this standard. Policy requires that any inmate allegation of sexual abuse occurring while confined at another facility be reported to the Warden of the facility where the alleged abuse occurred, within 72 hours of receipt of the allegation. Established procedures requires the Warden to immediately notify the Chief Executive Officer of the other confinement facility, in writing, of the nature of the sexual abuse allegation. When the inmate reports sexual abuse/sexual harassment from state, non-Bureau privatized facilities, jails, juvenile facilities, or residential reentry centers, the Warden contacts the appropriate office of the facility and/or notifies the Residential Reentry Management Branch of the BOP, if appropriate. The notification is to occur as soon as possible, but always within 72 hours of receiving the allegation. Policy also requires that an investigation be initiated. In the past 12 months, FCI Fairton received one allegation from an inmate that he was abused while confined at another facility. The facility implemented the procedure for reporting this type of incident. FCI Fairton met the requirements for Standard 115.63.

Corrective action: None required

Standard 115.64: Staff first responder duties

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

115.64 (a)

- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser?
 Yes No
- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence? Yes No

- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence? Yes No
- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence? Yes No

115.64 (b)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. Interviews with the following:
 - a. IPCM
 - b. Staff (Random and Specialized)
 - c. SIS Lieutenant
 - d. Operations Lieutenant

Policies address the requirements of this standard. All staff members interviewed were extremely knowledgeable concerning their first responder duties and responsibilities upon learning of an allegation of sexual abuse/sexual harassment. Staff indicated they would separate the inmates, protect the victim, secure the crime scene, prevent the destruction of usable physical evidence, and contact the Operations Lieutenant, IPCM and medical and mental health staff. The Operations Lieutenant would continue to protect the victim and notify medical and mental health staff, the Emergency Response Team (ERT), and administrative/executive staff. FCI Fairton met the requirements for Standard 115.64.

Corrective action: None required

Standard 115.65: Coordinated response

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

115.65 (a)

- Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. Policy PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. Institutional Supplement FAI 5324.12
4. DOJ/BOP OneSource First Responder Reference Guide Sexual Assault Crisis Intervention
5. First Responder-Ops LT. PREA Action Steps

6. Interviews with the following:
 - a. IPCM/Associate Warden
 - b. Staff (Random and Specialized)

Policy and DOJ/BOP One Source First Responder Reference Guide address the requirements of this standard. The policies were reviewed by the Auditor. The local policy specifies the guidelines and procedures that prevent sexual abuse/sexual assault and provides for prompt and effective intervention, in the event abuse or assault occurs. Local policy also includes procedures for the investigation, discipline and prosecution of the abuser. The First Responder Reference Guide details first responder duties, reporting procedures, physical evidence collection/preservation, and medical/mental health care responsibilities. The ONE Source First Responder Reference Guide was developed to assist staff in responding to allegations of prohibited and/or illegal sexually abusive behavior. FCI Fairton met the requirements for Standard 115.65.

Corrective action: None required

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

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

115.66 (a)

- Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted? Yes No

115.66 (b)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. Warden's Institutional Memo: 115.66(a)-1 Collective Bargaining Agreements
5. FCI Fairton and American Federation of Government Employees, Council of Prison Locals, Local 1286
6. Interviews with the following:
 - a. Associate Warden
 - b. Staff (Random and Specialized)

The Collective Bargaining Agreement (CBA), examined by the Auditor, between the BOP and the Council of Prison Locals, American Federation of Government Employees, dated July 21, 2014-July 20, 2017, complies with this standard. The agreement does not limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted. The Auditor was advised that the Collective Bargaining Agreement (CBA) is currently being renegotiated and will contain the required language in its final form. FCI Fairton met the requirements for Standard 115.66.

Corrective action: None required

Standard 115.67: Agency protection against retaliation

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

115.67 (a)

- Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff? Yes No
- Has the agency designated which staff members or departments are charged with monitoring retaliation? Yes No

115.67 (b)

- Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with

victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations? Yes No

115.67 (c)

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff? Yes No
- Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need? Yes No

115.67 (d)

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

115.67 (e)

- If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?
 Yes No

115.67 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. Interviews with the following:
 - a. IPCM
 - b. Staff (Random and Specialized)

Policy addresses the requirement of Standard 115.67. The policy prohibits any type of retaliation against any staff or inmate who reports sexual abuse or sexual harassment or cooperates in related investigations. The IPCM is charged with monitoring retaliation. During the interview, he indicated that he follows up on all 30, 60 and 90-day reviews to ensure policy is being enforced and conducts periodic status checks on the frequency of incident reports, housing reassignments, and negative performance reviews/staff job reassignments, as required in 115.67(c). In the event of possible retaliation, the IPCM indicated he would monitor the situation indefinitely. There have been no incidents of retaliation in the past 12 months. Compliance with this standard was determined by a review of policy/documentation and staff interviews. FCI Fairton met the requirements for Standard 115.67.

Corrective action: None required

Standard 115.68: Post-allegation protective custody

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

115.68 (a)

- Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. Warden's Memo: 115.68(a)-1 Post Allegation Protective Custody Reviews
5. PREA Compliance Manager Information Tracking Log
6. BP-A1002 Safeguarding of Inmates Alleging Sexual Abuse/Assault Allegation Form
7. Intervention and Investigation Monitoring log
8. Interviews with the following:
 - a. IPCM
 - b. Staff (Random and Specialized)

Policy addresses the requirements of the standard. Policy requires staff to assess and consider all appropriate alternatives for safeguarding alleged inmate victims of sexual abuse/sexual harassment. The IPCM confirmed to the Auditor that staff must first consider other alternatives based on the circumstances of the allegation before considering the

placement of an inmate in protective custody (SHU), placing him in another housing unit, or transferring the inmate to another facility. To aid in that decision, policy requires the facility to complete the BOP's Safeguarding of Inmates Alleging Sexual Abuse/Assault Allegation Form. The form serves to document consideration of all options. Interviews with staff and the tour of the facility confirmed that there are usually viable alternatives to placing victims of sexual abuse/sexual harassment in the SHU. In practice, inmates are rarely placed in this status. To the extent possible, access to programs, privileges, education and work opportunities would not be limited to inmates placed in a SHU for the purposes of protective custody. The reasons would be documented for restricting access and the length of time the restrictions would last. There were no inmates placed in post-allegation protective custody status within the last twelve months. Compliance with this standard was determined by a review of policy and supporting documentation, as well as a tour of the facility and staff interviews. FCI Fairton met the requirements for Standard 115.68.

Corrective action: None required

INVESTIGATIONS

Standard 115.71: Criminal and administrative agency investigations

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

115.71 (a)

- When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).] Yes No NA
- Does the agency conduct such investigations for all allegations, including third party and anonymous reports? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).] Yes No NA

115.71 (b)

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

115.71 (c)

- Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data? Yes No

- Do investigators interview alleged victims, suspected perpetrators, and witnesses?
 Yes No
- Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator? Yes No

115.71 (d)

- When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution? Yes No

115.71 (e)

- Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff? Yes No
- Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding? Yes No

115.71 (f)

- Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse? Yes No
- Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings? Yes No

115.71 (g)

- Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible? Yes No

115.71 (h)

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

115.71 (i)

- Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years? Yes No

115.71 (j)

- Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?
 Yes No

115.71 (k)

- Auditor is not required to audit this provision.

115.71 (l)

- When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. Warden's Institutional Memo: 115.68(a)-1 Post Allegation Protective Custody Reviews
5. PREA Compliance Manager Information Tracking Log
6. BP-A1002 Safeguarding of Inmates Alleging Sexual Abuse/Assault Allegation Form
7. Intervention and Investigation Monitoring log
8. Interviews with the following:
 - a. Warden
 - b. Staff (Random and Specialized)
 - c. SIS Lieutenant

d. SIS Technician

Policy addresses the mandates of this standard. The SIS department is responsible for conducting administrative investigations within the facility and referring criminal investigations to the FBI and the OIG to determine if prosecution will be pursued. According to the Warden, the facility fully cooperates with any outside agency that initiates an investigation. The SIS Lieutenant serves as the facility liaison and provides requested information to outside investigative agencies, as well as access to the inmate. The credibility of an alleged victim, suspect or witness is assessed on an individual basis and is not determined by the person's status as inmate or staff. The agency does not require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth assessment device as a condition for proceeding with the investigation of such an allegation.

There were ten PREA sexual abuse/harassment allegations investigated at FCI Fairton during the last 12 months. Two investigations were substantiated and four unsubstantiated. Three allegations were unfounded. One investigation is still pending. All inmates were notified of the findings after the closure of the investigations. The investigative files were made accessible to Auditor for reviewed during the audit.

Compliance with this standard was determined by a review of policy/documentation, investigative files, and staff interviews. FCI Fairton met the requirements for Standard 115.71.

Corrective action: None required

Standard 115.72: Evidentiary standard for administrative investigations

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

115.72 (a)

- Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. Interviews with the following:
 - a. SIS Lieutenant

Policy and interviews address the requirement of this standard. The evidence standard is a preponderance of the evidence in determining whether allegations of sexual abuse/sexual harassment are substantiated. When interviewed, the investigator was aware of the evidence standard. The evidence standard was utilized in the cases reviewed by the Auditor. FCI Fairton met the requirements of Standard 115.72.

Corrective action: None required

Standard 115.73: Reporting to inmates

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

115.73 (a)

- Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded? Yes No

115.73 (b)

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

115.73 (c)

- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The staff member is no longer posted within the inmate's unit? Yes No

- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The staff member is no longer employed at the facility? Yes No
- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility? Yes No
- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility? Yes No

115.73 (d)

- Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility? Yes No
- Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility? Yes No

115.73 (e)

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

115.73 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. Warden's Memo: 115.73(a)-1;(b)-1;(c)-1;(c)-2 Completed Investigations
5. Warden's Memo: 115.73(c)-1 Reporting of Inmates
6. Warden's Memo: 115.73(d)-1 Reporting of Inmates
7. Warden's Memo: 115.73(e)-1 Reporting of Inmates
8. PREA Compliance Manager Information Tracking Log
9. PREA Notification to Inmate Form
10. BP-A1002 Safeguarding of Inmates Alleging Sexual Abuse/Assault Allegation Form
11. Intervention and Investigation Monitoring log
12. Interviews with the following:
 - a. Warden
 - b. Staff
 - c. SIS Lieutenant

FCI Fairton only conducts administrative investigations. There were ten allegations of sexual abuse/sexual harassment and an investigation was initiated in each case. Nine investigations were completed and one was still open during the audit process. In all cases, inmates were notified, in writing, upon completion of the investigation by the SIS Lieutenant. Signed documentation indicating that inmates had received the outcome of his investigation was reviewed by the Auditor before leaving the facility. Documentation is maintained in the investigative file. Compliance with this standard was determined by a review of policy, an examination of the written notices, and staff interviews. FCI Fairton met the requirements of Standard 115.73.

Corrective action: None required

DISCIPLINE

Standard 115.76: Disciplinary sanctions for staff

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

115.76 (a)

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

115.76 (b)

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

115.76 (c)

- Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories? Yes No

115.76 (d)

- Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies (unless the activity was clearly not criminal)? Yes No
- Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program

3. PS 3420.11 Standards of Employee Conduct
4. FAI 5324.12
5. Warden's Memo: 115.76(b)-1
6. Interviews with the following:
 - a. Warden

PS 3420.11 and PS 5324.12 address the requirements of this standard. Employees are subject to disciplinary sanctions for violating agency sexual abuse or sexual harassment policies. There have been no reported cases of inmates engaging in sexual activity with staff in the past 12 months and no staff members were disciplined or terminated for violation of agency policy. The Collective Bargaining Agreement between the BOP and Council of Prison Locals, American Federation of Government Employees, dated July 21, 2014-July 20, 2017, allows for disciplinary sanctions against staff, including termination, for the sexual abuse or sexual harassment of an inmate. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff that would have been terminated if not for their resignation, may be reported to criminal investigators and to any law enforcement or relevant professional/certifying/licensing agencies by the BOP, unless the activity was clearly not criminal. Compliance with this standard was determined by a review of policy/documentation and staff interviews. FCI Fairton met the requirements of Standard 115.76.

Corrective action: None required

Standard 115.77: Corrective action for contractors and volunteers

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

115.77 (a)

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

115.77 (b)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. PS 3420.11 Standards of Employee Conduct
4. FAI 5324.12
5. Warden's Memo: 115.77(a)-3 Reports of Sexual Abuse by Contractors/Volunteers
6. Warden's Memo: 115.77(b)-1 Remedial measures
7. Interviews with the following:
 - a. Warden

PS 3420.11 and PS 5324.12 address the requirements of the standard. Any contractor or volunteer who engages in sexual abuse/sexual harassment would be prohibited from contact with inmates and would be reported to the appropriate investigator, law enforcement, or relevant professional/licensing/certifying bodies, unless the activity was clearly not criminal in nature. In non-criminal cases, the FCI would take appropriate remedial measures and consider whether to prohibit further contact with inmates. During the past 12 months, there were no incidents where a contractor or volunteer was accused or found guilty of sexual abuse or sexual harassment. Compliance with this standard was determined by a review of policy and volunteer/contractor training files and volunteer/contractor and staff interviews. FCI Fairton met the requirements of Standard 115.77.

Corrective action: None required

Standard 115.78: Disciplinary sanctions for inmates

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

115.78 (a)

- Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process? Yes No

115.78 (b)

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

115.78 (c)

- When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior? Yes No

115.78 (d)

- If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits? Yes No

115.78 (e)

- Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact? Yes No

115.78 (f)

- For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation? Yes No

115.78 (g)

- Does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.)
 Yes No NA

Auditor Overall Compliance Determination

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

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. PS 3420.11 Standards of Employee Conduct
4. FAI 5324.12
5. Warden's Memo: 115.78(e)-1
6. PS 5270.09 Inmate Discipline Program
7. Interviews with the following:
 - a. Warden

Policy addresses the requirement of this standard. The Inmate Discipline Program defines sexual assault of any person, involving non-consensual touching by force or threat of force, as the greatest severity level prohibited act. The program identifies inmates engaging in sexual acts and making sexual proposals or threats to another as a high severity level prohibited act. Non-consensual sex or sexual harassment of any nature is prohibited and will result in discipline. Consensual sex between inmates does not constitute sexual abuse. Sanctions are commensurate with the nature and circumstances of the abuse committed, along with the inmate's disciplinary history and the sanctions imposed for comparable offenses by other inmates with similar histories. Inmates are subject to disciplinary sanctions pursuant to the formal disciplinary process defined in the Inmate Discipline Program.

The facility does not discipline inmates who make an allegation in good faith, even if an investigation does not establish evidence sufficient to substantiate the allegation. Interviews with the investigator support compliance with this standard. The disciplinary process considers whether an inmate's mental disabilities or mental illness contributed to the inmate's behavior when determining what type of sanction, if any, should be imposed. If mental disabilities or mental illness is a factor, the facility considers the offer of therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse. Compliance with this standard was determined by a review of policy/documentation, an examination of the inmate discipline process, and staff interviews. FCI Fairton met the requirements of Standard 115.78.

Corrective action: None required

MEDICAL AND MENTAL CARE

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

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

115.81 (a)

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

115.81 (b)

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

115.81 (c)

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

115.81 (d)

- Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law? Yes No

115.81 (e)

- Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. Institutional Supplement FAI 5324.12
4. Warden's Memo: 115.81(a)-4;(b)-4;(c)-4 Secondary Materials
5. Warden's Memo: 115.81(d)-1 Limitations of Information
6. Warden's Memo: 115.81(e)-1 Informed Consent
7. Interviews with the following:
 - a. Warden
 - b. Health Services Administrator
 - c. Psychologist

PS 5324.12 addresses the requirements of this standard. Interviews with health services and psychology services staff, confirmed FCI Fairton has a good system for collecting medical and mental health information on inmates. The system allows medical and mental health staff to provide continued re-assessment and follow-up services to the inmates. In the past 12 months, 100% of inmates who disclosed prior victimization during screening were offered a follow-up meeting with a medical or mental health provider. Furthermore, 100% of the inmates who have previously perpetrated sexual abuse, as indicated during the screening, were offered a follow-up meeting with a mental health practitioner. A health care provider who was interviewed during the audit confirmed that treatment services are offered without financial cost to the inmate, as confirmed by observation and a review of intake screening documents. Screening for prior sexual victimization in any setting is conducted by Unit Team staff during in-processing procedures. In-processing procedures also include screening for previous sexually assaultive behavior in an institutional setting or in the community. When indicated, staff members ensure that the inmate is offered a follow-up meeting with a mental health provider within 14 days of the intake screening.

Access to information related to sexual victimization or abusiveness is limited to medical and mental health practitioners and other staff with a need-to-know for the purpose of determining treatment plans, security, housing, work and program assignments and other management decisions. A health care provider also affirmed during an interview that signed and dated informed consents would be obtained from inmates before reporting prior sexual victimization which did not occur in an institutional setting. FCI Fairton does not house inmates under the age of 18. All screening documentation is recorded in the Bureau's Electronic Medical Record and Psychology Data System. All medical, mental health and PREA related information is handled confidentially and interviews with the intake screening staff support this fact. FCI Fairton met the requirements of Standard 115.81.

Corrective action: None required

Standard 115.82: Access to emergency medical and mental health services

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

115.82 (a)

- Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?
 Yes No

115.82 (b)

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

115.82 (c)

- Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate? Yes No

115.82 (d)

- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?
 Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. Warden's Memo: 115.82(a)-3 Secondary Medical/Mental Health Logs
5. Interviews with the following:
 - a. IPCM
 - b. Health Services Administrator
 - c. Psychologist

Policies, Institutional Supplements, and interviews address the requirements of this standard. The facility medical and mental health personnel provide services to all inmates placed at FCI Fairton. Medical personnel are on duty 16 hours a day, seven days a week and are available for consultation or call-back on off duty hours. Mental health providers are on-site five days per week and are also available for call-back on off duty hours. Information and access to emergency medical care is offered to all inmate victims, as clinically indicated. Victim advocacy services are offered through trained staff members. Agency policy prohibits inmate co-pays for medical treatment from being applied to victims of sexual abuse and all treatment is offered at no financial cost to the inmate. Inmate victims of sexual abuse, while incarcerated, are offered information about and timely access to information on sexually transmitted infection prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. There was one allegation of sexual abuse that required referral for forensic examination and evidence collection by a SANE/SAFE examiner in the past 12 months. Compliance with this standard was determined by a review of policy/documentation and interviews with a SANE/SAFE provider and facility medical staff. Secondary materials documenting compliance are on file. FCI Fairton met the requirements of Standard 115.82.

Corrective action: None required

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

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

115.83 (a)

- Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility? Yes No

115.83 (b)

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

115.83 (c)

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

115.83 (d)

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

115.83 (e)

- If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if all-male facility.) Yes No NA

115.83 (f)

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

115.83 (g)

- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident? Yes No

115.83 (h)

- If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)
 Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. Interviews with the following:
 - a. IPCM
 - b. Health Services Administrator
 - c. Psychologist

Policy addresses the requirement of Standard 115.83. FCI Fairton offers medical and mental health evaluations and, as appropriate, treatment to all inmates who have been victimized by sexual abuse. Services are consistent with a community level of care, without financial cost to the inmate. The facility houses male inmates. FCI Fairton has fully staffed medical and mental health departments and offers victims of sexual abuse/sexual harassment medical and mental health services consistent with the standard of care available in the community. Inmate victims, while incarcerated, would be offered testing for sexually transmitted infections as medically appropriate. Mental health evaluations are conducted on all known inmate-on-inmate abusers within at least 14 days of learning of such abuse history, but usually immediately, when staff members become aware of this information. When appropriate, treatment is offered by mental health practitioners. A review of documentation and interviews with medical/mental health staff support the finding that this facility is in compliance with this standard. FCI Fairton met the requirements of Standard 115.83.

Corrective action: None required

DATA COLLECTION AND REVIEW

Standard 115.86: Sexual abuse incident reviews

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

115.86 (a)

- Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded? Yes No

115.86 (b)

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

115.86 (c)

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

115.86 (d)

- Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse? Yes No
- Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility? Yes No
- Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse? Yes No
- Does the review team: Assess the adequacy of staffing levels in that area during different shifts? Yes No
- Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff? Yes No
- Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1) - (d)(5), and any recommendations for

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

Yes No

115.86 (e)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. Warden's Memo: 115.86(a)-1 Sexual Incident Reviews
5. Warden's Memo: 115.86(d)-1 Report of Findings
6. Warden's Memo: 115.86(e)-1 Implementations of Recommendations
7. Interviews with the following:
 - a. IPCM
 - b. SIS Lieutenant

Policy addresses the requirement of this standard. Administrative and criminal investigations are completed on all allegations of sexual abuse/sexual harassment. The SIS Lieutenant, the FBI and/or the OIG conduct all investigations. The Special Investigative Services Lieutenant was interviewed and found to be extremely knowledgeable concerning his duties and responsibilities. FCI Fairton conducts a sexual abuse incident review at the conclusion of every sexual abuse investigation, unless the allegation was proven to be unfounded. Based on interviews with members of the facility incident review team, policy requires that a review is completed within 30 days of the conclusion of the investigation and consideration is given as to whether the incident was motivated by race, ethnicity, gender identity, status, perceived status,

or gang affiliation. The team also decides if additional monitoring technology should be added to enhance staff supervision. The review team is comprised of upper-level management officials, including the Associate Warden/IPCM, Chief of Psychology Services, SIS Lieutenant, Health Services Administrator and the Unit Manager of the alleged victim. The auditor reviewed ten investigative files and found one investigation in which the inmate was notified of the outcome of an investigation on 3/27/18 but the investigative file shows the investigation was completed on 5/11/19. Moreover, the inmate was made aware of the outcome of the investigation before the completion of the incident review process. Another investigative file indicates that the investigation concluded on 5/11/18 with the incident review taking place on 7/30/18. All required sexual abuse incident reviews were completed at the conclusion of each substantiated and unsubstantiated allegation and each incident was thoroughly documented. The sexual abuse incident review team seeks additional information from other staff, as needed, to ensure a thorough review has been completed. After the corrective action FCI Fairton met the requirements of Standard 115.86.

Corrective action: Incident Review Team members were re-trained in the requirements of Standard 115.86. FCI Fairton meets the requirements of Standard 115.86.

Standard 115.87: Data collection

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

115.87 (a)

- Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions? Yes No

115.87 (b)

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

115.87 (c)

- Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice? Yes No

115.87 (d)

- Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews? Yes No

115.87 (e)

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

115.87 (f)

- Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.) Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. Interviews with the following:
 - a. IPCM

Policy addresses the requirement of this standard. As confirmed by a review of supporting documentation, the FCI collects accurate, uniform data for every allegation of sexual abuse/sexual harassment by using a standardized instrument. The agency tracks information concerning sexual abuse utilizing SIS data, OIA data, inmate data, and SENTRY (BOP Data Management System) data. The data collected includes the information necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by the Department of Justice. The agency aggregates and reviews all data annually. FCI Fairton met the requirements of 115.87.

Corrective action: None required

Standard 115.88: Data review for corrective action

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

115.88 (a)

- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas? Yes No
- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis? Yes No
- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole? Yes No

115.88 (b)

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

115.88 (c)

- Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means? Yes No

115.88 (d)

- Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. Interviews with the following:
 - a. IPCM

Policy addresses the requirement of the standard. The Bureau of Prisons reviews and assesses all sexual abuse/sexual harassment data at least annually to improve the effectiveness of its sexual abuse prevention, detection, and response policies. The identification of trends, issues or problematic areas are a priority and, if discovered, corrective action is initiated. The Institution PREA Compliance Manager forwards data to the respective BOP Regional PREA Coordinator. An annual report is prepared and placed on the BOP website. Compliance with this standard was determined by a review of policy/documentation and staff interviews. FCI Fairton met the requirements of Standard 115.88.

Corrective action: None required

Standard 115.89: Data storage, publication, and destruction

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

115.89 (a)

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

115.89 (b)

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

115.89 (c)

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

115.89 (d)

- Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Evidence Reviewed (on-site visit, documentation, staff and inmate interviews):

1. Pre-Audit Questionnaire
2. PS 5324.12 Sexually Abusive Behavior Prevention and Intervention Program
3. FAI 5324.12
4. Interviews with the following:
 - a. IPCM

Policy addresses the requirement of this standard. The National PREA Coordinator reviews data compiled by each BOP facility and issues a report to the Director of the Bureau of Prisons on an annual basis. The data is securely retained and published on the BOP website after the removal of all personal identifying information. The reports cover all data noted in this standard. FCI Fairton met the requirements of Standard 115.89.

Corrective action: None required

AUDITING AND CORRECTIVE ACTION

Standard 115.401: Frequency and scope of audits

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

115.401 (a)

- During the three-year period starting on August 20, 2013, and during each three-year period thereafter, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (N/A before August 20, 2016.)
 Yes No NA

115.401 (b)

- During each one-year period starting on August 20, 2013, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited? Yes No

115.401 (h)

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

115.401 (i)

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

115.401 (m)

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

115.401 (n)

- Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's

conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This was the second PREA audit of this facility. The previous PREA audit was in July 2016. The Auditor was allowed access to all areas of the facility and had access to all required supporting documentation. The Auditor was able to conduct private interviews with both inmates and staff. All BOP facilities have received at least one PREA audit since August 20, 2012. At least one-third of all BOP facilities were audited during the one-year period after August 20, 2012. The Auditor was provided supporting documentation before and during the audit. Notifications of the PREA audit was displayed throughout the facility. FCI Fairton allowed inmates to send confidential letters to the Auditor prior to the audit. There was no confidential letter mailed to the Auditor as a result of the audit postings in the housing units. FCI Fairton met the requirements of Standard 115.401.

Corrective action: None required

Standard 115.403: Audit contents and findings

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

115.403 (f)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does

not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

FCI Fairton has fully implemented all policies, practices and procedures outlined in the PREA standards. The Auditor reviewed applicable standards and, through the review of supporting documentation, interviews with staff, inmates, and the observation of physical evidence, concluded that this facility fully meets and substantially complies in all material ways with the PREA standards for the relevant review period. BOP policies are directly tied to the PREA standards and staff expectations. The facility's leadership is fully committed to eliminating sexual abuse/sexual harassment, as evidenced in the realistic staffing analysis and the recommendations for enhanced supervision techniques. PREA training for staff and inmates is documented and all stakeholders receive the appropriate level of training and are knowledgeable of the intent of the PREA and the tools available to ensure prevention, detection, reporting, and response to sexual abuse incidents. Sexual abuse and victimization screening are well established and tracked in an organized method. Referrals for mental health counseling are integrated into the intake process and allegations of sexual abuse processed immediately by staff. The public has access to reporting mechanisms and BOP PREA trends data via the BOP website. FCI Fairton currently complies with all applicable PREA standards and no corrective actions are required. FCI Fairton met the requirements of Standard 115.403.

AUDITOR CERTIFICATION

I certify that:

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

Auditor Instructions:

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

Sonya Love

05/30/2019

Auditor Signature

Date

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

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