

**Disclaimer:** This report, as required per 28 CFR §115.403, details the findings of an audit that was conducted by an outside contractor to determine the Federal Bureau of Prisons' (FBOP) compliance with the Prison Rape Elimination Act (PREA). As the work product of independent auditors subcontracted by [PREA Auditors of America \(PAOA\)](#), the FBOP is **not** responsible for grammatical or typographical errors. Additionally, any questions or comments regarding the discrepancies or inaccuracies found within this report should be directed to the subcontracted independent auditor (name and email address can be found on page one of the report), for explanation and resolution.

# PREA Facility Audit Report: Final

**Name of Facility:** FCI McDowell

**Facility Type:** Prison / Jail

**Date Interim Report Submitted:** NA

**Date Final Report Submitted:** 07/30/2024

## Auditor Certification

The contents of this report are accurate to the best of my knowledge.	<input type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input type="checkbox"/>
<b>Auditor Full Name as Signed:</b> Lori M. Fadorick	<b>Date of Signature:</b> 07/30/2024

## AUDITOR INFORMATION

<b>Auditor name:</b>	Fadorick, Lori
<b>Email:</b>	lfadorick@gmail.com
<b>Start Date of On-Site Audit:</b>	06/04/2024
<b>End Date of On-Site Audit:</b>	06/05/2024

## FACILITY INFORMATION

<b>Facility name:</b>	FCI McDowell
<b>Facility physical address:</b>	101 Federal Drive, Welch, West Virginia - 24801
<b>Facility mailing address:</b>	

## Primary Contact

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

<b>Warden/Jail Administrator/Sheriff/Director</b>	
<b>Name:</b>	Eric Rokosky
<b>Email Address:</b>	MCD-PREAComplianceMgr-S@bop.gov
<b>Telephone Number:</b>	304-436-7300

<b>Facility PREA Compliance Manager</b>	
<b>Name:</b>	
<b>Email Address:</b>	
<b>Telephone Number:</b>	

<b>Facility Health Service Administrator On-site</b>	
<b>Name:</b>	Lt. C. Carothers
<b>Email Address:</b>	MCD-PREAComplianceMgr-S@bop.gov
<b>Telephone Number:</b>	304-436-7300

<b>Facility Characteristics</b>	
<b>Designed facility capacity:</b>	1295
<b>Current population of facility:</b>	1589
<b>Average daily population for the past 12 months:</b>	1545
<b>Has the facility been over capacity at any point in the past 12 months?</b>	Yes
<b>Which population(s) does the facility hold?</b>	Males

<b>Age range of population:</b>	19-76
<b>Facility security levels/inmate custody levels:</b>	Med/In/Comm/Out
<b>Does the facility hold youthful inmates?</b>	No
<b>Number of staff currently employed at the facility who may have contact with inmates:</b>	294
<b>Number of individual contractors who have contact with inmates, currently authorized to enter the facility:</b>	6
<b>Number of volunteers who have contact with inmates, currently authorized to enter the facility:</b>	3

### AGENCY INFORMATION

<b>Name of agency:</b>	Federal Bureau of Prisons
<b>Governing authority or parent agency (if applicable):</b>	U.S. Department of Justice
<b>Physical Address:</b>	320 1st Street Northwest, Washington , Dist. Columbia - 20534
<b>Mailing Address:</b>	
<b>Telephone number:</b>	2023073250

### Agency Chief Executive Officer Information:

<b>Name:</b>	Colette S. Peters, Director
<b>Email Address:</b>	bop-rsd-preacoordinator@bop.gov
<b>Telephone Number:</b>	(202) 307-3250

### Agency-Wide PREA Coordinator Information

<b>Name:</b>	Adriana Restrepo	<b>Email Address:</b>	arestrepo@bop.gov
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## Facility AUDIT FINDINGS

### Summary of Audit Findings

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

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

#### Number of standards exceeded:

0

#### Number of standards met:

41

#### Number of standards not met:

0

#### Not audited at the facility level:

Audited at the agency-level, and not relevant to the facility-level audit because the facility has no independent responsibility for the operation of these standards.

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## AGENCY AUDIT FINDINGS

### Summary of Audit Findings

These standards were audited at the agency-level. For more information, please see the attached agency audit report found at the end of this document.

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

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

<b>Number of standards exceeded:</b>	
0	
<b>Number of standards met:</b>	
10	
<b>Number of standards not met:</b>	
0	

## POST-AUDIT REPORTING INFORMATION

### GENERAL AUDIT INFORMATION

#### On-site Audit Dates

1. Start date of the onsite portion of the audit:	2024-06-04
2. End date of the onsite portion of the audit:	2024-06-05

#### Outreach

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

### AUDITED FACILITY INFORMATION

14. Designated facility capacity:	1295
15. Average daily population for the past 12 months:	1545
16. Number of inmate/resident/detainee housing units:	14
17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Not Applicable for the facility type audited (i.e., Community Confinement Facility or Juvenile Facility)

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

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

<b>36. Enter the total number of inmates/residents/detainees in the facility as of the first day of onsite portion of the audit:</b>	1580
<b>38. Enter the total number of inmates/residents/detainees with a physical disability in the facility as of the first day of the onsite portion of the audit:</b>	3
<b>39. Enter the total number of inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) in the facility as of the first day of the onsite portion of the audit:</b>	70
<b>40. Enter the total number of inmates/residents/detainees who are Blind or have low vision (visually impaired) in the facility as of the first day of the onsite portion of the audit:</b>	2
<b>41. Enter the total number of inmates/residents/detainees who are Deaf or hard-of-hearing in the facility as of the first day of the onsite portion of the audit:</b>	0
<b>42. Enter the total number of inmates/residents/detainees who are Limited English Proficient (LEP) in the facility as of the first day of the onsite portion of the audit:</b>	290
<b>43. Enter the total number of inmates/residents/detainees who identify as lesbian, gay, or bisexual in the facility as of the first day of the onsite portion of the audit:</b>	8



<p><b>44. Enter the total number of inmates/residents/detainees who identify as transgender or intersex in the facility as of the first day of the onsite portion of the audit:</b></p>	<p>8</p>
<p><b>45. Enter the total number of inmates/residents/detainees who reported sexual abuse in the facility as of the first day of the onsite portion of the audit:</b></p>	<p>14</p>
<p><b>46. Enter the total number of inmates/residents/detainees who disclosed prior sexual victimization during risk screening in the facility as of the first day of the onsite portion of the audit:</b></p>	<p>142</p>
<p><b>47. Enter the total number of inmates/residents/detainees who were ever placed in segregated housing/isolation for risk of sexual victimization in the facility as of the first day of the onsite portion of the audit:</b></p>	<p>0</p>
<p><b>48. Provide any additional comments regarding the population characteristics of inmates/residents/detainees in the facility as of the first day of the onsite portion of the audit (e.g., groups not tracked, issues with identifying certain populations):</b></p>	<p>None</p>
<p><b>Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit</b></p>	
<p><b>49. Enter the total number of STAFF, including both full- and part-time staff, employed by the facility as of the first day of the onsite portion of the audit:</b></p>	<p>294</p>
<p><b>50. Enter the total number of VOLUNTEERS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:</b></p>	<p>6</p>

<p><b>51. Enter the total number of CONTRACTORS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:</b></p>	<p>3</p>
<p><b>52. Provide any additional comments regarding the population characteristics of staff, volunteers, and contractors who were in the facility as of the first day of the onsite portion of the audit:</b></p>	<p>The Auditor began conducting random and specialized staff interviews on day one of the onsite audit. The Auditor was provided a private space to conduct the confidential interviews. All staff were made available in a timely manner. No staff refused to be interviewed when requested by the Auditor. All staff interviews were conducted using the established DOJ interview protocols.</p>
<p><b>INTERVIEWS</b></p>	
<p><b>Inmate/Resident/Detainee Interviews</b></p>	
<p><b>Random Inmate/Resident/Detainee Interviews</b></p>	
<p><b>53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:</b></p>	<p>25</p>
<p><b>54. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)</b></p>	<p> <input checked="" type="checkbox"/> Age  <input checked="" type="checkbox"/> Race  <input checked="" type="checkbox"/> Ethnicity (e.g., Hispanic, Non-Hispanic)  <input checked="" type="checkbox"/> Length of time in the facility  <input checked="" type="checkbox"/> Housing assignment  <input type="checkbox"/> Gender  <input type="checkbox"/> Other  <input type="checkbox"/> None </p>
<p><b>55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?</b></p>	<p>Selected random names from the housing roster from each housing area.</p>

<b>56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No
<b>57. Provide any additional comments regarding selecting or interviewing random inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</b>	None
<b>Targeted Inmate/Resident/Detainee Interviews</b>	
<b>58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:</b>	20
<p>As stated in the PREA Auditor Handbook, the breakdown of targeted interviews is intended to guide auditors in interviewing the appropriate cross-section of inmates/residents/detainees who are the most vulnerable to sexual abuse and sexual harassment. When completing questions regarding targeted inmate/resident/detainee interviews below, remember that an interview with one inmate/resident/detainee may satisfy multiple targeted interview requirements. These questions are asking about the number of interviews conducted using the targeted inmate/resident/detainee protocols. For example, if an auditor interviews an inmate who has a physical disability, is being held in segregated housing due to risk of sexual victimization, and disclosed prior sexual victimization, that interview would be included in the totals for each of those questions. Therefore, in most cases, the sum of all the following responses to the targeted inmate/resident/detainee interview categories will exceed the total number of targeted inmates/residents/detainees who were interviewed. If a particular targeted population is not applicable in the audited facility, enter "0".</p>	
<b>60. Enter the total number of interviews conducted with inmates/residents/detainees with a physical disability using the "Disabled and Limited English Proficient Inmates" protocol:</b>	1
<b>61. Enter the total number of interviews conducted with inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) using the "Disabled and Limited English Proficient Inmates" protocol:</b>	2

<p><b>62. Enter the total number of interviews conducted with inmates/residents/detainees who are Blind or have low vision (i.e., visually impaired) using the "Disabled and Limited English Proficient Inmates" protocol:</b></p>	<p>2</p>
<p><b>63. Enter the total number of interviews conducted with inmates/residents/detainees who are Deaf or hard-of-hearing using the "Disabled and Limited English Proficient Inmates" protocol:</b></p>	<p>0</p>
<p><b>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</b></p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p><b>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</b></p>	<p>According to staff interviews, on-site review, and inmate rosters, there were no inmates in this category being housed at this facility.</p>
<p><b>64. Enter the total number of interviews conducted with inmates/residents/detainees who are Limited English Proficient (LEP) using the "Disabled and Limited English Proficient Inmates" protocol:</b></p>	<p>3</p>
<p><b>65. Enter the total number of interviews conducted with inmates/residents/detainees who identify as lesbian, gay, or bisexual using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</b></p>	<p>1</p>

<p><b>66. Enter the total number of interviews conducted with inmates/residents/detainees who identify as transgender or intersex using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</b></p>	<p>6</p>
<p><b>67. Enter the total number of interviews conducted with inmates/residents/detainees who reported sexual abuse in this facility using the "Inmates who Reported a Sexual Abuse" protocol:</b></p>	<p>2</p>
<p><b>68. Enter the total number of interviews conducted with inmates/residents/detainees who disclosed prior sexual victimization during risk screening using the "Inmates who Disclosed Sexual Victimization during Risk Screening" protocol:</b></p>	<p>5</p>
<p><b>69. Enter the total number of interviews conducted with inmates/residents/detainees who are or were ever placed in segregated housing/isolation for risk of sexual victimization using the "Inmates Placed in Segregated Housing (for Risk of Sexual Victimization/Who Allege to have Suffered Sexual Abuse)" protocol:</b></p>	<p>0</p>
<p><b>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</b></p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p><b>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</b></p>	<p>According to staff interviews, on-site review, and inmate rosters, there were no inmates in this category being housed at this facility.</p>

<p><b>70. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):</b></p>	<p>The Auditor began conducting inmate interviews on day two of the on-site portion of the audit. Based upon the inmate population on day one of the audit (1580), the PREA Auditor Handbook required that the auditor interview a minimum of 40 inmates, 20 random and 20 targeted. All interviews with inmates occurred in a secure area to ensure privacy. Offender interviews were conducted using the established DOJ interview protocols. No selected inmate refused to be interviewed. The auditor interviewed a total of 45 inmates.</p>
<p><b>Staff, Volunteer, and Contractor Interviews</b></p>	
<p><b>Random Staff Interviews</b></p>	
<p><b>71. Enter the total number of RANDOM STAFF who were interviewed:</b></p>	<p>13</p>
<p><b>72. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)</b></p>	<p><input checked="" type="checkbox"/> Length of tenure in the facility</p> <p><input checked="" type="checkbox"/> Shift assignment</p> <p><input checked="" type="checkbox"/> Work assignment</p> <p><input checked="" type="checkbox"/> Rank (or equivalent)</p> <p><input type="checkbox"/> Other (e.g., gender, race, ethnicity, languages spoken)</p> <p><input type="checkbox"/> None</p>
<p><b>73. Were you able to conduct the minimum number of RANDOM STAFF interviews?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p><b>74. Provide any additional comments regarding selecting or interviewing random staff (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</b></p>	<p>Selected random staff from each shift (8:00am -4:00pm, 4:00pm - 12:00am, 12:00am - 8:00am) using the current shift rosters.</p>

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

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

<b>75. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):</b>	18
<b>76. Were you able to interview the Agency Head?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No
<b>77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No
<b>78. Were you able to interview the PREA Coordinator?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No
<b>79. Were you able to interview the PREA Compliance Manager?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if the agency is a single facility agency or is otherwise not required to have a PREA Compliance Manager per the Standards)

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

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



	<input checked="" type="checkbox"/> Other
<b>If "Other," provide additional specialized staff roles interviewed:</b>	Mailroom, Training, Disciplinary Hearing Officer, Grievance Staff
<b>81. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No
<b>a. Enter the total number of VOLUNTEERS who were interviewed:</b>	1
<b>b. Select which specialized VOLUNTEER role(s) were interviewed as part of this audit from the list below: (select all that apply)</b>	<input checked="" type="checkbox"/> Education/programming <input type="checkbox"/> Medical/dental <input type="checkbox"/> Mental health/counseling <input type="checkbox"/> Religious <input type="checkbox"/> Other
<b>82. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No
<b>a. Enter the total number of CONTRACTORS who were interviewed:</b>	1
<b>b. Select which specialized CONTRACTOR role(s) were interviewed as part of this audit from the list below: (select all that apply)</b>	<input type="checkbox"/> Security/detention <input type="checkbox"/> Education/programming <input checked="" type="checkbox"/> Medical/dental <input type="checkbox"/> Food service <input type="checkbox"/> Maintenance/construction <input type="checkbox"/> Other

<b>83. Provide any additional comments regarding selecting or interviewing specialized staff.</b>	None
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**SITE REVIEW AND DOCUMENTATION SAMPLING**

**Site Review**

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

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

<b>85. Observations of all facility practices in accordance with the site review component of the audit instrument (e.g., signage, supervision practices, cross-gender viewing and searches)?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No
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<b>86. Tests of all critical functions in the facility in accordance with the site review component of the audit instrument (e.g., risk screening process, access to outside emotional support services, interpretation services)?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No
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<b>87. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No
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**88. Informal conversations with staff during the site review (encouraged, not required)?**

Yes

No

**89. Provide any additional comments regarding the site review (e.g., access to areas in the facility, observations, tests of critical functions, or informal conversations).**

The Auditor had full, unimpeded access to all areas of the facility. During the review of the physical plant, the Auditor observed the facility layout, staff supervision of offenders, security rounds, interaction between staff and offenders, shower and toilet areas, placement of PREA posters, observation of availability of PREA information located adjacent to and in the inmate housing areas, observation of communication in general population housing areas, as well as segregated housing cells, search procedures, and availability and access of medical and mental health services. The Auditor observed and made note of the video monitoring system and camera placement throughout the facility, including reviewing the monitors in the control room.

Facility staff allowed the Auditor full access to all areas in FCI McDowell. The tour included the administrative area, visitation, classrooms, recreation yards, warehouse, commissary, library, medical, kitchen, receiving and discharge, and all offender housing units. During the tour, the Auditor was observing for blind spots, opposite gender announcements, the overall level of supervision and staff interactions.

Observations were made of PREA posters and other PREA related materials prominently displayed throughout the facility. The Auditor observed staff performing security rounds, commissary operations, food service operations, offenders working in various areas and staff making opposite gender announcements. Medical personnel were observed conducting treatments with offenders. The Auditor observed offenders inside and outside of housing units. All offender restrooms and shower areas were observed to ensure offenders could utilize the restroom, change clothing and shower without staff of the opposite gender observing the offenders fully naked.

## Documentation Sampling

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

**90. In addition to the proof documentation selected by the agency or facility and provided to you, did you also conduct an auditor-selected sampling of documentation?**

Yes

No

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

The Auditor conducted a document review of employee and inmate files, and a spot check of documents that were previously provided to the auditor along with the PAQ. The Auditor reviewed a random sampling of personnel files to determine compliance related to standards on hiring and promotion and background check procedures for officers and contract staff. The Auditor reviewed the annual PREA training rosters maintained by the training staff and cross referenced the staff files with the training rosters to ensure training was verified. The training coordinator explained the process for relaying the mandated PREA information to new hires, as well as the procedure for annual refresher training. Random offender case files were reviewed to evaluate intake procedures, including screening and subsequent housing decisions, and verify offender PREA education. In addition, the intake and receiving procedures were observed and intake screenings are conducted in private. The Auditor requested additional supporting documentation to include: training records for randomly chosen staff, randomly chosen inmate medical records, randomly chosen inmate classification records, volunteer records, contractor records, and staff personnel files including PREA disclosure forms for hiring and promotions if applicable.

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

## Sexual Abuse and Sexual Harassment Allegations and Investigations Overview

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

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

	# of sexual abuse allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
<b>Inmate-on-inmate sexual abuse</b>	2	0	2	0
<b>Staff-on-inmate sexual abuse</b>	1	0	1	0
<b>Total</b>	3	0	3	0

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

	<b># of sexual harassment allegations</b>	<b># of criminal investigations</b>	<b># of administrative investigations</b>	<b># of allegations that had both criminal and administrative investigations</b>
<b>Inmate-on-inmate sexual harassment</b>	6	0	6	0
<b>Staff-on-inmate sexual harassment</b>	2	0	2	0
<b>Total</b>	8	0	8	0

**Sexual Abuse and Sexual Harassment Investigation Outcomes**

**Sexual Abuse Investigation Outcomes**

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

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

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

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

	Ongoing	Unfounded	Unsubstantiated	Substantiated
<b>Inmate-on-inmate sexual abuse</b>	0	0	2	0
<b>Staff-on-inmate sexual abuse</b>	1	0	0	0
<b>Total</b>	1	0	2	0

**Sexual Harassment Investigation Outcomes**

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



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

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

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

	Ongoing	Unfounded	Unsubstantiated	Substantiated
<b>Inmate-on-inmate sexual harassment</b>	0	0	6	0
<b>Staff-on-inmate sexual harassment</b>	2	0	0	0
<b>Total</b>	2	0	6	0

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

**Sexual Abuse Investigation Files Selected for Review**

<b>98. Enter the total number of SEXUAL ABUSE investigation files reviewed/ sampled:</b>	3
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<p><b>99. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</b></p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual abuse investigation files)</p>
<p><b>Inmate-on-inmate sexual abuse investigation files</b></p>	
<p><b>100. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</b></p>	<p>2</p>
<p><b>101. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</b></p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
<p><b>102. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
<p><b>Staff-on-inmate sexual abuse investigation files</b></p>	
<p><b>103. Enter the total number of STAFF-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</b></p>	<p>1</p>
<p><b>104. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</b></p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>

<p><b>105. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>
<p><b>Sexual Harassment Investigation Files Selected for Review</b></p>	
<p><b>106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:</b></p>	<p>8</p>
<p><b>107. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</b></p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual harassment investigation files)</p>
<p><b>Inmate-on-inmate sexual harassment investigation files</b></p>	
<p><b>108. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</b></p>	<p>6</p>
<p><b>109. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?</b></p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
<p><b>110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>

<b>Staff-on-inmate sexual harassment investigation files</b>	
<b>111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</b>	2
<b>112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?</b>	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)
<b>113. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)
<b>114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.</b>	Auditor reviewed the investigations from the audit period.
<b>SUPPORT STAFF INFORMATION</b>	
<b>DOJ-certified PREA Auditors Support Staff</b>	
<b>115. Did you receive assistance from any DOJ-CERTIFIED PREA AUDITORS at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.</b>	<input type="radio"/> Yes <input checked="" type="radio"/> No

**Non-certified Support Staff**

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

<p><b>121. Who paid you to conduct this audit?</b></p>	<p><input type="radio"/> The audited facility or its parent agency</p> <p><input type="radio"/> My state/territory or county government employer (if you audit as part of a consortium or circular auditing arrangement, select this option)</p> <p><input checked="" type="radio"/> A third-party auditing entity (e.g., accreditation body, consulting firm)</p> <p><input type="radio"/> Other</p>
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<p><b>Identify the name of the third-party auditing entity</b></p>	<p>Correction Consulting Services (f/k/a PAOA)</p>
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<b>Standards</b>
<p><b>Auditor Overall Determination Definitions</b></p> <ul style="list-style-type: none"> <li>• Exceeds Standard (Substantially exceeds requirement of standard)</li> <li>• Meets Standard (substantial compliance; complies in all material ways with the stand for the relevant review period)</li> <li>• Does Not Meet Standard (requires corrective actions)</li> </ul>
<p><b>Auditor Discussion Instructions</b></p> <p>Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.</p>

<b>115.11</b>	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p>
	<p><b>Auditor Discussion</b></p> <p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. Organizational Chart</li> <li>3. Agency Zero Tolerance Statement</li> <li>4. BOP PREA Plan</li> <li>5. MCD-5324.12B</li> <li>6. Inmate Admission and Orientation Handbook</li> <li>7. Agency Directives</li> <li>8. Memorandum of Understanding with National PREA Coordinator</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with the PREA Coordinator</li> <li>2. Interview with the PREA Compliance Manager</li> <li>3. Random and Specialized Staff</li> </ol> <p>Findings (By Provision):</p>

115.11 (a): Agency Directives and Policies address the requirements of this provision. The agency mandates a zero-tolerance directive towards all forms of sexual abuse and sexual harassment and outlines the agency's strategies on preventing, detecting, and responding to such conduct. The agency has a comprehensive PREA Policy: PS 5324.12 as well numerous other policies and procedures that supplement the PREA Plan. The agency policies outline the strategies on preventing, detecting, and responding to such conduct and include definitions of prohibited behavior. Agency policies address "preventing" sexual abuse and sexual harassment through the designation of a PREA Coordinator and PREA Compliance Manager, criminal history background checks (staff, volunteers, and contractors), training (staff, volunteers, and contractors), staffing, intake/risk screening, classification, inmate education, posting of signage (PREA posters, etc.), and contract monitoring.

The policies and directives address "detecting" sexual abuse and sexual harassment through training (staff, volunteers, and contractors), and intake/risk screening.

The policies and directives address "responding" to allegations of sexual abuse and sexual harassment through reporting, investigations, victim services, medical and mental health services, disciplinary sanctions for staff and inmates (PS 3420.11 and PS 5270.09), incident reviews and data collection and analysis. The policy is consistent with the PREA standards and outlines the agency's approach to sexual safety.

The Inmate Handbook, PREA Posters, and PREA Brochure address sexual abuse by another inmate, and the Inmate Handbook addresses sanctions for inmates when involved in such conduct. Based on staff interviews and a review of practices, the Auditor noted staff monitor for inmate-on-inmate sexual misconduct in accordance with the PREA program. All allegations are reported and investigated, and inmates are held accountable.

115.11 (b): Agency Directives and the BOP PREA Plan addresses the position of the agency PREA Coordinator, which outlines the roles and responsibilities of the position and calls for the position being allowed enough time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in each facility.

The agency's organizational chart reflects that the agency PREA Coordinator position (referred to as the National PREA Coordinator) is an upper-level position with agency-wide oversight. The PREA Coordinator is a Psychologist under the Psychology Services Branch and reports to the Assistant Director, Reentry Services Division. The PREA Coordinator provides guidance through regional agency PREA Coordinators and facility PREA Compliance Managers. The position is full-time and the PREA Coordinator reported having enough time to manage all the PREA related responsibilities, with the freedom to divert responsibilities to other staff as needed to focus on the audit.

Based on the agency directive, agency's organization chart, and the interview with the designated agency PREA Coordinator, the Auditor determined the agency demonstrates it meets the requirements of this provision of this standard.

	<p>115.11 (c): The Program Statement (PS) 5324.12, Sexually Abusive Behavior Prevention and Intervention Program and Institution Supplement (IS) 5324.12B, Sexually Abusive Behavior Prevention and Intervention Program, address the requirements identified in the standard. The agency has appointed a psychologist assigned to the BOP Reentry Services Division as their National PREA Coordinator. This position reports to an Assistant Director.</p> <p>The facility has designated the Associate Warden as the staff member responsible for ensuring PREA compliance. The PAQ indicated that the PREA Compliance Manager has sufficient authority and time to coordinate the facility's PREA efforts. The facility's organizational chart confirms that the Associate Warden is responsible for PREA compliance and that he/she reports directly to the Warden regarding all PREA-related concerns. The interview with the PREA Compliance Manager indicated she has sufficient time to coordinate the facility's PREA compliance.</p> <p>The evidence shows that the agency has a PREA policy, has designated an upper-level, agency-wide PREA Coordinator as verified through the organizational chart and the facility has a PREA Compliance Manager as verified through the organizational chart. Based on the review of the PAQ and related documents, PREA implementation appears to comply with the standard under the PREA Coordinator and PREA Compliance Manager. The preparedness for the audit and overall incorporation of institutionalized sexual safety practices demonstrates that the PREA Coordinator and PREA Compliance Manager have sufficient time and authority to accomplish PREA responsibilities for the agency and facility. As such, this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.12</b>	<b>Contracting with other entities for the confinement of inmates</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <p><b>Auditor Discussion</b></p> <p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. Contracts for Confinement of Inmates</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with the Agency's Contract Administrator</li> </ol> <p>Findings (By Provision):</p> <p>115.12 (a)(b): Agency Directive(s) and BOP PREA Plan address(es) this provision. The agency reported the agency-wide contract requires the agency to monitor the contractor's compliance with the PREA standards.</p>



	<p>The agency reported there were a total of zero contracts for the confinement of inmates and 160 Residential Reentry Centers (RRCs) that the agency had entered or renewed with private entities or other government agencies.</p> <p>The agency-wide contract requires the agency to monitor the contractor's compliance with the PREA standards.</p> <p>A review of the contract reflected the entity's obligation to adopt and comply with the PREA standards. A review of the agency directive and of the contract that the agency had entered or renewed with private entities or other government agencies reflected all the contracts met the required entity's obligation to adopt and comply with the PREA standards.</p> <p>The agency's Contract Administrator reported she is required to maintain regular contact with every inmate placed in a contract facility. If there are concerns, agency protocol requires the inmate be removed from the facility and the facility allowed time to make corrective action and address the concerns. Corrective actions are addressed before the facility is reconsidered and notification would also be made to law enforcement. The Contract Administrator annually collects credentialing documentation for each facility including, facility license; staff licenses or certifications; daily schedule; and monitoring reports or the licensing agency's website regarding the facility's status; as well as tours the facility.</p> <p>The BOP is no longer actively soliciting new contracts with private facilities. All contracts have expired; thus, the BOP no longer contracts with private agencies/entities for the confinement of federal inmates.</p> <p>The Contract Administrator reported PREA compliance results are completed and that the PREA Coordinator has implemented a tracking process for this. A review of the agency directive, agency contract and interview with the contract administrator and PREA Coordinator demonstrated the agency meets the requirements of this provision and this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.13</b>	<b>Supervision and monitoring</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 3000.03</li> <li>3. PS 5324.12</li> <li>4. MCD-5324.12B</li> <li>5. Staffing Plan</li> <li>6. Annual Reviews</li> </ol>

## 7. Documentation of Unannounced Rounds

### Interviews:

1. Interview with the Warden
2. Interview with the PREA Compliance Manager
3. Interview with the PREA Coordinator
4. Interview with Intermediate-Level or Higher-Level Facility Staff

### Site Review Observations:

1. Staffing Levels
2. Video Monitoring Technology or Other Monitoring Materials
3. Logs Books

### Findings (By Provision):

115.13 (a): PS 3000.03, Human Resource Management Manual addresses the agency's staffing plan development. Agency policy, the facility staffing plan and the Workforce Utilization Committee meeting minutes address the requirements of the standard. The policy indicates that the Workforce Utilization Committee will formulate a staffing plan based on the number of allocated positions, historical turnover and anticipated vacancies. Additionally, the policy states that the committee will review departmental rosters, review findings of program, operational and other management reviews and recommend actions designed to increase effective use of resources. Per the policy, the vacancy rate will not exceed ten percent during any eighteen-month period. The staffing plan takes into consideration generally accepted detention practices, any judicial findings of inadequacy, any finding of inadequacy from Federal investigative agencies, any finding of inadequacy from internal or external oversight bodies, all components of the facility's physical plant, the composition of the inmate population, the number and placement of supervisory staff, the institutional programs occurring on a particular shift, any applicable State or local laws, the prevalence of substantiated and unsubstantiated incidents of abuse and any other relevant factors.

The PAQ indicated that the current staffing is based on 1,448 inmates. The facility currently employs 294 staff. Custody staff mainly make up three shifts: first shift is 8:00am-4:00pm, second shift is 4:00pm-12:00am, and third shift works is 12:00am-8:00am. The facility operates on a unit management concept. Officers are assigned to each housing unit, along with a case manager. Additional officers are assigned to other ancillary areas. Medical, mental health and administrative staff have varying work schedules from 6:00am till 9:00pm. Interviews with the Warden and the PREA Compliance Manager confirmed that the facility has a staffing plan that provides adequate staffing levels and that they comply with the plan on a regular basis.

Staff reported they follow the agency directives and PREA standards, taking into consideration the composition of the inmate population and their needs, scheduled programming, and staff placement.

The Workforce and Utilization Plan Meeting Minutes indicate that the staff consider PREA in deciding which positions to fill and/or any additional positions needed to

address any PREA concerns. The Executive Staff noted that an upgrade has been completed to the video monitoring system, as well as installation of several PREA mirrors throughout the institution.

Interviews with the Warden, PREA Compliance Manager and Supervisory Staff indicate that to ensure compliance with the staffing plan, the facility monitors staffing throughout the shifts and thoroughly review all serious incident reports. During the on-site audit, a review of the agency directive, staff interviews, and the facility's staffing plan indicated all the elements are addressed.

115.13 (b): The facility indicated in the PAQ that no deviations from the staffing plan had occurred during the previous twelve months. The interview with the Warden indicated that deviations would not occur as policy does not allow for correctional service rosters to be unmanned. The Warden stated that the facility continually evaluates the staffing plan to eliminate any blind spots, to place staff in high traffic areas and areas that may have special populations. The Warden stated via memo that the Workforce Utilization Committee had determined that staffing levels were found to be adequate. Video monitoring systems have been and continue to be updated. Any deviations from the staffing plan would be documented in accordance with policy requirements. The PREA Compliance Manager indicated that staff review the population to include aggressors and victims and determine any areas of weakness at the facility or areas that need closer supervision for these individuals. The PREA Compliance Manager regularly notifies staff of the high-risk inmates at the facility.

The Warden indicated that required staffing levels would be maintained through voluntary or mandated overtime (if needed), and/or augmentation using non-custody staff. At the time of the on-site review, the Captain stated that the facility was at approximately 96% staffing for custody staff.

115.13 (c): A review of the facility staffing plan and the quarterly Salary and Workforce Utilization Committee annual meeting minutes confirm that PREA issues were considered when filling positions and developing work rosters/assignments. The plan was reviewed to assess, determine and document whether any adjustments were needed to the staffing plan, the deployment of video monitoring technologies and/or the resources available to commit to ensuring adherence to the staffing plan. Interviews with the Warden, Captain and PREA Compliance Manager confirmed that the facility considers the items detailed in the standard when developing the staffing plan. The facility and the agency review the staffing plan at least quarterly. There have been no judicial findings of inadequacy, findings of inadequacy from federal investigative agencies or findings of inadequacy from internal or external oversight bodies relevant to this standard. The agency reported no deviations with the staffing plan in place.

115.13 (d)(e): PS 5324.12 indicates that the Institution Duty Officer (IDO) is required to make weekly unannounced rounds on all shifts to identify and deter sexual abuse and sexual harassment. These rounds are required to be documented and forwarded

to the PREA Compliance Manager for retention. Additionally, MCD-5324.12B indicates that unannounced rounds by supervisory staff conducted with the intent of identifying and deterring sexual abuse and sexual harassment are conducted every week. Additionally, PS 5324.12 prohibits staff from alerting other staff members that the supervisory rounds are occurring, unless such announcement is related to legitimate operational functions of the facility.

A review of supplemental documentation indicated that rounds are being conducted weekly by the IDO in all locations at the facility. The review of Institution Duty Officer unannounced PREA rounds logs confirmed that intermediate-level or higher-level staff conduct and document such visits throughout the institution, including nights and weekends. Logbooks are used to document unannounced rounds, which are the responsibility of the posted officer to maintain. Interviews with supervisory staff indicate that they vary their route, deviating their times and locations when making rounds, not following a consistent pattern to prohibit staff from alerting other staff about the rounds. Interviews with inmates and housing unit officers confirmed that random, unannounced rounds are conducted by Institution Duty Officers daily, including nights and weekends.

Based on a review of the PAQ, PS 3000.03, PS 5324.12, MCD-5324.12B, the staffing plan, staffing plan reviews, documentation of unannounced rounds, observations made during the tour and interviews with supervisory staff, this standard appears to be compliant.

Corrective Action: None

115.14	Youthful inmates
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with the Warden</li> <li>2. Interview with the PREA Compliance Manager</li> </ol> <p>Site Review Observations:</p> <ol style="list-style-type: none"> <li>1. Observations in Housing Units and Rosters - None under the age of 18</li> </ol> <p>115.14 (a)(b)(c): FCI McDowell does not house youthful inmates. A review of the daily population report indicated that no inmates under the age of 18 were housed at the facility within the previous twelve months. During the tour, it was observed that no inmates under the age of 18 were housed at the facility. The Warden and PREA Compliance Manager confirmed that the facility has not and does not house inmates</p>

	<p>under the age of 18. As such, this provision is not applicable.</p> <p>Based on a review of the PAQ, daily population reports, observations made during the tour and information from the interviews with the Warden and PREA Compliance Manager, this standard appears to be not applicable and as such, compliant.</p> <p>Corrective Action: None</p>
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<b>115.15</b>	<b>Limits to cross-gender viewing and searches</b>
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	<p><b>Auditor Overall Determination:</b> Meets Standard</p>
	<p><b>Auditor Discussion</b></p>
	<p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5521.06</li> <li>3. Memorandum from Warden dated 3-19-2024</li> <li>4. Sexually Abusive Behavior Prevention and Intervention Program Annual Training Curriculum</li> <li>5. Staff Training Records</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with Random Staff</li> <li>2. Interview with Random Inmates</li> <li>3. Interview with Transgender/Intersex Inmates</li> </ol> <p>Site Review Observations:</p> <ol style="list-style-type: none"> <li>1. Observations of Privacy Barriers and Shower Curtain in Bathroom Areas</li> <li>2. Observation of Absence of Female Inmates</li> <li>3. Observation of Opposite Gender Announcements</li> </ol> <p>Findings (By Provision):</p> <p>115.15 (a): PS 5324.12 and PS 5521.06 address the requirements of the standard. FCI McDowell does not permit cross-gender strip searches or cross-gender visual body cavity searches, except in exigent circumstances or when performed by medical practitioners. There was no cross-gender visual body cavity or strip searches conducted at the facility during the audit period. Officers would be required to document all cross-gender strip searches and cross-gender visual body cavity searches. In such a case, this exception would be documented in the inmate's central file. Interviews with staff confirmed that they were aware of the prohibition of visual body cavity or strip searches of the inmates of the opposite gender except in exigent circumstances.</p> <p>Random staff interviews confirmed that male and female officers had been trained to</p>

conduct cross-gender pat searches. As confirmed by observations during the on-site review of inmate housing units, inmates are permitted to shower, perform bodily functions, and change clothing privately. The agency and facilities require staff of the opposite gender to announce their presence or otherwise notify the inmates when entering an inmate housing unit. Inmate interviews confirmed that staff members of the opposite gender usually announce their presence when entering housing units. The auditor observed this practice during the on-site review of the facility. Staff would not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. Interviews with inmates confirmed that officers were professional and respectful when performing pat searches. Interviews with staff/inmates, auditor observations and an examination of policy/supporting documentation confirm compliance with this standard.

The agency reported there have been no incidents of cross-gender strip or cross-gender visual body cavity searches of inmates. This was confirmed through staff interviews.

115.15 (b): Agency Directives and BOP PREA Plan address this provision. Agency policy requires strip searches be conducted by staff of the same gender as the inmate. There have been no incidents of cross-gender strip or cross-gender visual body cavity searches of inmates. Staff interviews revealed staff are aware they are prohibited from conducting cross-gender strip searches, but are trained to conduct cross-gender pat-down searches.

Staff indicated staffing levels are sufficient to ensure cross-gender strip searches do not occur. Staff interviewed reported they had not conducted a cross-gender strip search or knew of this practice taking place. Inmates stated they have always been searched by same-gender staff. A review of the agency directive and staff interviews indicates no cross-gender strip searches have been conducted. Inmate interviews confirmed no cross-gender strip searches are conducted.

115.15 (c): Agency Directives and BOP PREA Plan address this provision. Agency directive requires strip searches are conducted by staff of the same gender as the inmate. PS 5521.06 discusses visual searches and body cavity searches. Visual searches are to be conducted by staff of the same gender as the inmate, except where circumstances as such that a delay would mean the loss of contraband. In such a case, this exception would be documented in the inmate's central file. Agency policy states that body cavity searches are only conducted by qualified health personnel upon the approval of the Warden or Acting Warden and such searches are documented in the inmate's central file. The facility does not house female inmates and as such, no cross-gender pat searches of female inmates would be conducted or documented. The PAQ indicated that no cross-gender searches have been conducted in the previous twelve months. Female inmates are not housed at the facility.

115.15 (d): Agency Directives and BOP PREA Plan address this provision. During the on-site audit, the Auditor observed that inmates have sufficient privacy to perform bodily functions. There is no opportunity for staff of the opposite gender to view inmates performing bodily functions.

The Auditor noted that staff of the opposite gender would announce themselves accordingly when entering a housing unit. Staff interviews revealed staff are aware of the requirement to announce themselves when entering a housing unit with inmates of the opposite gender. There is information posted about this and an announcement is routinely made over the loud speaker. Inmates interviewed reported staff of the opposite gender generally announce themselves upon entering the housing unit and that they would never be in a state of undress in front of opposite gender staff as they are required to be dressed in the housing unit common areas. Interviews with random inmates and interviews with random staff indicated that inmates have privacy when showering, using the restroom and changing clothes.

The facility refers to PS 5324.12 for policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttock, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks.

The auditor observed during the site review that all housing areas have showers and toilets that are sufficiently private while still allowing for custody staff to ensure the safety of the offenders.

115.15 (e): Agency Directives and BOP PREA Plan address this provision. Staff interviews indicate staff are aware of the prohibition of searching or physically examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. Staff stated the determination of the inmate's genital status would be made by medical staff if there were any question.

Policy indicates that a staff member at FCI McDowell shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. The PAQ indicated that there had been no searches of this nature within the past twelve months.

115.15 (f): Training documentation reflected staff attended and participated in "Cross-Gender and Transgender Pat Searches" training during onboarding, and refresher training is available online. The Sexually Abusive Behavior Prevention and Intervention Program Annual Training Curriculum indicated that staff are trained on conducting cross gender pat searches and searches of transgender and intersex inmates in a professional and respectful manner on the first day of the annual training.

A review of the agency directive, training documentation, and staff interviews indicate staff are prohibited from conducting cross-gender strip searches or visual body cavity searches, however, all staff are trained on how to conduct cross-gender pat-down searches if exigent circumstances exist which exceeds the requirements of this provision.

A review of the training curriculum confirms that the training covers cross-gender pat-searches and searches of transgender and intersex inmates. The PAQ indicated that 100% of staff had received this training. The Auditor reviewed training records which indicated all facility staff had received this training. Interviews with a random sample

	<p>of staff indicated that they all had received this training during the previous year.</p> <p>Based on a review of the PAQ, PS 5521.06, the Sexually Abusive Behavior Prevention and Intervention Program Training Curriculum, Memorandum from the Warden, staff training records, observations made during the tour including physical layout and the opposite gender announcement, as well as information from interviews with random staff, random inmates and transgender inmates indicate this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.16</b>	<b>Inmates with disabilities and inmates who are limited English proficient</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p><b>Auditor Discussion</b></p> <p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. MCD-5324.12B</li> <li>4. LanguageLine Solutions Contract</li> <li>5. Documentation of review for assistance</li> <li>6. PREA Posters</li> <li>7. Inmate Admission and Orientation Handbook</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with the Agency Head</li> <li>2. Interview with Inmates with Disabilities</li> <li>3. Interview with LEP Inmates</li> <li>4. Interview with Random Staff</li> </ol> <p>Site Review Observations:</p> <ol style="list-style-type: none"> <li>1. Observations of PREA Posters in English and Spanish</li> </ol> <p>Findings (By Provision):</p> <p>115.16 (a): PS 5324.12 and the Admission and Orientation (A&amp;O) Handbook address the requirements of the standard. Through agency policy and practice, the facility ensures that inmates with all disabilities as listed in the standard have an equal opportunity to participate in and benefit from all aspects of the agency’s efforts to prevent, detect and respond to sexual abuse and sexual harassment. The PREA Compliance Manager is responsible for reaching out to local disabilities assistance offices to ensure the facility is providing effective communication accommodations when needed. Interviews with staff indicate that FCI McDowell shall take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate</p>



in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. FCI McDowell has access to community resources for individuals with disabilities thru the West Virginia Division of Rehabilitation Services. The PREA Compliance Manager also stated that the facility uses community resources for braille services for the blind.

All written PREA-related information, including postings, brochures and handouts are available in English, Spanish, and other languages. Staff will also read information to inmates when necessary. Translation services are available through a contracted language service for inmates who are not English proficient, and the facility has staff who are proficient in languages other than English. The facility does not rely on inmate interpreters, inmate readers or other types of inmate assistance in the performance of first responder duties or during the investigation of an inmate's allegations. Interviews with staff confirmed their awareness of the prohibition of using inmate interpreters for PREA compliance functions. The Auditor reviewed a PREA refresher handout for staff, "Helping Inmates Who Primarily Speak Another Language," which reiterates this information. Interviews with three non-English proficient inmates confirmed the availability and use of the staff and telephonic interpretive services. Interviews with staff, other inmates and an examination of policy/supporting documentation also confirm compliance with the provisions of this standard.

The interview with the Agency Head indicated that inmates receive PREA information in a format that they can understand. A review of inmate files indicated that inmates with disabilities received PREA information in a way that they understood. The Auditor observed PREA signage to be in large text and in bright colors. Interviews with disabled inmates revealed they are aware of the PREA program and their rights.

115.16 (b): Agency directive, BOP PREA Plan and a review of posters, inmate handbooks, and training certificates, address this provision. PS 5324.12 and MCD-5324.12B establishes the procedure to ensure meaningful access to all the aspects of the facility's efforts to prevent, detect and respond to sexual abuse and sexual harassment to inmates who are Limited English Proficient (LEP). Per agency policy, the PREA Compliance Manager is responsible for reaching out to available interpretation services to ensure the facility is providing effective communication accommodations. The facility has staff that are bilingual and assist in translation when needed. The agency has a contract with LanguageLine Solutions to provide translation services for inmates who are LEP. This is a telephonic service the facility can utilize that will translate information between the staff member and LEP inmate.

The auditor interviewed three Limited English Proficient (LEP) inmates. The inmates reported getting the written PREA-related information in Spanish and received PREA information in a format that they can understand.

A review of PREA posters, the inmate handbook, PREA directives and inmate distributed information confirmed that information is available in both English and Spanish. A review of the files for the LEP inmates interviewed indicated that they received PREA information and they understood the information. During the tour, it

	<p>was observed that PREA signage was posted throughout the facility in English and Spanish.</p> <p>115.16 (c): Agency directive, BOP PREA Plan and review of posters, inmate handbooks, and training certificates address this provision. PS 5324.12 and MCD-5324.12B prohibits the use of inmate interpreters, readers or any other type of inmate assistants for allegations of sexual abuse and sexual harassment, except in limited circumstances where an extended delay could compromise the inmate's safety. The facility has identified staff that can translate in Spanish. The LEP inmates interviewed reported being provided PREA-related information verbally from staff and understanding their rights as it pertained to PREA and had an understanding on how to report an allegation.</p> <p>The PAQ indicated that there were no instances where an inmate was utilized to interpret, read or provide other types of assistance. Interviews with a random sample of staff indicated that inmates are not utilized to translate for PREA purposes. All staff interviewed reported they would never use inmates to interpret for another inmate for a PREA related situation unless there was an emergency.</p> <p>Interviews with LEP inmates and inmates with cognitive disabilities indicated that other inmates were not utilized for translation. Interviews revealed that the facility has resources for translation, and both staff and inmates are aware of these services.</p> <p>The Auditor reviewed documentation provided by the facility of inmates identified with a disability being given additional PREA education and ensuring they have an understanding of the PREA Program at FCI McDowell.</p> <p>Based on a review of the PAQ, PS 5324.12, MCD-5324.12B, the LanguageLine Solutions contract, documentation of additional PREA education for inmates with a disability, a review of PREA signage and information, the inmate handbook, observations made during the tour to include the PREA signage as well as interviews with staff, and inmates with a cognitive disability and LEP inmates indicates that this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.17</b>	<b>Hiring and promotion decisions</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 3000.03</li> <li>3. Standard Form 85P – Questionnaire for Public Trust Positions</li> <li>4. BOP Recruiting Flyer</li> </ol>

5. National Background Investigations Bureau (NBIB)
6. General Employment Considerations for Staff
7. Memorandum from BOP Human Resource Management Division dated 2-28-14
8. Email re Request from non-BOP Employers
9. Eligibility Questions
10. Personnel Files of Staff
11. Contractor Background Files
12. Volunteer Background Files

Interviews:

1. Interview with Human Resource Staff

Findings (By Provision):

115.17 (a)(e)(h): PS 3000.03 Human Resource Management Manual, PS 3420.11, Standards of Employee Conduct, the Pre-Employment Guide, SF85P (Questionnaire for Public Trust Positions) and a BOP recruitment document address the requirements of the standard. PS 3000.03 indicates that a statement indicating eligible external applicants must meet all application criteria and conditions of employment. All employees who have contact with inmates have had a full field background investigation in addition to fingerprinting and inquiry into the FBI's National Crime Information Center (NCIC). The PAQ and interviews with staff indicated that the agency will not hire or promote anyone who may come in contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates if they have: engaged in sexual abuse in prison, jail, lockup or any other institution; been convicted of engaging or attempting to engage in sexual activity in the community or has been civilly or administratively adjudicated to have engaged in sexual abuse by force, overt or implied threats of force or coercion. Additionally, the facility does not hire or promote anyone who has engaged in any type of sexual abuse/harassment. Employees have a duty to disclose such misconduct and material omissions regarding such misconduct would be grounds for termination. Submission of false information by any applicant is grounds for not hiring the applicant.

All staff had a background completed which included their criminal history, credit history and other record inquiries. Contractors and volunteers who have regular contact with inmates also have criminal background checks completed prior to having contact with inmates. Volunteer and contractor background checks are repeated yearly. Files reviewed for contractors hired within the previous year indicated contractors had a background check completed prior to enlisting their services. Files reviewed of the facility volunteers, 10 at the time of the onsite review, indicated volunteers had completed an application process and had a background check completed prior to enlisting their services. An interview with the Reentry Affairs Coordinator, responsible for the volunteer files and training confirmed this information.

Employee backgrounds are re-checked every five years based on their anniversary date.

The Memorandum for Human Resource Managers documented that the agency

provides information related to substantiated allegations of sexual abuse or sexual harassment involving a former employee to institutional employers for whom the employee has applied to work. Specifically, the memo indicates that all requests should be forwarded to the Office of Internal Affairs and that this office will respond to all requests. The Human Resource Manager was interviewed and confirmed that the agency attempts to contact prior employers for information on substantiated allegations of sexual abuse or resignations which occurred during a pending investigation of sexual abuse. The Human Resource Manager also confirmed that the agency, not the facility, provides information on substantiated allegations of sexual abuse or sexual harassment involving a former employee, upon receiving a request from an institutional employer for whom such employee has applied to work. The agency, not the facility, notifies appropriate licensing/certifying agencies when professional staff members are terminated for substantiated allegations of sexual abuse or sexual harassment. Human resource staff indicated that this information would be provided when requested. A review of policy, personnel forms, and relevant supporting documentation, including staff interviews, confirm compliance with this standard.

A review of the eligibility questions on the USA Jobs Application indicated that the three questions are required to be answered electronically for all applicants. A review of personnel files for staff who were hired in the previous twelve months indicated that all had completed an application and as such were required to answer the eligibility questions. The interview with Human Resource staff indicated that the questions are part of the hiring process.

115.17 (b): Agency Directives and BOP PREA Plan address this provision. The Auditor interviewed the Human Resource Staff. Staff reported the agency has incorporated and implemented the "Affirmative Duty to Disclose," which all staff were required to affirm and sign. The form includes a "material omissions" clause.

The General Employment Considerations for Staff indicates that the applicant's character or past conduct might impose a statutory bar to employment or impede employment by adversely impacting on the Bureau's efficiency by jeopardizing the ability to accomplish its mission successfully.

The PAQ indicated that the agency considers any incidents of sexual harassment in determining whether to hire or promote any staff or enlist the services of any contractor who may have contact with an inmate. Human Resource staff informed the auditor that sexual harassment is considered when hiring or promoting staff or enlisting services of any contractors.

115.17 (c): Agency Directives and BOP PREA Plan address this provision. The agency directive requires job applicants to have background checks completed and address any issue of prior sexual misconduct. The background checks are completed prior to any inmate contact. All contractor staff are screened using the same process. The Human Resource staff confirmed this process.

Standard Form 85P and the BOP Recruitment Flyer indicates that employment is subject to satisfactory completion of a background investigation, which also includes

law enforcement and criminal records checks, credit checks, inquiries with previous employers and personal references.

The PAQ indicated that 100% of the 12 staff hired in the past twelve months that may have contact with inmates had received a criminal background check and prior institutional employers were contacted. A review of personnel files indicated that all staff had a criminal background check completed and all prior institutional employers contacted. Additionally, all staff are fingerprinted and any future arrest is automatically reported to the agency through the National Background Investigations Bureau. Human Resource staff indicated that staff have an affirmative duty to disclose any contact with law enforcement.

115.17 (d): Agency Directive(s) and BOP PREA Plan address(es) the elements of this provision. Agency directive defines staff to include volunteer or contracted program services staff. All staff are subjected to a criminal background check. PS 3000.03 indicates that the agency performs criminal background checks before enlisting the services of any contractor who may have contact with inmates via a check of the National Crime Information Center (NCIC).

The PAQ indicated that criminal background record checks were conducted on 6 contracted staff covered in the contracts who might have contact with inmates. A review of contractor personnel files indicated that a criminal background check had been conducted. Human Resource staff confirmed that all contractors have a criminal background check completed prior to enlisting their services.

115.17 (f): Agency Directive(s) and BOP PREA Plan address(es) this provision. The application process includes the "Affirmative Duty to Disclose" form for new hires, volunteers and contractors, and a review of personnel files indicated this process was being implemented. All staff files reviewed indicated the forms had been signed in accordance with directive. Staff interviews confirm the practice is in place and meets the requirements of this provision.

The agency will ask all applicants and employees who have contact with inmates directly about whether they have: engaged in sexual abuse in prison, jail, lockup or any other institution, been convicted of engaging or attempting to engage in sexual activity in the community or been civilly or administratively adjudicated to have engaged in sexual abuse by force, overt or implied threats of force or coercion through a written application, during any interviews or through any written self-evaluations as part of a review of current employees. A review of the eligibility questions on the USA Jobs Application indicated that the three questions are required to be answered electronically for all applicants. A review of personnel files for staff who were hired in the previous twelve months indicated that all had completed an application and as such were required to answer the eligibility questions. Additionally, all staff had a background completed which included their criminal history, credit history and other record inquiries. The interview with Human Resource staff confirmed that these questions are required to be answered by all applicants.

115.17 (g): Agency Directives and BOP PREA Plan address this provision. Agency directive defines staff to include volunteer or contracted program services staff.

	<p>Material omissions regarding sexual misconduct or the provision of materially false information is grounds for termination. The Questionnaire for Public Trust Positions indicates that falsifying or concealing facts is a felony which can result in fines and up to five years in prison. An interview with Human resource staff confirms that any false information or omissions would result in an employee or contractor being terminated.</p> <p>Based on a review of the PAQ, PS 3000.03, Standard Form 85P, BOP Recruiting Flyer, National Background Investigations Bureau (NBIB), General Employment Considerations for Staff, Memorandum for Human Resource Managers, the Eligibility Questions, a review of personnel files for staff and contractors and information obtained from the Human Resource staff interview indicates that this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.18</b>	<b>Upgrades to facilities and technologies</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with the Agency Head</li> <li>2. Interview with the Warden</li> <li>3. Interview with the Captain</li> </ol> <p>Site Review Observations:</p> <ol style="list-style-type: none"> <li>1. Observations of Absence of Modification to the Physical Plant</li> <li>2. Observations of Video Monitoring Technology</li> </ol> <p>Findings (By Provision):</p> <p>115.18 (a): The facility has not designed, acquired or planned any expansion or modification of the existing facility. The PAQ as well as the interview with the Warden confirmed there have not been any modifications to the facility since August 20, 2012. The Agency Head and the facility Warden noted they would consider how any modifications to FCI McDowell may enhance the agency's ability to protect inmates from sexual abuse prior to implementing the any enhancements/upgrades. During the tour, the auditor did not observe any renovations, modifications or expansions.</p> <p>115.18(b): Interviews revealed the Agency Head, facility Warden and Captain would consider how additions/updates to monitoring technology may enhance the agency's and the facility's ability to protect inmates from sexual abuse prior to implementing the video enhancements/upgrades. The Warden noted that they are responsive to</p>

	<p>recommendations from incident reviews and would add and update cameras based on such reviews.</p> <p>The Captain stated that they audit the cameras regularly to asses blind spots and need for additional views. He indicated the cameras are used as a tool to enhance safety of both that staff and inmates. He stated that they had requested additional cameras to enhance viewing in SHU and the Lieutenant complex.</p> <p>FCI McDowell has added and replaced cameras in the past 12 months to enhance safety of the inmate population and improve line of sight in potential blind spots.</p> <p>Based on a review of the PAQ, and information from the Warden and Captain interviews, this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.21</b>	<b>Evidence protocol and forensic medical examinations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. Prison Rape Elimination Act Investigation Policy Memorandum</li> <li>3. PS 6031.04</li> <li>4. Memorandum related to Forensic Medical Exams</li> <li>5. MOU with WV AWAY, Advocating A Way for Adults and Youth (expires June 2027)</li> <li>6. Memorandum of Understanding with the Federal Bureau of Investigation (FBI)</li> <li>7. Qualified Staff Advocacy Training Documents</li> <li>8. Letter from FBI on PREA Compliance</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with Random Staff</li> <li>2. Interview with SAFE/SANE</li> <li>3. Interview with the PREA Compliance Manager</li> </ol> <p>Findings (By Provision):</p> <p>115.21 (a): PS 5324.12; MCD-5324.12B; the Guide for First Responder/Operations Lieutenant, PREA Investigation Policy Memo, PS 6031.04, Patient Care, and the PREA Checklist &amp; Instructions address the requirements of the standard. The Prison Rape Elimination Act Investigation Policy Memorandum outlines the uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. The policy outlines evidence preservation, medical examinations, forensic crime scene investigation with biological</p>

evidence, handling biological evidence and detecting and testing forensic evidence.

Staff interviews indicated staff have a good understanding of their responsibilities as potential first responders, knowledge of agency directive, and staff roles and responsibilities pertaining to investigations of allegations of sexual abuse.

The agency is responsible for conducting administrative investigations, while the FBI is responsible for conducting criminal investigations, if warranted. Interviews with random staff indicated they are aware of evidence protocol and that they are responsible for preserving evidence.

115.21 (b): Agency Directives and BOP PREA Plan address this provision. FCI McDowell offers all inmates a forensic examination if sexually abused. The medical staff will contact Utilization Review who determines the best location with the available services for SANE/SAFE requirements. The Prison Rape Elimination Act Investigation Policy Memorandum indicates that medical forensic examinations are conducted in accordance with standards set forth in "A National Protocol for Sexual Assault Medical Forensic Examinations, Adult/Adolescents, DOJ Office of Violence Against Women, second edition, April 2013".

The facility reported no SAFE/SANE examinations were conducted at a local hospital during the last 12 months. All forensic exams are at no cost to the inmate and are available at any time. The victim will be escorted to the Emergency Department at a local hospital, which provides trauma - informed care for victims of sexual assault 24/7, 365 days a year. Per memo from the Warden, FCI McDowell utilizes hospitals covered under the Comprehensive Care Contract with Seven Corners Medical Contracting, to include Raleigh General Hospital in Beckley, WV. Historically, Raleigh General Hospital has been the primary hospital utilized for a Forensic Medical Exam, completed by a SANE or SAFE. In early 2023, West Virginia passed Bill 89, requiring all hospitals to always have trained SANE/SAFE examiners on staff and on call. Therefore, FCI McDowell now has the ability to utilize any hospital contracted with Seven Corners Medical Contracting.

Victim advocates are available through the hospital emergency room, who have an agreement with the local Rape Crisis Center. In addition, Psychology staff at the facility are trained as victim advocates and are available at the request of the inmate.

A review of the agency directive and supporting documentation indicated the agency coordinates and ensures the protocol implemented is appropriate and in compliance with this provision.

115.21 (c): The Prison Rape Elimination Act Investigation Policy Memorandum indicates that all inmate victims of sexual abuse are offered a forensic medical examination, whether on-site, or at an outside facility, without financial cost. PS 6031.04 specifically states that only in institutions where extreme security concerns exist may an in-house physician be used. Forensic medical exams are provided at no cost to the inmate at a local hospital through the emergency department.



The PAQ indicated that during the previous twelve months, there have been zero forensic exams conducted. During the audit period, there was not an instance where an inmate was provided a forensic medical examination so no documentation was able to be reviewed.

Interviews with correctional and health services personnel confirmed that they were all knowledgeable of the required procedures for obtaining, preserving, and securing physical evidence, when sexual abuse is alleged. Staff were aware that the Special Investigative Services (SIS), the Office of Internal Affairs (OIA), Office of the Inspector General (OIG) or the Federal Bureau of Investigation (FBI) conduct investigations relative to sexual abuse/harassment allegations. Victims of sexual assault are referred to health services for initial examination and treatment.

Such treatment would be for life preservation only and the victim would be transported to a community hospital for examination, treatment and forensic evidence gathering by a Sexual Assault Nurse Examiner (SANE). The practice was confirmed through interview with medical staff. All sexual abuse victim advocacy, examinations, treatment, testing, and follow-up care are provided without cost to the victim. Facility staff members (psychology staff) have also been trained as victim advocates.

Administrative investigations are conducted by trained investigators who are full-time employees of the facility. The Warden generates the referral to the outside agency (OIG or FBI). A review of facility training records confirmed that investigators have received investigator training offered by the BOP on the investigation of sexual abuse and harassment in confinement settings. An examination of policy/supporting documentation also confirm compliance with this standard. Per the PAQ and staff interviews, there were no forensic exams performed at a local hospital within the last year.

115.21 (d): Agency Directives and BOP PREA Plan address this provision. Victims of sexual assault are referred to health services for initial examination and treatment. Such treatment would be for life preservation only and the victim would be transported to a community hospital for examination, treatment and forensic evidence gathering by a Sexual Assault Nurse Examiner. All sexual abuse victim advocacy, examinations, treatment, testing, and follow-up care are provided without cost to the victim. This practice was confirmed by medical staff. Facility staff members (Psychology staff) have also been trained as victim advocates. A review of the agency directive and staff interviews indicate an established collaborative effort to ensure victim advocacy services are available for the inmates if needed through facility staff or outside resources.

The agency attempts to make available to the victim a victim advocate from a rape crisis center, and if a rape crisis center is not available, a qualified staff member from a community-based organization or a qualified agency staff member. FCI McDowell has an MOU with WV AWAY, Advocating A Way for Adults and Youth. The auditor was provided and reviewed the MOU, which expires June 2027. Additionally, the facility has available qualified staff members in the psychology department to serve as

advocates, if necessary. The auditor interviewed two inmates who reported sexual abuse at the facility. However, the nature of the allegations did not require the inmates to be transported to the hospital. The inmates have access to the victim advocacy information as it is included in the inmate handbook and the pamphlet. They were also given this information by Psychology staff after reporting the allegations.

115.21 (e): Agency Directives and BOP PREA Plan address this provision. FCI McDowell has an agreement with a community-based organization as stated above. Advocacy services are available through the emergency department at the hospital with the rape crisis center for victim advocacy while the inmate is at the hospital.

A review of the agency directive and staff interviews indicate an established collaborative effort to ensure victim advocacy services are available for the inmates, if needed. As requested by the victim, the victim advocate, qualified agency staff member or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews. Inmates would generally be transported to Raleigh General Hospital in Beckley, WV for forensic examinations. Additionally, the facility will ensure that an advocate will provide victim support services during the forensic medical exam and during investigatory interviews, if requested by the victim. The psychology staff will inform inmate victims about the availability of these services. The facility also has available qualified staff members to serve as advocates, if needed.

The interview with Psychology staff indicated that they would respond to the hospital to accompany the inmate during a forensic exam, if requested.

115.21 (f)(g): The agency is responsible for conducting administrative investigations, while the FBI is responsible for conducting criminal investigations. A review of the MOU between the BOP and the FBI as well as the letter from the FBI to the BOP dated March 2, 2014 indicate that the FBI complies with all investigatory requirements under PREA standards 115.21, 115.34 and 115.71. Additionally, the FBI follows a uniform evidence protocol and utilizes the FBI Domestic Investigations and Operations Guide for training.

115.21 (h): The qualified agency staff member is one of the Psychologists at the facility. They have received training titled: Forensic Medical Exams: An Overview for Victim Advocates.

Based on a review of the PAQ, The PREA Investigation Policy Memo, PS 6031.04, memo related to forensic exams and advocacy, MOU with the rape crisis center, the MOU with the FBI, the letter from the FBI, the qualified staff member documents and information from interviews with the PREA Compliance Manager indicates this standard appears to be compliant.

Corrective Action: None

**Auditor Overall Determination:** Meets Standard

**Auditor Discussion**

Documents:

1. Pre-Audit Questionnaire
2. PS 5324.12
3. PS 5508.02
4. Attorney General (AG) Memo – Duty to Report Misconduct and Cooperate with Investigations
5. Attorney General Order Number 2835-2006
6. Memorandum of Understanding with the Federal Bureau of Investigation
7. Incident Reports
8. Investigative Reports

Interviews:

1. Interview with the Agency Head
2. Interview with the Warden
3. Interview with Investigative Staff
4. Interview with PREA Compliance Manager

Findings (By Provision):

115.22 (a): PS 5324.12 addresses the requirement of the standard and outlines the administrative and criminal investigative process. Policy requires administrative or criminal investigations to be completed on all allegations of sexual abuse/harassment. The AG Memo and AG Order 2835-2006 indicates that the Office of the Inspector General has the authority to conduct criminal and administrative investigations throughout the Department. Additionally, the MOU with the FBI as well as PS 5508.02 confirms that the FBI is responsible for conducting criminal investigations related to Title 18 and/or any criminal activities at Bureau facilities. Allegations are reported to the Operations Lieutenant and immediately forwarded to the facility investigator for investigation. Administrative investigations are routinely assigned for completion by the Special Investigative Services Lieutenant. If, during an investigation, evidence surfaces indicating criminal misconduct, the case would be initially referred to the OIG and then to the FBI for criminal investigation. The SIS Lieutenant and Special Investigative Agent (SIA) were interviewed and are aware of their responsibilities in the investigative process.

The FBI would conduct criminal investigations for FCI McDowell involving inmate-on-inmate sexual abuse and the OIG would investigate staff-on-inmate criminal sexual abuse. An investigation would never be terminated due to an inmate being transferred or released or an employee leaving the agency.

A review of training documents confirmed that all investigators received instruction in conducting sexual assault investigations in confined spaces/prisons. Interviews with staff and an examination of policy/supporting documentation confirm compliance with this standard.

	<p>Per the facility and a review of records, there were 8 total allegations of sexual harassment reported within the previous twelve months, and 3 allegations of sexual abuse. An administrative investigation was completed for all allegations. A review of the investigative reports revealed that the allegations were investigated as required. Interviews with the agency head, PREA Compliance Manager, Investigators and Warden indicated that all allegations are investigated. Specifically, the OIG investigates potential criminal cases involving staff-on-inmate sexual abuse; the OIA investigates administrative cases of staff-on-inmate sexual abuse or sexual harassment and the Special Investigative Services (SIS) Lieutenant at the facility investigates all other cases.</p> <p>115.22 (b)(c): The agency's directive is posted on the agency's website in accordance with this provision. PS 5324.12 outlines the administrative and criminal investigative process. An administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. The AG Memo and AG Order 2835-2006 indicates that the Office of the Inspector General has the authority to conduct criminal and administrative investigations throughout the Department. Additionally, the MOU with the FBI as well as PS 5508.02 confirms that the FBI is responsible for conducting criminal investigations related to Title 18 and/or any criminal activities at Bureau facilities. A review of the BOP website indicated that PS 5508.02 which describes the FBI's authority to conduct criminal investigations is available at <a href="https://www.bop.gov/PublicInfo/execute/policysearch?todo=query">https://www.bop.gov/PublicInfo/execute/policysearch?todo=query</a>.</p> <p>115.22 (d)(e): This provision is not applicable as the agency is not required to respond to this provision.</p> <p>Based on a review of the PAQ, PS 5324.12, PS 5508.02, the AG Memo, AG Order 2835-2006, the MOU with the FBI, the agency's website and information obtained via interviews with staff, this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.31</b>	<b>Employee training</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p><b>Auditor Discussion</b></p> <p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. MCD-5324.12B</li> <li>4. Sexually Abusive Behavior Prevention and Intervention Program Training Curriculum</li> <li>5. Sample of Staff Training Records (Acknowledgement Form)</li> </ol> <p>Interviews:</p>

1. Interview with Warden
2. Interview with Training Coordinator
3. Interview with Random Staff

Findings (By Provision):

115.31 (a): Agency Directives and BOP PREA Plan address this provision. PS 5324.12, as well as MCD-5324.12B indicate that all staff will receive the Sexually Abusive Behavior Prevention and Intervention Program training during institutional familiarization, and yearly thereafter as part of the annual refresher training. A review of the agency directive, training curriculum, various training documents, and staff interviews demonstrate PREA-related training is being conducted as required. A review of the Sexually Abusive Behavior Prevention and Intervention Program Training Curriculum outline and PowerPoint slides confirmed that the training includes information on: the agency's zero tolerance policy, how to fulfill their responsibilities under the agency's sexual abuse and sexual harassment policies and procedures, the inmates' right to be free from sexual abuse and sexual harassment, the right of the inmate to be free from retaliation for reporting sexual abuse or sexual harassment, the dynamics of sexual abuse and sexual harassment in a confinement setting, the common reactions of sexual abuse and sexual harassment victims, how to detect and respond to signs of threatened and actual sexual abuse, how to avoid inappropriate relationship with inmates, how to communicate effectively and professionally with lesbian, gay, bisexual, transgender and intersex inmates and how to comply with relevant laws related to mandatory reporting. The agency directive and curriculum address all the required topics.

The Auditor interviewed a total of 13 randomly selected staff. Staff interviewed acknowledged attending and participating in the PREA training within the past year, and confirmed the required topics were covered during the training. Interviews revealed the staff have PREA training annually with their annual employee training, and they are given PREA refresher training periodically throughout the year. Employees are also given a PREA response card.

A review of staff training records indicated that 100% of those reviewed received PREA training. Interviews with random staff confirmed that they had received PREA training during annual training and that they receive information through supplemental BLU (Bureau Learning University) Trainings.

115.31 (b): Agency Directives and BOP PREA Plan address this provision. All agency employees, contractors, and volunteers are trained to meet the PREA standards. In the past 12 months, all facility staff were trained or retrained.

The BOP has a comprehensive training program which includes pre-service and annual in-service training and is tailored to meet the gender needs of the facility. The training documentation includes a signature roster and PREA Acknowledgement that indicates the trainees understand the training presented.

The interview process also documented those employees understood the materials presented. Refresher information is available in the employee handbook, through BLU

trainings, and in-shift briefings. Staff reported all staff get the exact same training, regardless of working with male or female inmates in the agency.

PS 5324.12 indicates that the annual refresher takes into consideration the gender of the inmate population at each facility. A review of the training curriculum confirmed that the annual training includes information on male and female inmates.

115.31 (c): Agency Directives and BOP PREA Plan address this provision. Agency directive requires staff receive PREA-related training during orientation and on an annual basis.

The Auditor reviewed employee/contractor/volunteer training documents. A review of the selected training documents indicated all had participated and completed the required PREA training. Training documentation supported the participation of all correctional staff, including participation by management and administrative support staff, in the PREA training.

The PAQ indicated that 294 (100%) staff have been trained in PREA requirements and that they receive PREA training annually. PS 5324.12 indicates that new employees receive the Sexually Abusive Behavior Prevention and Intervention Program training and that current employees receive the training as part of their annual training. A review of documentation confirmed that all staff received PREA training and that all hired prior to the previous twelve months had received annual refresher training.

115.31 (d): Agency Directives and BOP PREA Plan address this provision. The agency maintains the signed acknowledgement forms which affirm the trainees understand the training they have received. Through staff interviews, it was evident to the Auditor that the staff understood the PREA training.

All staff are required to physically sign or electronically acknowledge that they received and understood the PREA training. A review of the training records indicate that all staff sign a training acknowledgement that states, "I have received and understand the training conducted regarding the agency's sexual abuse and sexual harassment policies and procedures." A review of staff training records indicated that staff have signed the acknowledgment form. The facility conducts annual training, as well as BLU trainings.

The Auditor conducted an interview with the facility Training Coordinator. The Training Coordinator gave the Auditor a detailed description of the training materials, process and methods of instruction. In the targeted interview with the Warden, he stated that they continually provide refresher information to the staff regarding PREA during briefings.

Based on a review of the PAQ, PS 5324.12, MCD-5324.12B, the Sexually Abusive Behavior Prevention and Intervention Program training curriculum, a review of staff training records, as well as interviews with random staff and the Training Coordinator, it appears the standard is compliant.

Corrective Action: None

<b>115.32</b>	<b>Volunteer and contractor training</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. Prison Rape Elimination Act (PREA) Training for Level I Volunteers</li> <li>3. Level I Volunteer Application/Training Form</li> <li>4. Sample of Contractor Training Records</li> <li>5. Sample of Volunteer Training Records</li> <li>6. Training Documentation</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with Volunteers or Contractors who have Contact with Inmates</li> <li>2. Human Resources</li> </ol> <p>Findings (By Provision):</p> <p>115.32(a): Agency Directives and BOP PREA Plan address volunteer and contractor training.</p> <p>All contractors who have contact with inmates at this facility have been trained to understand the requirements of PREA and the zero-tolerance directive. All contract staff were trained in and acknowledge they understand PREA.</p> <p>The Auditor reviewed training documentation and the signatures that documented that they understood the training presented. An interview with contract staff verified that they understood the PREA requirements associated with being a contractor. The contract staff recalls having training on PREA and was able to articulate aspects of the training, including awareness of the zero-tolerance policy and first responder duties.</p> <p>The auditor interviewed one volunteer during the onsite review. The volunteer stated that they had received PREA training before first coming into the facility to provide services and was familiar with the zero tolerance policy and what to do if an inmate reported an allegation of sexual assault or sexual harassment. The auditor interviewed the Reentry Affairs Coordinator, who stated that she does PREA training with the volunteers. She states that FCI McDowell does not have many volunteers and they are all escorted by staff. The volunteers receive 4 hours of initial training, which includes PREA. They also receive annual refresher training. The Auditor reviewed volunteer files and found that they are receiving PREA information, as well as annual refresher training.</p> <p>Per the PAQ, there are 9 contractors and volunteers who have contact with inmates, who have been trained in agency policies and procedures regarding sexual abuse/ harassment prevention, detection, and response.</p> <p>115.32(b): Agency Directive and BOP PREA Plan address volunteer and contractor training. The agency's PREA training addresses the zero-tolerance directive. Training</p>

	<p>documentation reflected training specifically for contract staff and volunteers. The Auditor interviewed a randomly selected contract staff. The contracted staff interviewed reported being trained on the agency's zero-tolerance directive regarding sexual abuse and sexual harassment, and of the reporting requirements, including the duty to report.</p> <p>115.32(c): Agency Directive and BOP PREA Plan address volunteer and contractor training. The acknowledgment forms contained the proper affirmation statement. It was clear through interviews with contract staff and volunteers that they understood the PREA training they had received.</p> <p>Based on a review of the PAQ, the PREA Training for Level I Volunteers, a review of a sample of contractor and volunteer training records, as well as interviews with contractor staff, this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.33</b>	<b>Inmate education</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. PS 5290.14</li> <li>4. Bureau's Admission and Orientation (A&amp;O) Pamphlet on Sexually Abusive Behavior Prevention and Intervention</li> <li>5. Sexually Abusive Behavior Prevention and Intervention Program</li> <li>6. Inmate Admission and Orientation Handbook</li> <li>7. Inmate Training Records</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with Intake Staff</li> <li>2. Interview with Random Inmates</li> </ol> <p>Site Review Observations:</p> <ol style="list-style-type: none"> <li>1. Observations of Intake Area</li> <li>2. Review of Inmate Files</li> <li>3. Observations of PREA Signs in English and Spanish</li> </ol> <p>Findings (By Provision):</p> <p>115.33(a): Agency Directives and BOP PREA Plan address this provision. The intake staff reported the orientation packet contains all the PREA-related information, which is provided to all the inmates during the intake process. Staff reported the</p>



information may be provided to the inmate in Spanish or it could be read out loud to the inmates to ensure they understand it. The intake staff stated that program staff meet with the inmates prior to leaving intake and that inmates are asked if they have any questions before they are assigned to a housing unit.

Staff indicate that information on the zero-tolerance directive and how to report allegations are also contained on posters, which are posted throughout the facility, and that the PREA information is presented on the inmate tablets. The Auditor verified this information during the site review.

115.33(b)(d): Agency Directive and BOP PREA Plan address this provision. In the past 12 months, 1574 inmates were admitted to FCI McDowell and were trained on PREA. Provisions are made by staff to assist those inmates with disabilities, or those not proficient in English to ensure their understanding of PREA. Orientation videos, posters, inmate handbooks, and other resources are readily available to the inmate population and are available in English and Spanish. Inmates also have regular access to TRULINCS, a computer system which also provides PREA information, as well as reporting mechanisms. Inmate telephones, reviewed by the auditor, also provide a reporting outlet. Staff interpreters and telephonic translation services are available to inmates who are not proficient in English or are otherwise unable to communicate due to a disability or limitation (deaf, blind, mentally impaired, etc.).

115.33(c): Agency Directive and BOP PREA Plan address this provision. A review of case files for randomly selected inmates, as well as all inmates interviewed by the auditor (45) reflected that all inmates had been provided the required PREA-related comprehensive education during A&O. Staff interviewed reported information is provided during intake. Per the Warden and staff interviews, all inmates are provided PREA education during the initial A&O process by Unit Team, Psychology Services, and the PREA Compliance Manager. In addition, continual education is provided throughout the inmate 's incarceration through in-person town halls, PREA posters, and information shared on TRULINCS.

115.33(e): A review of case files provided by the facility during the pre-audit phase (30), in addition to a review of case files for all inmates interviewed by the auditor (45) reflected that the inmates had been provided the required PREA-related education, however the documentation was not consistent. The completed and signed Acknowledgement Statement is used to document when inmates are provided the PREA information at intake. Inmates that participate in the subsequent PREA education have their participation entered into the inmate's central record. The Auditor found that many of the files for the inmates interviewed did not reflect an "Acknowledgement of PREA Information," verifying that that the inmates that had received PREA information upon arrival at the facility.

In addition, several of the files reflected that the A&O (and PREA education) was not completed within the 30-day timeframe.

115.33(f): Agency Directives and BOP PREA Plan address this provision. PREA educational and informational materials, including PREA posters are continuously

available in each respective housing unit, as well as multiple other locations in the facility. The Inmate Handbook is provided to the inmates during the intake process and will be made available upon request any time.

Based on a review of the PAQ, PS 5324.12, PS 5290.14, the A&O pamphlet, the Sexually Abusive Behavior Prevention and Intervention Program, the orientation handbook, a review of inmate records, observations made during the tour, to include the availability of PREA information via signage and documents as well information obtained during interviews with intake staff and random inmates indicate that this standard is not fully compliant and will require corrective action.

Corrective Action: The facility will need to ensure that the inmate Admission and Orientation (A&O) is completed for each inmate within 30 days of arrival at the facility. Additionally, the facility will need to ensure that every inmate received at the facility signs an Acknowledgement of PREA Information and that this acknowledgement is retained in the inmate file. This was discussed with the Warden, PREA Compliance Manager and BOP Management Analyst. The facility agreed to submit additional documentation to the auditor within 30 days of the onsite audit.

Verification of Corrective Action:

The Auditor was provided supplemental documentation June 27, 2024 to demonstrate corrective actions taken by FCI McDowell regarding this standard. Based on documentation reviewed, FCI McDowell is now compliant with this standard.

Additional Documentation Reviewed:

- Acknowledgement of PREA Information for all inmates received since the last day of the onsite review.

115.34	<b>Specialized training: Investigations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Documents:</p> <ol style="list-style-type: none"><li>1. Pre-Audit Questionnaire</li><li>2. PS 5324.12</li><li>3. DOJ/OIG PREA Training</li><li>4. National Institute of Corrections (NIC): Investigating Sexual Abuse in a Confinement Setting</li><li>5. Memorandum of Understanding with the FBI</li><li>6. Letter from the FBI</li><li>7. Investigator Training Records</li></ol> <p>Interviews:</p> <ol style="list-style-type: none"><li>1. Interview with Investigative Staff</li></ol> <p>Findings (By Provision):</p>

	<p>115.34(a)(b): PS 5324.12, the SIS/SIA Training Lesson Plan, Sexual Violence PREA Training and DOJ/OIG PREA Training address the requirements of the standard. The facility investigators, OIA, OIG and FBI investigators have received PREA specialized training through the Department of Justice. The Auditor reviewed the training plan and this training includes all requirements under 115.34.</p> <p>The auditor reviewed specialized training documentation to include, the SIS/SIA Training Instructor Guide, the BOP Course Completion List for Investigating Sexual Abuse in a Confinement Setting training and the OIG PREA Criminal Investigator Certification Training List. Administrative investigations are conducted by trained investigators who are full-time employees of FCI McDowell.</p> <p>The Auditor interviewed the SIS Lieutenant assigned to FCI McDowell. He confirmed that he has received specialized training to conduct investigations into allegations of sexual misconduct.</p> <p>When criminal investigations are indicated, they are conducted by the Federal Bureau of Investigation or Office of the Inspector General. Interviews with staff, an SIS investigator, the PREA Compliance Manager, and a review of policy and supporting documentation confirm compliance with this standard.</p> <p>115.34(c): Agency Directives and BOP PREA Plan address this provision. A review of the specialized training documents reflects all FCI McDowell investigators had completed the required training. Training documentation provided to the Auditor reflected the investigators listed in the investigative file audited were trained on the specialized investigator training. Per the PAQ, there are 6 staff at FCI McDowell who have completed the required training.</p> <p>115.34(d): This provision is not applicable as the agency is not required to respond to this provision.</p> <p>Based on a review of the PAQ, PS 5324.12, the DOJ/OIG PREA Training curriculum, the NIC training curriculum, a review of investigator training records as well as interviews with investigative staff, indicate that this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.35</b>	<b>Specialized training: Medical and mental health care</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. PS 6031.04</li> </ol>

4. PREA Medical and Mental Health Care: A Trauma Informed Approach
5. Forensic Medical Examinations: An Overview for Victim Advocates
6. Memorandum Regarding Forensic Medical Examinations
7. Medical and Mental Health Staff Training Records

Interviews:

1. Interview with Medical and Mental Health Staff

Site Review Observations:

1. Observations during on-site review of physical plant

Findings (By Provision):

115.35(a): Agency policies PS 5324.12 and MCD-5324.12B address the requirements of this standard. The Auditor reviewed training documentation, which indicated medical and mental health staff participated in the specialized medical and mental health PREA training.

115.35(b): The agency reported the facility's medical staff do not conduct forensic exams; therefore, this provision is not applicable. This was confirmed through interviews with medical and mental health staff.

115.35(c): Agency Directives and BOP PREA Plan address this provision. A review of training records for medical and mental health personnel by the auditor confirmed that these employees (part-time, full-time and contractors) receive the same general PREA training as all other correctional staff and have a duty to report when they have knowledge of sexual abuse/harassment, even when disclosed during a healthcare encounter. Medical and psychology staff explain limits of confidentiality to all inmates at their initial encounter.

In addition, all mental health and medical staff have also received specialized training on victim identification, interviewing, evidence preservation, reporting and required clinical interventions. This was confirmed by the auditor through further review of training records.

All cases requiring the processing of sexual assault evidence collection kits are transported to a community hospital where Sexual Assault Nurse Examiners are always available.

Interviews with medical and mental health staff confirmed the provision of specialized training and that they are aware of their duty to report and address allegations and suspicions of sexual abuse/harassment. A review of the training documentation and policy also confirm compliance to this standard.

115.35(d): Training documentation reviewed reflected medical and mental health staff, including contract staff, participated in the general PREA training.

The PAQ reflects that 100% of the 8 medical and mental health care practitioners who work regularly at this facility and have received the training required by agency policy. This was confirmed by the auditor through review of training records for

	<p>medical and psychology staff.</p> <p>Based on a review of the PAQ, PS 5324.12, PS 6031.04, the memo regarding forensic examinations, the two training curriculums, a review of medical and mental health care staff training records, as well as interviews with medical and mental health care staff this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.41</b>	<b>Screening for risk of victimization and abusiveness</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p>
	<p><b>Auditor Discussion</b></p>
	<p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. Memorandum on Intake Screening Guidance</li> <li>4. PREA Intake Objective Screening Instrument</li> <li>5. Intake Screening Form</li> <li>6. Inmate Assessment and Re-Assessment Documents</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with Staff Responsible for Risk Screening</li> <li>2. Interview with Random Inmates</li> <li>3. Interview with the PREA Coordinator</li> <li>4. Interview with the PREA Compliance Manager</li> <li>5. Interview with Mental Health Staff</li> </ol> <p>Site Review Observations:</p> <ol style="list-style-type: none"> <li>1. Observations of Risk Screening Area</li> <li>2. Observations of Location(s) of Inmate Files</li> </ol> <p>Findings (By Provision):</p> <p>115.41(a)(f)(g)(h): PS 5324.12 addresses the requirement of the standard. Upon arrival to FCI McDowell, all inmates are immediately assessed for a history of sexual abusiveness and risk of sexual victimization during in-processing procedures performed in the Receiving and Discharge (R&amp;D) area, in accordance with the requirements listed in 115.41 d and e. Policy prohibits disciplining inmates for refusing to answer or for not disclosing complete information during the screening. Staff confirmed inmates are not disciplined for refusal to answer screening questions. If/when transferred to another facility, the inmate would receive an entirely new screening upon arrival.</p> <p>Per the Warden and staff interviews, all inmates at FCI McDowell are seen by a</p>

Psychologist, Unit Team, Health Services, and SIS. The Psychology Services Intake Questionnaire (PSIQ) is utilized for Psychology Services, and Unit Team utilizes the PREA Objective Intake Screen. Incoming inmate documentation is reviewed in advance by all departments, and screened for history of sexual victimization and perpetration, as well as any other risk factors that may place an inmate at risk. These same risk factors are then re - assessed, in-person, with the inmate in R&D. Inmates with a Walsh offense are offered SOTP and SOMP programming at intake, or as requested. Inmates with a history of sexual victimization are offered counseling at intake and educated about available trauma treatment. All inmates receive an inmate handbook which includes all required PREA information. All inmates are reassessed by Psychology Services if/when additional information becomes available, warranting an additional screen, and/or during a follow up session scheduled due to the results of the intake. Unit Team reassesses the inmate for additional PREA risk within the first 28 days of arrival, again at every six-month Program Review, and if additional information becomes available at any time throughout an inmate's incarceration.

Per staff interviews, the screening of inmates into FCI McDowell begins with the Case Management Coordinator (CMC). Each day, the CMC runs a designation roster to ascertain if any inmate has been designated to the institution. Once the inmate is designated, the CMC pre-screens the inmate, prior to arrival, by reviewing records to include the inmate's Presentence Investigation, SENTRY, Judgement and Commitment, and Statement of Reasons. Upon arrival, Unit Team at FCI McDowell screens inmates for risk of sexual abusiveness or victimization during intake screening. This screening includes unit team meeting with each inmate individually and reviewing questions on all forms pertaining to sexual abuse. Those deemed at risk at intake screening, are referred to Psychology Services. Additionally, the Chief of Correctional Services (Captain) may also be notified, when appropriate. If staff believe there is an immediate concern after hours, prior to release to general population, the psychology on-call and PREA Compliance Manager will be contacted for guidance.

A member of the inmate's housing unit team (case manager or counselor) screens all new arrivals within the first 72 hours of the inmate's arrival, but this activity ordinarily occurs within a few hours on the day of arrival.

A review of case files for randomly selected inmates, as well as all inmates interviewed (45) reflected all inmates had an initial risk assessment within 72 hours of arrival at FCI McDowell. Documentation showed that the initial assessment occurred on the same day of arrival for all reviewed files.

Through interviews with the Warden, PREA Compliance Manager, Case Management Coordinator, and Unit Team staff, the auditor confirmed that inmates identified at high risk for sexual victimization or at risk of sexually abusing other inmates were referred to a mental health professional and received further assessment. The Case Management Coordinator and Unit team staff also conduct screenings by reviewing records or other information from other facilities, new referrals, or for any other relevant reason.

115.41(b): The objective screening instrument is completed within the first 72 hours

of arrival, typically within hours of arrival at FCI McDowell. The screening document does ask questions to determine if any inmate might have any prior history as a sexual abuser and the responses are documented. Based on a review of the inmate record and responses to the screening, a decision is made regarding where to properly house the inmate. Intake staff conduct the screening, and the information is secured.

The PAQ indicates that 1574 inmates entering the facility (either through intake or transfer) within the past 12 months (whose length of stay in the facility was for 72 hours or more) were screened for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of their entry into the facility.

115.41(c): The agency's PREA Risk Screening Instrument reflects all the required elements in this provision. Staff interviews confirm they use the agency's screening tool during intake. Staff interviewed were able to articulate the required elements of the provision that inmates are screened for during the risk screening process.

115.41(d): Interviews with staff confirmed that information for the risk screening is ascertained through inmate interviews, as well as from information collected through the PREA Screening tool, intake medical screening, and a review of case file records.

115.41(e): Intake staff reported they do not have access to the inmate's medical or mental health information. The inmate's medical information is retained and only available to medical staff. Any medical related information is released on an as needed basis, based upon the treatment modality and a relevant need for the information.

115.41(f): The PAQ reflects that 1574 inmates entering the facility (either through intake or transfer) within the past 12 months (whose length of stay in the facility was for 30 days or more) were reassessed for their risk of sexual victimization or of being sexually abusive within 30 days after their arrival at the facility based upon any additional, relevant information received since intake. The reassessment is completed at the inmate's first meeting with the unit team staff, within 28 days of arrival.

A review of case files for randomly selected inmates, plus all inmates interviewed (45) reflected all inmates had a re-assessment documented as required. Several of the files reflected that the re-assessment (first unit team meeting) did not occur within 30 days of arrival at the facility.

Additionally, based on the inmate interviews, it does not appear that the inmates are being asked their perception of their safety or soliciting any information from them relevant to the re-assessment. The inmates stated that their initial unit team meeting was very brief and did not discuss anything PREA related.

Based on a review of the PAQ, PS 5324.12, the Intake Screening Form, the PREA Intake Objective Screening Instrument, the Memo on Intake Screening Guidance, a review of inmate files and information from inmate and staff interviews, this standard does not fully meet the requirements of the standard and corrective action is required.

	<p>Corrective Action: The facility will need to ensure that a re-assessment is completed for each inmate within 30 days of arrival at the facility. Additionally, the facility will need to ensure that during the initial unit team meeting and re-assessment, the staff will need to solicit input from the inmate and document such. This was discussed with the Warden, PREA Compliance Manager and BOP Management Analyst. The facility agreed to submit additional documentation to the auditor within 30 days of the onsite audit.</p> <p>Verification of Corrective Action: The Auditor was provided supplemental documentation June 27, 2024 to demonstrate corrective actions taken by FCI McDowell regarding this standard. Based on documentation reviewed, FCI McDowell is now compliant with this standard.</p> <p>Additional Documentation Reviewed:</p> <ul style="list-style-type: none"> <li>• All initial unit team meetings and PREA re-assessments that occurred since the last day of the on-site audit. These re-assessment reflect input from the inmate in the comments section.</li> </ul>
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<b>115.42</b>	<b>Use of screening information</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. MCD-5324.12B</li> <li>4. PREA At Risk List</li> <li>5. Sample of Housing Determination Documents</li> <li>6. Sample of Transgender/Intersex Reassessments</li> <li>7. Inmate Housing Assignments/Logs</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with Staff Responsible for Risk Screening</li> <li>2. Interview with PREA Coordinator</li> <li>3. Interview with PREA Compliance Manager</li> <li>4. Interview with LGBTI Inmates</li> <li>5. Interview with Inmates Who Reported Previous Victimization</li> <li>6. Interview with Medical and Mental Health staff</li> </ol> <p>Site Review Observations:</p> <ol style="list-style-type: none"> <li>1. Location of Inmate Records.</li> <li>2. Housing Assignments of LGBTI Inmates</li> <li>3. Shower Area in Housing Units</li> </ol> <p>Findings (By Provision):</p>



115.42(a): PS 5324.12 addresses the requirement of the standard. The information obtained in the inmate screening process is used to make individualized determinations to ensure the inmates' safety. This information is used to make decisions to place each inmate in appropriate housing, work, and program assignments. The placement decisions are made by a classification committee. If an inmate is determined to be at high risk for sexual victimization, safeguards are put in place to ensure the inmate's safety with respect to housing, programming and work assignments, with input from the inmate.

Per memo from the Warden, FCI McDowell utilizes information from the risk screenings

required by 115.41 to inform housing, bed, work, education, and program assignments with the goal to keeping separate those inmates at high risk of being sexually victimized from those at

high risk of being sexually abusive. The "At Risk" rosters are routinely monitored by the PREA Compliance Manager, Psychology Services, Unit Managers, and the Special Housing Unit (SHU) Lieutenant. These rosters are also routinely sent to those making housing, work detail, and program assignments to reduce overall risk of victimization. Staff are advised of the

following: " The inmates on the list are classified as AT RISK for sexual victimization or abusiveness. They should not be housed with inmates with the opposite SENTRY assignment (i.e., "at risk V" should not be housed with "at risk P"). The risk level for these inmates should also be considered when determining work, detail, and programing assignments. All attempts should be made to ensure inmates on the two lists are placed in separate programming groups. Inmates on the list, currently placed in SHU, are in Segregated Housing for reasons unrelated to their associated risk. Per PS5324.12, MCD does NOT involuntarily place

inmates in SHU due to their risk for sexual victimization, unless alternative housing is inappropriate. If alternative housing is warranted, the PREA Compliance Manager and the Captain MUST be consulted PRIOR to the inmate being placed in SHU." Risk levels are also noted on the SHU program and SHU staff maintain a current copy of the "At Risk" roster and all the information is reviewed when making cell assignments in SHU. All inmates deemed "at high risk" for victimization are discussed weekly, in conjunction with the SHU meeting and changes are made as needed, with final approval from the PREA Compliance Manager.

Inmates' individual perceptions of their own safety and their requests associated with such are considered when making decisions regarding their housing, programing, and work detail

assignments. Finally, during a transfer process for any transgender inmate, the Transgender Executive Council will review the inmate's risk prior to making a designation to a new facility.

Staff reported information secured through the screening process is used to determine the need for additional medical or mental health follow-up, and to make classification decisions based on risk factors. The auditor reviewed examples of communication to staff regarding high risk inmates.

115.42(b): Agency Directive and BOP PREA Plan address this provision. Staff reported

	<p>segregated housing is used as a last resort and staff look for other options, such as housing unit changes. There was no indication during the site review that segregated housing is used on a regular basis due to PREA risk factors.</p> <p>Staff indicated the safety and welfare of the inmate is always a high consideration. Medical and mental health staff reported they would conduct daily visits for any inmates placed in segregated housing for PREA risk factors.</p> <p>115.42(c): Agency Directives and BOP PREA Plan address this provision. Staff reported the facility does not have specific housing units designated for lesbian, gay, bisexual, transgender, or intersex inmates. All housing, program and work assignments are made on a case-by-case basis. A review of the housing rosters and interviews with LGBTI inmates confirmed this information.</p> <p>115.42(d)(e)(f): In accordance with the standard, placement and programming assignments for each transgender or intersex inmate are reassessed at least twice each year to review any threats to safety experienced by the inmate. The transgender or intersex inmate’s own views with respect to his or her own safety is given consideration. Transgender inmates would be able to shower separately. At the time of the on-site review, there were 8 transgender inmates housed at the facility. The auditor interviewed 6 of the transgender inmates. These practices were confirmed.</p> <p>Based on a review of the PAQ, PS 5324.12, MCD-5324.12B, the PREA at Risk list, a review of inmate housing assignments, a review of transgender and intersex inmate assessments and information from interviews this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.43</b>	<b>Protective Custody</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. Facility Memo from Warden</li> <li>4. BP-A1002: Safeguarding of Inmates Alleging Sexual Abuse/Assault Allegations Form</li> <li>5. Weekly Special Housing Unit Review Meeting Form</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with the Warden</li> <li>2. Interview with Staff who Supervise Inmates in Segregated Housing</li> </ol> <p>Site Review Observations:</p>

## 1. Observations in the Special Housing Unit

### Findings (By Provision):

115.43(a)-1: PS 5324.12 addresses the requirement of the standard. Policy states inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing status 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 would be reassessed every 7 days after entering segregated housing. If protection is necessary for an inmate, they may be transferred to another housing unit. FCI McDowell's Special Housing Unit (SHU) houses both administrative (protective custody) and disciplinary cases.

Interviews with SHU staff confirmed, that to the extent possible, access to programs, privileges, education, and work opportunities would not be limited to inmates placed in the SHU for the purposes of protective custody for being at high risk of sexual victimization, except when there are safety or security concerns. The facility would document the reasons for restricting access and the length of time the restriction would last. Staff indicated that there are normally other housing options and inmates are not kept in SHU strictly for being at high risk of victimization. Mental health and unit staff meet with each inmate in segregated housing 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, an examination of SHU operations and a review of policy/supporting documentation confirm compliance with this standard.

115.43 (a)-2: Agency Directives and BOP PREA Plan address this provision. SHU staff reported an inmate's health and safety are taken into consideration during placement and programming assignments. FCI McDowell reported zero inmates were held in segregated housing in the past 12 months for the purpose of protecting a possible sexual abuse victim. Agency directives require review every 30 days for any inmate in segregated housing.

115.43(c): Agency Directives and BOP PREA Plan address this provision. FCI McDowell reported zero inmates were held in segregated housing in the past 12 months for longer than 30 days awaiting alternative placement.

115.43 (d)(e): Agency Directives and BOP PREA Plan address this provision. The agency reported there have been no PREA-related incidents involving the involuntary assignment of any inmate to SHU in the past 12 months. Agency directive does afford an inmate who is involuntarily assigned to segregated housing to be reviewed every 30 days.

FCI McDowell reported zero inmates were involuntarily held in segregated housing in the past 12 months awaiting alternative placement. Therefore, there were no case files to review specific to this provision.

Based on a review of the PAQ, PS 5324.12, BP-A1002, observations from the onsite review related to SHU, as well as information from staff interviews, this standard

	<p>appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.51</b>	<b>Inmate reporting</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p><b>Auditor Discussion</b></p> <p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. PS 3420.11</li> <li>4. Memo from Facility Warden</li> <li>5. Sexually Abusive Behavior Prevention and Intervention Program</li> <li>6. PREA Posters</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with Random Staff</li> <li>2. Interview with Random Inmates</li> <li>3. Interview with the PREA Compliance Manager</li> </ol> <p>Site Review Observations:</p> <ol style="list-style-type: none"> <li>1. Observation of PREA Reporting Information in all Housings Units</li> <li>2. Observation of Computer Reporting Methods</li> </ol> <p>Findings (By Provision):</p> <p>115.51(a): PS 5324.12; MCD-5324.12B; the Admission and Orientation (A&amp;O) Handbook and PREA postings address the requirements of the standard. A review of facility operations and documentation revealed that there are multiple ways (including verbally, in writing, privately, from a third-party and anonymously) for inmates and staff to report sexual abuse or sexual harassment. The Auditor noted the availability and prevalence of PREA Posters and information. PREA reporting hotline information is posted and grievance forms are accessible to the inmates in each housing unit and in common areas.</p> <p>Inmates are informed about the reporting methods through the A&amp;O Handbook, postings in the housing units and common areas and as part of the initial orientation process. Inmates also have access to TRULINCS, a computer system which provides PREA information and a reporting outlet, both internal to staff and external to OIG. Through TRULINCS, the inmate can contact Office of the Inspector General anonymously and the email is untraceable at the institution level. Inmates have access to telephones in each unit that can be used as a reporting outlet. There were numerous posters on display explaining the reporting procedures. Staff members accept reports made verbally, in writing, anonymously and from third parties and</p>

	<p>promptly document and refer any form of reporting. Staff members are required to immediately document any allegation. Family and friends of inmates may report sexual abuse/harassment by using the BOP website, making a phone call to the OIG or by contacting facility staff. All inmates interviewed confirmed that they were aware of the multiple methods of reporting sexual abuse/harassment allegations and feel like staff would take any such report seriously.</p> <p>No inmates at the facility are detained solely for civil immigration purposes. Interviews with staff, inmates, observations of posters and other reporting methods and an examination of policy/supporting documentation confirm compliance with this standard.</p> <p>115.51(b): Agency Directives and BOP PREA Plan address this provision. Staff reported inmates could make anonymous reports to anyone. Inmates reported they could call a family member, write to a Rape Crisis Center, or contact OIG if they needed to contact someone outside of the facility. The inmates interviews reflected that most were aware they could make reports anonymously.</p> <p>115.51(c): Agency Directives and BOP PREA Plan address this provision. Staff reported they would accept reports in writing, anonymously, verbally and through third parties, and that any reports received verbally would be documented immediately and referred to Operations. Inmates reported there are multiple ways that they can report allegations of sexual abuse or sexual harassment. They stated inmates could make reports verbally to any staff member, anonymously, in writing, by filing a grievance, through a family member, or to OIG.</p> <p>115.51(d): Agency Directives and BOP PREA Plan address this provision. Staff are informed of how to report privately any sexual abuse or harassment during the initial facility training upon hire. They can verbally discuss sexual abuse/harassment with chain of command/supervisors in a private setting. They can also report in writing, via Information Report Form, email, memo, etc. Staff are informed of these requirements with required PREA training and employee handbooks. The staff understanding of this process was verified in the interviews.</p> <p>Based on a review of the PAQ, PS 5324.12, PS 3420.11, the Sexually Abusive Behavior Prevention and Intervention Program, Memo from the Warden, PREA signage, observations from the facility tour related to PREA signage and posted information and interviews with random inmates and staff, this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.52</b>	<b>Exhaustion of administrative remedies</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>

Documents:

1. Pre-Audit Questionnaire
2. PS 1330.18
3. Sexually Abusive Behavior Prevention and Intervention Program
4. Grievance Log and Sample Grievances
5. Inmate Handbook

Findings (By Provision):

115.52(a): PS 1330.18, Administrative Remedy Program, addresses the requirements of the standard. In accordance with agency directive, the inmate grievance process meets the requirements of PREA. The process allows the inmate to file an oral or written complaint/grievance at any time about sexual abuse or on any correctional issue. The complaint can be filed with any staff and will be directed to the Warden or designee for response if necessary. Inmates reported they would go normally directly to a staff member.

115.52(b)(f): Agency Directive and BOP PREA Plan address this provision. BOP Policy states that there is no time frame for filing a grievance relating to sexual abuse or harassment and does not require an inmate to use any informal grievance process before filing an allegation involving sexual abuse/harassment. Allegations of abuse by staff are referred to the Office of Internal Affairs (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 they are 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, the inmate may submit the grievance directly to the appropriate Regional Office.

There is no prohibition that limits third parties, including other inmates, staff members, family members, attorneys, and outside victim advocates, in assisting inmates in filing requests for grievances relating to allegations of sexual abuse or filing such requests on behalf of inmates.

There were zero emergency grievances alleging imminent sexual abuse/harassment filed at FCI McDowell within the last 12 months.

115.52(c): Agency Directive and BOP PREA Plan address this provision. All staff interviewed reported they would accept reports in writing, anonymously, verbally and through third parties, and that any reports received verbally would be documented immediately and referred.

By agency directive, the inmate is not required to use an informal grievance process nor refer any grievance to the staff member who is the subject of the complaint.

	<p>115.52(d)(e): Agency Directives and BOP PREA Plan address this provision. In the past 12 months, the PAQ indicates there have been two grievances filed that alleged sexual abuse/harassment. A review of documentation indicates compliance with the standard. Agency directive allows third-party assistance to inmates in the grievance process. If the inmate declines assistance of a third-party, that decision to decline assistance would be documented. No assistance has been requested during the audit period.</p> <p>Emergency grievances are permitted in reporting a grievance concerning sexual abuse/harassment. If received, the grievance is immediately addressed.</p> <p>Agency directive requires that a response to an emergency grievance must be completed within 48 hours and a final decision must be made within five calendar days. Agency directive allows discipline for an inmate for filing a grievance related to alleged sexual abuse, only where the agency demonstrates that the inmate filed the grievance in bad faith.</p> <p>115.52(g): Agency Directive does limit any sanctions to an inmate who filed the grievance in bad faith. According to the PAQ, in the past 12 months, there were zero grievances filed concerning sexual abuse that was found to be in bad faith and resulted in disciplinary action.</p> <p>The auditor interviewed the person responsible for reviewing and routing grievances. Staff stated that any grievance related to PREA would be logged and routed directly to the PREA Compliance Manager, who would ensure that an investigation was initiated immediately. Staff also stated that inmates had the option for a PREA related (sensitive) grievance to be sent to the Regional Director.</p> <p>Based on a review of the PAQ, PS 1330.18, the Sexually Abusive Behavior Prevention and Intervention Program education, the grievance log and an interview with staff, this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.53</b>	<b>Inmate access to outside confidential support services</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p><b>Auditor Discussion</b></p> <p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. MCD-5324.12B</li> <li>4. Sexually Abusive Behavior Prevention and Intervention Program</li> <li>5. MOU with WV AWAY, Advocating A Way for Adults and Youth (expires June 2027)</li> </ol>

Interviews:

1. Interview with Random Inmates

Site Review Observations:

1. Observations of Victim Advocacy Information

Findings (By Provision):

115.53(a): Agency Directives and BOP PREA Plan address this provision. FCI McDowell provides confidential access to outside victim advocates by providing the name of the organization, toll-free telephone number, and posters. This information is in the inmate handbook. The agency attempts to make available a victim advocate from a rape crisis center, and if a rape crisis center is not available, a qualified staff member from a community-based organization or a qualified agency staff member. The facility has an MOU with WV AWAY, Advocating A Way for Adults and Youth, to provide advocacy services for inmate victims. The auditor was provided and reviewed the MOU. This satisfies the provision of the standard. Additionally, the facility has available qualified staff members in the psychology department to serve as advocates, if necessary. There were no inmates who reported sexual abuse requiring these services at the facility at the time of the onsite audit. The inmates have access to the victim advocacy information as it is included in the inmate handbook and the pamphlet.

Victim Advocacy services would be available thru the emergency department at the hospital, as the hospital has an agreement with the rape crisis center.

The victim advocate service includes in-person support services to the victim through the forensic medical exam process, as well as the investigatory interview process and at no charge to the inmate. This is coordinated through Psychology upon request by the inmate.

115.53(b): Agency Directive and BOP PREA Plan address this provision. Inmates reported they had not needed to request support services from outside agencies. Some inmates interviewed were aware of the availability of services. The facility advocate informs the inmates of limits to confidentiality prior to receiving services.

115.53(c): PS 5324.12 addresses the requirement of the standard. Victim advocates are available through the local rape crisis center, if requested. All facility psychology staff have also been trained as victim advocates. Inmates are informed as part of their orientation process that all telephone calls, except legal calls, are subject to monitoring and recording and that all mail, except for legal mail, is subject to search and monitoring as well. Inmates are informed that emails to Office of the Inspector General through TRULINCS are not monitored by FCI McDowell or BOP. Postings in the housing units and common areas, the PREA pamphlet issued upon the inmate's arrival and the A&O Handbook provide the address to the OIG and explain that inmates may confidentially submit written allegations of sexual abuse/harassment to this entity. The facility enables reasonable communication between inmates and these organizations and agencies in as confidential a manner as possible.



	<p>Based on a review of the PAQ, PS 5324.12, MCD-5324.12B, the Sexually Abusive Behavior Prevention and Intervention Program, the emails from the PREA Compliance Manager, observations from the onsite review related to PREA signage and posted information and interviews with staff and inmates, this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.54</b>	<b>Third-party reporting</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <p><b>Auditor Discussion</b></p> <p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Random Staff</li> <li>2. Random Inmates</li> </ol> <p>Findings (By Provision)</p> <p>115.54(a): The BOP pamphlet "Sexually Abusive Behavior Prevention and Intervention Program—An Overview for Offenders," the Admission and Orientation Handbook, PREA posters throughout the facility, the posted Office of the Inspector General address, and the BOP website (<a href="http://www.bop.gov">www.bop.gov</a>) addresses the requirements of the standard. The BOP website and posted OIG address, observed by the auditor, assist third-party reporters on how to report allegations of sexual abuse/harassment. Interviews with staff and inmates also confirmed that they were aware that anonymous and third-party reporting procedures were available.</p> <p>Corrective Action: None</p>

<b>115.61</b>	<b>Staff and agency reporting duties</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <p><b>Auditor Discussion</b></p> <p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. Incident Reports</li> <li>4. Investigative Reports</li> </ol>

	<p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with Random Staff</li> <li>2. Interview with Medical and Mental Health Staff</li> <li>3. Interview with the Warden</li> <li>4. Interview with the PREA Compliance Manager</li> </ol> <p>Findings (By Provision):</p> <p>115.61(a): Agency Directives and BOP PREA Plan address this provision. All staff interviewed reported they would immediately report any knowledge, suspicion, or information regarding any allegation of sexual abuse or sexual harassment. Staff were clear that they have a duty to report this information. Staff also reported they would report any retaliation against staff or inmates who reported an incident, or any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.</p> <p>115.61(b): Agency Directives and BOP PREA Plan address this provision. All staff reported that all staff, including medical and mental health staff are required to report all sexual abuse allegations. Medical/Mental Health staff inform the inmate of their duty to report when discussing limits of confidentiality. The facility reports all allegations to OIA after being reviewed by the facility’s investigators, as applicable. All staff are informed of the importance of confidentiality being maintained in the reporting process. No inmate is under the age of 18 at FCI McDowell.</p> <p>Based on a review of the PAQ, PS 5324.12, investigative reports, and interviews with staff this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.62</b>	<b>Agency protection duties</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with the Agency Head</li> <li>2. Interview with the Warden</li> <li>3. Interview with Random Staff</li> </ol> <p>Findings (By Provision):</p> <p>115.62(a): PS 5324.12 addresses the requirements of the standard. Staff reported immediate action would be taken if they were to become aware of any inmate being</p>

	<p>at substantial risk of imminent sexual abuse. Staff reported any allegation would be taken seriously, regardless of the source of the allegation, and due diligence would be followed to ensure staff respond to inmates immediately.</p> <p>Per the Warden, when the agency or facility learns an inmate is subject to a substantial risk of imminent sexual abuse, it takes immediate action to protect the inmate (i.e., it takes some action to assess appropriate protective measures without unreasonable delay). He indicated that FCI McDowell has not learned of any inmate being subject to a substantial risk of imminent sexual abuse. If staff were to learn of an inmate being subject to a substantial risk of imminent sexual abuse, the staff would respond immediately. The inmate would immediately be escorted to the Lieutenant's Office. During normal business hours, the inmate would be interviewed by a staff member from the Special Investigative Services (SIS) and a psychologist. The appropriate protective measures would be determined and implemented. During non- business hours, if a staff member from SIS is not in the institution, the inmate will be interviewed by the Operations Lieutenant and the on-call Psychologist would be immediately notified. If necessary, the inmate will be placed in the Special Housing Unit until someone from SIS and Psychology Services can interview him. He will not remain in the Special Housing Unit any longer than necessary.</p> <p>In the past 12 months, FCI McDowell determined that there were zero inmates subject to a substantial risk of imminent sexual abuse. The Auditor found no evidence to dispute this conclusion.</p> <p>Management staff reported that they work hard to create a safe environment and ensure the staff take any allegations seriously. Randomly selected staff reported the immediate steps they would take to respond to any allegation of an inmate reporting they are at a substantial risk of imminent sexual abuse. The Warden stated that he feels the staff at FCI McDowell do a good job of immediately addressing any PREA related issues.</p> <p>Based on a review of the PAQ, PS 5324.12 and interviews with staff this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.63</b>	<b>Reporting to other confinement facilities</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p><b>Auditor Discussion</b></p> <p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. Notification Letters</li> <li>4. Investigative Reports</li> </ol>

Interviews:

1. Interview with the Agency Head
2. Interview with the Warden
3. Interview with the PREA Compliance Manager

Findings (By Provision):

115.63(a): PS 5324.12 addresses the requirement of the standard. The agency has a directive that requires notification to another facility when they learn of an inmate that had been sexually abused at that other facility. In the past 12 months, the facility reported no allegations of sexual abuse from an inmate that occurred at another facility. An interview with the Warden confirmed his awareness of the requirements of this standard.

115.63(b)(c): Agency Directive and BOP PREA Plan address this provision. Policy requires the reporting of any PREA-related allegation by an inmate that occurred at another facility to the Warden (or equivalent person) of the facility where the incident is alleged to have occurred, by the Warden of the facility in which the inmate is currently housed.

When the inmate reports sexual abuse/harassment from state, non-Bureau privatized facilities, jails, juvenile facilities and 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.

115.63(d): Agency Directives and BOP PREA Plan address this provision. Staff reported they would initiate an investigation just like any other, regardless of the source of the information. Inmates making allegations at the audited facility regarding incidents from another facility were being investigated through cooperation from both facilities. The same would occur if the inmate made an allegation at a new facility after leaving the audited facility regarding an alleged incident that happened prior to leaving. The facilities would work together to conduct the investigation to include interviews, statements, and evidence collection. All information and evidence would be provided to the facility responsible for completing the investigation, which is the facility that received the complaint.

In the past 12 months, FCI McDowell reported receiving no notifications of allegations received from other facilities. Documentation reviewed from investigative reports verified that no allegations that were investigated were reported at other facilities.

Based on a review of the PAQ, PS 5324.12, a review of investigations and interviews with staff, this standard appears to be compliant.

Corrective Action: None

	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p><b>Auditor Discussion</b></p> <p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. Investigative Reports</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with First Responders</li> </ol> <p>Findings (By Provision):</p> <p>115.64(a): PS 5324.12 and MCD-5324.12B address the requirements of the standard. Interviews with staff confirm the practices dictated in this directive. All facility staff are provided training on the first responder actions required in the event of a sexual abuse. This would include any correctional officer that might be a first responder.</p> <p>Agency directive also address the actions required if the responder is not a correctional officer. The non-custody staff would ensure that the alleged victim not take any action that might destroy physical evidence, and then notify a correctional officer.</p> <p>Staff interviewed outlined the response taken in response to an allegation. The agency protocol, which meets the standard requirements, was followed. All staff were clear in their duties and responsibilities related to this standard.</p> <p>115.64(b): Agency Directives and BOP PREA Plan address this provision. In the past 12 months, there were 3 allegations of sexual abuse and 8 allegations of sexual harassment from inmates. The auditor reviewed the investigative reports and found that staff acted in accordance with BOP policy and the standard.</p> <p>All staff are trained in the proper evidence collection protocols.</p> <p>Corrective Action: None</p>
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<b>115.65</b>	<b>Coordinated response</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p><b>Auditor Discussion</b></p> <p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. MCD-5324.12B</li> </ol>

	<p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with the Warden</li> <li>2. Interview with the PREA Compliance Manager</li> </ol> <p>Findings (By Provision):</p> <p>115.65(a): Agency Directives and BOP PREA Plan address this provision. Agency directive required a coordinated response by correctional staff, supervisory/management staff, medical/mental health staff, investigators, and SANE/SAFE services. The document clearly outlines the institutional plan to coordinate actions taken in response to an incident.</p> <p>Staff interviewed reiterated the protocols outlined in the agency's institutional plan and appear to be well versed in their specific duties and responsibilities related to this standard.</p> <p>Supervisory staff interviewed were able to articulate actions taken in response to an allegation of sexual abuse or sexual harassment. The Lieutenant uses a checklist to ensure that all actions are taken in accordance with the response plan, and documented.</p> <p>A review of the investigative reports confirms that the staff are aware of the requirements of the standard.</p> <p>Based on a review of the PAQ, PS 5324.12, MCD-5324.12B and interviews with Staff, this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.66</b>	<b>Preservation of ability to protect inmates from contact with abusers</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <p><b>Auditor Discussion</b></p> <p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. Federal Bureau of Prisons and Council of Prison Locals – American Federation of Government Employees Master Agreement</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with the Agency Head</li> </ol> <p>Findings (By Provision):</p> <p>115.66 (a)(b): The Collective Bargaining Agreement (CBA) examined by the auditor, between the Federal Bureau of Prisons and Council of Prison Locals, American</p>

	<p>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.</p> <p>Based on a review of the PAQ, the Master Agreement and the interview with the Agency Head, this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.67</b>	<b>Agency protection against retaliation</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. Investigative Reports</li> <li>4. Monitoring Documents</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with the Agency Head</li> <li>2. Interview with the Warden</li> <li>3. Interview with Designated Staff Member Charged with Monitoring Retaliation</li> </ol> <p>Findings (By Provision):</p> <p>115.67(a): PS 5324.12 addresses the requirement of this standard. Agency directive requires the protection of inmates and staff who report sexual abuse/harassment from retaliation. Senior management is assigned to supervise the monitoring and prevention of retaliation. All efforts regarding this provision are documented.</p> <p>115.67(b): Agency Directives and BOP PREA Plan address this provision. Staff reported when an investigation is initiated, the individual making the report is told what the expected process will be and if anyone threatens or otherwise makes them feel uncomfortable, they are told how to address this and provided with the name of the person to notify.</p> <p>Staff and inmates are informed that any retaliation will be taken seriously and acted upon. Staff are able to articulate the process followed and strategies used when monitoring for potential retaliation against both inmates and staff.</p> <p>115.67(c): Agency Directives and BOP PREA Plan address this provision. Staff reported in detail what they look for when monitoring for retaliation for both inmates and staff, and the duration of the monitoring, which meet the requirements of the</p>

	<p>standard.</p> <p>115.67(d): Agency Directives and BOP PREA Plan address this provision. All required monitoring will be promptly conducted for a minimum of 90 days or longer if needed. The facility would employ a variety of methods such as housing change, removal of abuser, or other means to protect the inmate victim. This directive would also protect anyone who assisted in the investigation. The Directives also require periodic status checks designed to protect an individual from retaliation. All efforts regarding this standard are documented and filed with the investigative reports. The Auditor reviewed documentation in support of compliance with the provisions of the standard during the review of the investigative files. Interviews with investigative staff and the PREA Compliance Manager confirm compliance.</p> <p>115.67(e): Agency Directive(s) and BOP PREA Plan address this provision. Staff reported any type of retaliation is treated seriously and any allegations made would be reviewed and investigated. If an allegation were to be found true, the appropriate necessary actions would be taken.</p> <p>115.67(f): This provision is not applicable as the agency is not required to respond to this provision.</p> <p>FCI McDowell reported zero instances of retaliation occurring in the last 12 months. The Warden reported that all allegations are taken seriously and any occurrences or suspected occurrences of retaliation would be addressed immediately.</p> <p>The auditor reviewed retaliation monitoring related to allegations during this review period. The documentation appears to support compliance with the standard.</p> <p>Based on a review of the PAQ, PS 5324.12, investigative reports, retaliation monitoring, and interviews with staff, this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.68</b>	<b>Post-allegation protective custody</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. BP-A1002: Safeguarding of Inmates Alleging Sexual Abuse/Assault Allegations Form</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with the Warden</li> <li>2. Interview with Staff who Supervise Inmates in Segregated Housing</li> </ol>



	<p>Site Review Observations:</p> <p>1. Observations of the Special Housing Unit</p> <p>Findings (By Provision):</p> <p>Agency Directive and BOP PREA Plan address this provision. Staff reported protective custody/segregated housing would be used only as a true last resort and efforts would be made to find alternatives during segregated housing assignment. At the time of the on-site audit, there were no inmates in segregation for risk of sexual victimization/who alleged to have suffered sexual abuse, therefore no inmate was interviewed specific to this provision.</p> <p>No inmates are placed in segregated housing involuntary without an assessment of all available alternatives. Staff reported that they had not known this to have ever happened.</p> <p>The facility reported zero inmates who reported sexual abuse were held in involuntary segregated housing in the past 12 months. Directives also dictate if an involuntary segregated housing assignment is made, the facility affords each inmate a review every 30 days and the inmate programs would continue to the best extent possible.</p> <p>The Auditor found no evidence to indicate that any inmates alleging sexual abuse had been held in involuntary segregated housing.</p> <p>Based on a review of the PAQ, PS 5324.12 and interviews with staff, this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.71</b>	<b>Criminal and administrative agency investigations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. Prison Rape Elimination Act Investigation Policy Memorandum</li> <li>4. Memorandum of Understanding with the Federal Bureau of Investigation (FBI)</li> <li>5. Letter from FBI on PREA Compliance</li> <li>6. Investigative Reports</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with Investigative Staff</li> <li>2. Interview with the Warden</li> <li>3. Interview with the PREA Coordinator</li> <li>4. Interview with the PREA Compliance Manager</li> </ol>

Findings (By Provision):

115.71(a): Agency Directives and BOP PREA Plan address this provision. A review of the investigative files for the previous 12 months reflected investigations are conducted promptly, thoroughly, and objectively.

Staff reported investigations are initiated immediately and that third-party and anonymous reports are also considered, documented and the information included in the final report.

115.71(b): Agency Directives and BOP PREA Plan address this provision. A review of the investigative staff training documents indicated all investigative staff are trained in the required specialized investigative staff training. Investigative staff interviewed reported receiving the required training and were able to articulate aspects of the training.

115.71(c): Agency Directives and BOP PREA Plan address this provision. A review of the investigative files reflected the required supporting documentation was maintained in the files.

Investigative staff reported, in detail, the steps to follow in an investigation, information to be collected and documented during an investigation and retained in the files in accordance with the standard.

In accordance with the standard, the investigative files reviewed reflect that investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; interview alleged victims, suspected perpetrators, and witnesses; and review prior complaints and reports of sexual abuse involving the suspected perpetrator. The investigator confirmed this information.

115.71(d): Agency Directives and BOP PREA Plan address this provision. Staff reported investigations are not terminated solely because the victim recants the allegation, and they would move forward with the investigation. Staff stated that they would do their due diligence and follow an investigation all the way to the conclusion.

115.71(e)(h): PS 5324.12 addresses the requirement of the standard. The facility investigator (SIS) may conduct administrative investigations within the facility and was interviewed by the auditor. Staff-on-inmate administrative investigations are conducted by the facility Special Investigative Agent (SIA). The interview indicates investigative staff are aware of their responsibilities with respect to the standard.

115.71(f): Agency Directives and BOP PREA Plan address this provision. Staff reported all information would be considered, documented, and assessed as part of the investigation. Staff also reported a polygraph is not part of the investigative process.

The auditor reviewed the investigative files for the allegations of sexual misconduct within the last 12 months. The investigative reports reflected that the administrative

investigations include an effort to determine whether staff actions or failures to act contributed to the abuse; and include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

When an allegation appears to be criminal in nature, the SIS, in conjunction with the BOP's Office of Internal Affairs and the facility Warden, will refer the incident to the FBI for a criminal investigation, if the investigation involves an inmate-on-inmate allegation.

Staff-on-inmate criminal investigations are conducted by Office of the Inspector General. The FBI or the OIG investigator consults with the Assistant U.S. Attorney when necessary.

If the FBI or the OIG substantiates the allegation, the case is referred to the local United States Attorney for possible prosecution. 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. Staff reported that each case is looked at on its own merits and credibility is assessed based on the allegation's specific circumstances.

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. The review of case files of inmates alleging sexual abuse/harassment revealed that the investigations were completed promptly, thoroughly and in compliance with BOP policies and the PREA standards.

An interview with the SIS Lieutenant revealed that he ensures that all allegations are investigated in such a way as to provide consistency in the investigative process, as well as record-keeping. A review of the investigative files confirms this information. The SIS Lieutenant articulated his process for completing investigations. He indicated all investigations are handled the same, regardless of the source or who it involves.

115.71(g): Agency Directives and BOP PREA Plan address this provision. Staff interviewed reported everything is considered in the course of the investigation, including whether staff actions or failure to act contributed to the abuse. A review of the investigative files for the previous 12 months indicated the investigation were completed in accordance with the standard and agency policy. The incident review process, which addresses this provision, was also reviewed by the auditor and documentation was maintained with the investigative files.

115.71(i): Agency Directives and BOP PREA Plan address this provision. Agency Directives require written reports be developed and retained per PREA standards, for as long as the alleged abuser is incarcerated or employed by the agency, plus five years and per local/state retention requirements. Should a victim or abuser (staff or inmate) resign or be transferred to another facility, the case will continue to be investigated.

	<p>115.71(j): Agency Directive(s) and BOP PREA Plan address(es) this provision and requires investigation reports will be kept in perpetuity. A review of the investigative files shows compliance with this provision.</p> <p>115.71(k): Staff interviewed reported an investigation would continue regardless of whether the alleged abuser or alleged victim left the facility. The investigative files reflects compliance with this provision.</p> <p>115.71(l): By law and policy, the FBI has authority to investigate criminal activity within the BOP, they are a separate entity/component of DOJ. Per agency policy and the MOU, the FBI and BOP work collaboratively.</p> <p>Based on a review of the PAQ, PS 5324.12, the MOU with the FBI, the letter from the FBI, investigative reports, training records and information from interviews with staff, this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.72</b>	<b>Evidentiary standard for administrative investigations</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p><b>Auditor Discussion</b></p> <p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. Investigative Reports</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with Investigative Staff</li> </ol> <p>Findings (By Provision):</p> <p>115.72(a): Agency Directives and BOP PREA Plan address this provision. A review of the investigative files indicated the proper standard was used in determining whether allegations are founded/substantiated. Investigative staff reported the standard of evidence used to substantiate allegations is the preponderance of the evidence and was able to articulate what this meant and how he arrived at a determination. The SIS Lieutenant stated that in determining if an allegation is substantiated, they are looking for 51% of the evidence to show that the allegation most likely happened in order to make a determination of substantiated.</p> <p>Based on a review of the PAQ, PS 5324.12, the investigative reports, and information from the interviews with investigative staff this standard appears to be compliant.</p> <p>Corrective Action: None</p>

<b>115.73</b>	<b>Reporting to inmates</b>
	<p data-bbox="256 188 959 221"><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p data-bbox="256 264 544 297"><b>Auditor Discussion</b></p> <p data-bbox="256 340 432 374">Documents:</p> <ol data-bbox="256 383 1198 584" style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. Sexually Abusive Behavior Prevention and Intervention Program</li> <li>4. Investigative Reports</li> <li>5. Notification Memos</li> </ol> <p data-bbox="256 622 416 656">Interviews:</p> <ol data-bbox="256 665 762 741" style="list-style-type: none"> <li>1. Interview with the Warden</li> <li>2. Interview with Investigative Staff</li> </ol> <p data-bbox="256 779 587 813">Findings (By Provision):</p> <p data-bbox="256 851 1453 969">115.73(a): Agency Directives and BOP PREA Plan address this provision and requires notification for both sexual abuse and sexual harassment investigations. Staff interviewed reported the inmate would be notified in writing.</p> <p data-bbox="256 1008 1406 1126">The agency directive requirements to notify the inmate on the outcome of sexual abuse and sexual harassment investigations meets the standard requirements. Documentation reviewed support compliance with the standard.</p> <p data-bbox="256 1164 1465 1283">Notification to the inmate is made through a standardized memo format, which is delivered to the inmate by the PREA Compliance Manager. Documentation of such is maintained in the investigative files and was reviewed by the auditor.</p> <p data-bbox="256 1321 1390 1397">115.73(b): The agency contacts FBI or OIG to conduct criminal investigations on PREA-related allegations.</p> <p data-bbox="256 1435 1453 1597">115.73(c): Agency Directive PS 5324.12 was reviewed, and case files are thoroughly investigated in accordance with PREA protocols and proper action was completed. There were no substantiated allegations against staff during the audit period. In the previous 12 months, there have been one allegation of sexual abuse against staff.</p> <p data-bbox="256 1635 1465 1843">115.73(d): Agency Directive and BOP PREA Plan address this provision. Agency directive requires that the inmate be informed of the outcome of the investigation of all sexual abuse/harassment complaints that the inmate has filed. For complaints directed towards staff, the inmate would be advised as to staff relocation, no longer employed, whether staff member has been indicted or convicted.</p> <p data-bbox="256 1881 1449 2000">115.73(e): Agency Directive(s) and BOP PREA Plan address(es) this provision. A review of the investigative directives reflected FBI investigators conduct all criminal investigations.</p> <p data-bbox="256 2038 1465 2072">Based on a review of the PAQ, PS 5324.12, the Sexually Abusive Behavior Prevention</p>

	<p>and Intervention Program, review of the investigative file and information from interviews with staff and inmates who reported sexual abuse, this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.76</b>	<b>Disciplinary sanctions for staff</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <p><b>Auditor Discussion</b></p> <p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 3420.11</li> <li>3. PS 5324.12</li> <li>4. Memorandum Related to Staff Discipline</li> </ol> <p>Findings (By Provision):</p> <p>115.76(a): Agency Directives and BOP PREA Plan address this provision. FCI McDowell has disciplinary sanctions for staff up to and including termination for violating sexual abuse and sexual harassment policies. The staff are aware of these provisions and that termination is the presumptive sanction for violation of these provisions.</p> <p>The facility reported zero cases where an employee was terminated for sexual abuse of an inmate or violating sexual abuse or harassment Directives.</p> <p>Per memo from the Warden, no staff from the facility has violated agency sexual abuse or sexual harassment policies in the past 12 months. If staff were to violate the agency sexual abuse or sexual harassment policy, they would be reported to law enforcement. If they were licensed by any licensing body, the relevant licensing body would also be notified.</p> <p>115.76(b)(c)(d): Agency Directives and BOP PREA Plan address this provision. The facility reported that no staff have violated agency sexual abuse or sexual harassment Directives in the past 12 months.</p> <p>Based on a review of the PAQ, PS 3420.11, PS 5324.12 and the memo related to staff discipline, this standard appears to be compliant.</p> <p>Corrective Action: None</p>

<b>115.77</b>	<b>Corrective action for contractors and volunteers</b>
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**Auditor Overall Determination:** Meets Standard

**Auditor Discussion**

Documents:

1. Pre-Audit Questionnaire
2. PS 3420.11
3. PS 5324.12
4. Memorandum Related to Contractor/Volunteer Discipline

Interviews:

1. Interview with the Warden

Findings (By Provision):

115.77(a): Agency Directives and BOP PREA Plan address this provision. Per memo from the Warden, the facility reported there had been zero contractors or volunteers reported to law enforcement agencies and relevant licensing bodies for engaging in sexual abuse of inmates in the past 12 months, therefore there was no documentation to review specific to this provision.

115.77(b): Agency Directives and BOP PREA Plan address this provision. Per memo from the Warden, the facility reported there had been zero contractors or volunteers reported for engaging in sexual abuse of inmates in the past 12 months, therefore there was no documentation to review specific to this provision. Staff interviewed reported any allegations of sexual abuse of inmates by contractors or volunteers would be treated the same as if they were regular staff. An interview with contract staff revealed they are aware of the presumptive discipline for violation of the agency's policies with respect to PREA and have received training and notification of these policies.

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

FCI McDowell management staff with the need-to-know would be notified, who would then contact the contractor's point of contact and cease the contract with the contractor. Both volunteers and contractors would be prohibited from having further contact with inmates in substantiated cases.

Based on a review of the PAQ, PS 3420.11, PS 5324.12, the memo from the Warden and information from the interview with the Warden, this standard appears to be compliant.

Corrective Action: None

**115.78 Disciplinary sanctions for inmates**

**Auditor Overall Determination:** Meets Standard

**Auditor Discussion**

Documents:

1. Pre-Audit Questionnaire
2. PS 5324.12
3. PS 5270.09
4. PS 5510.13 - Posted Picture File
5. Memo Related to Inmate Discipline

Interviews:

1. Interview with the Warden
2. Interview with Medical and Mental Health Staff

Findings (By Provision):

115.78(a)(b)(c): PS 5270.09, Inmate Discipline Program and PS 5324.12, Sexually Abusive Behavior Prevention and Intervention Program, address the requirements of the 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. Consensual sex or sexual harassment of any nature is prohibited and will result in discipline. Consensual sex between inmates does not constitute sexual abuse, but will be addressed in accordance with disciplinary procedures.

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.

An interview with the Disciplinary Hearing Officer confirmed that inmates found to have engaged in consensual sexual behavior would be disciplined, but this behavior would not be considered sexual abuse unless the investigation revealed otherwise.

FCI McDowell 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 investigative staff confirmed 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, FCI McDowell considers the offer of therapy, counseling or other interventions designed to address and correct underlying reasons or motivations for the abuse, in consultation with mental health staff.



	<p>115.78(d): Agency Directives and BOP PREA Plan address this provision. Staff reported the offending inmate is offered therapy, counseling, or other intervention services, but would not require the inmate's participation as a condition of access to any rewards-based behavior management system or programming or education.</p> <p>115.78(e)(f)(g): Agency Directives and BOP PREA Plan address this provision. The facility reported there were no incidents of staff-on-inmate sexual contact for which the inmate received disciplinary action in the previous 12 months.</p> <p>Based on a review of the PAQ, PS 5324.12, the memo, and information from interviews with the staff, this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.81</b>	<b>Medical and mental health screenings; history of sexual abuse</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. Memo Related to Informed Consent</li> <li>4. Medical/Mental Health Documents</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with Staff Responsible for Risk Screening</li> <li>2. Interview with Medical and Mental Health Staff</li> </ol> <p>Site Review Observations:</p> <ol style="list-style-type: none"> <li>1. Observations of Risk Screening Area</li> </ol> <p>Findings (By Provision):</p> <p>115.81(a): PS 5324.12 addresses the requirement of the standard. FCI McDowell reported that 100% of the inmates that disclosed prior victimization during screening were offered a follow-up meeting with medical or a mental health practitioner. Interviews with staff and documentation reviewed confirm compliance with this provision. A review of the forms used by the agency demonstrate how the intake screening staff, medical and mental health staff document the follow-up services to inmates with prior sexual victimization disclosed during the screening process.</p> <p>Staff interviewed reported they work with the medical and mental health professionals by notifying them immediately, which generates a referral. Inmates reported being referred to medical and mental health staff for follow-up. A review of the inmate files reflected the inmates did receive a follow-up meeting with medical and mental health practitioners as required within the timeframe.</p>

	<p>All inmates are seen by mental health staff upon arrival at the facility and discuss any mental health concerns or PREA related information, including previous victimization. The inmate would be offered follow-up and additional resources as appropriate or requested. Inmate interviews confirm this practice.</p> <p>115.81(b): Agency Directives and BOP PREA Plan address this provision. Staff reported inmates are referred to mental health staff for follow-up. A review of randomly selected inmate files reflected the inmates did receive a follow-up meeting with a mental health practitioner as required by the standard.</p> <p>Psychology staff report that they get referrals for both inmates who disclose previous sexual victimization, as well as inmates that have perpetrated abuse and would offer services and follow-up as needed or requested.</p> <p>115.81(c): Agency Directive and BOP PREA Plan address this provision. Staff interviewed reported they use the consent form for inmates over 18 years of age. During the on-site review, the Auditor noted medical and mental health staff have designated space where they can privately meet with inmates. Medical and Mental Health records are maintained separately and shared according to agency directives.</p> <p>Based on a review of the PAQ, PS 5324.12, the memo from the Warden, medical and mental health documents and information from interviews with staff and inmates, this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.82</b>	<b>Access to emergency medical and mental health services</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. Medical and Mental Health Documents</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with Medical and Mental Health Staff</li> <li>2. Interview with First Responders</li> </ol> <p>Site Review Observations:</p> <ol style="list-style-type: none"> <li>1. Observations of Medical and Mental Health Areas</li> </ol> <p>Findings (By Provision):</p> <p>115.82(a): PS 5324.12; MCD-5324.12B and PS 6031.04 address the requirements of the standard. Staff reported inmates would be provided emergency medical</p>

	<p>treatment immediately and that the nature and scope of the services are determined according to their professional judgment. No actions would be taken that would destroy any physical evidence unless emergent, life-saving measures needed to be taken.</p> <p>115.82(b): Agency Directives and BOP PREA Plan require staff to notify mental health staff if they believe an inmate is actively experiencing a mental health crisis. Staff who were interviewed reported protective measures would be taken for the alleged victim, and the victim would be referred for counseling.</p> <p>115.82(c)(d): Agency Directives and BOP PREA Plan address this provision. Staff interviewed reported the required information and services would be provided immediately and unimpeded, without financial cost to the victim, regardless whether the victim names the alleged abuser or cooperates with any investigation. The HSA confirmed that inmate victims of sexual abuse are offered timely information about and timely access to sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate and as indicated by the provider.</p> <p>There were three allegations of sexual abuse during this review period but none requiring collection of evidence. The auditor reviewed the documentation relative to this standard. Per the HSA, medical and mental health staff maintain secondary materials documenting the timeliness of emergency medical treatment and crisis intervention services that were provided; the appropriate response by non-health staff in the event health staff are not present at the time the incident is reported; and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection prophylaxis.</p> <p>In the event of a sexual assault, the inmate would be escorted the local hospital for a forensic examination. In the past 12 months, there has been zero occurrences/need for a forensic exam. An advocate would be available to provide any necessary crisis intervention, if requested. Health services would ensure the inmate received necessary prophylaxis treatment.</p> <p>Based on a review of the PAQ, PS 5324.12, a review of medical and mental health documents and information from interviews with staff, this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.83</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>

Documents:

1. Pre-Audit Questionnaire
2. PS 5324.12
3. Medical and Mental Health Documents

Interviews:

1. Interview with Medical and Mental Health Staff

Site Review Observations:

1. Observations of Medical Treatment Areas

Findings (By Provision):

115.83(a): PS 5324.12 addresses the requirement of the standard. Medical services are available 24/7 at the facility, or at the nearest available hospital, if needed and required services are outside the scope of facility staff. Mental health counselors provide treatment and counseling to inmates. Inmates at FCI McDowell would be transferred Raleigh General Hospital in Beckley, WV, if needed.

115.83(b): Agency Directives and BOP PREA Plan address this provision. Staff interviewed reported follow-up services would be matched with appropriate intervention services.

115.83(c): Agency Directives and BOP PREA Plan address this provision. Staff interviewed reported the services provided meet the community level of care and in most cases, exceed it due to the availability of care.

115.83(d)(e): Agency Directives confirm that all female inmate victims of sexually abusive vaginal penetration while incarcerated are offered pregnancy tests. If pregnancy results from the conduct described in paragraph §115.83(d), all victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

This provision is not applicable for FCI McDowell as this is an all-male facility.

115.83(f): Agency Directives and BOP PREA Plan address this provision. At the time of the on-site audit, there were no inmates who reported a sexual abuse allegation at this facility who required medical services outside the facility, therefore no inmate was interviewed specific to this provision. All appropriate medical care would be provided at no cost to the inmate. This was confirmed by the HSA.

115.83(h): Agency Directives and BOP PREA Plan address this provision. Staff interviewed reported the inmate would be referred, and the treatment provider would respond immediately.

Based on a review of the PAQ, PS 5324.12, a review of medical and mental health documents and information from interviews with medical and mental health care staff, this standard appears to be compliant.

Corrective Action: None

<b>115.86</b>	<b>Sexual abuse incident reviews</b>
	<p data-bbox="256 188 959 221"><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p data-bbox="256 264 544 297"><b>Auditor Discussion</b></p> <p data-bbox="256 340 432 374">Documents:</p> <ol data-bbox="256 383 735 499" style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. Sexual Abuse Incident Reviews</li> </ol> <p data-bbox="256 539 416 573">Interviews:</p> <ol data-bbox="256 582 943 698" style="list-style-type: none"> <li>1. Interview with the Warden</li> <li>2. Interview with the PREA Compliance Manager</li> <li>3. Interview with Incident Review Team</li> </ol> <p data-bbox="256 739 587 772">Findings (By Provision):</p> <p data-bbox="256 813 1481 1216">115.86(a): Agency Directives and BOP PREA Plan address this provision. Per the Warden, the facility conducts a sexual abuse incident review at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. There have been zero sexual abuse investigations that were determined to be substantiated. The auditor reviewed the incident reviews in the past 12 months and found them to be in compliance with the standard. In the instance where a sexual abuse incident review would need to occur, a review team would meet within 30 days of the conclusion of the investigation. The team typically would be comprised of the Warden, Associate Warden, Captain, Special Investigative Services staff, Unit Management, and Health Services.</p> <p data-bbox="256 1256 1441 1373">The Auditor reviewed the Institution Executive Staff Review (IESR) template. The review, which is a standardized template covered all aspects of the standard and is required to be completed within 30 days of completion of the investigation.</p> <p data-bbox="256 1413 1422 1529">115.86(b): Agency Directive and BOP PREA Plan address this provision. Interviews with staff confirm compliance. There have been three allegations of sexual abuse during the review period for which the auditor reviewed documentation.</p> <p data-bbox="256 1570 1453 2063">115.86(c): The Incident Review Team consists of the Warden, Institution PREA Compliance Manager, the Chief Psychologist, the Captain, and other administrative staff. Based on interviews with members of the Incident Review Team, the review is conducted within 30 days of the conclusion of the investigation and consideration is given to all required elements of the standard, including whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; whether the incident was motivated by race, ethnicity, gender identity, physical barriers and status or gang affiliation. The team also examines the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse reviews, assesses the adequacy of staffing levels in that area during different shifts, and recommends whether additional monitoring technology or staffing/monitoring procedures should</p>

	<p>be added to enhance inmate supervision. The facility implements the recommendations for improvement or documents its reasons for not doing so. The Warden and PREA Compliance Manager confirmed compliance with the provisions of the standard.</p> <p>115.86(d)(e): Agency Directives and BOP PREA Plan address this provision. Staff interviewed referenced all the elements needing to be considered, examined, and assessed. The Incident Review Team members provided detailed information of all the elements addressed by the team. Staff interviewed acknowledged a report is completed by the PREA Compliance Manager, forwarded to the Warden, and includes any recommendations for improvement.</p> <p>Based on a review of the PAQ, PS 5324.12, information from interviews with the Warden, the PREA Compliance Manager, incident reviews and a member of the sexual abuse incident review team, this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.87</b>	<b>Data collection</b>
	<b>Auditor Overall Determination:</b> Audited at Agency Level
	<b>Auditor Discussion</b>
	<p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. Aggregated Data</li> </ol> <p>Findings (By Provision):</p> <p>115.87(a and c): PS 5324.12 addresses the requirement of the standard. As confirmed by a review of documents, FCI McDowell collects accurate, uniform data for every allegation of sexual abuse/ harassment by using a standardized instrument. The BOP tracks information concerning sexual abuse using data from the SIS department, the agency's Office of Internal Affairs and SENTRY, the BOP's computerized data management program. 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.</p> <p>The agency aggregates and reviews all data annually. Upon request, the agency would provide all such data from the previous calendar year to the Department of Justice no later than June 30.</p> <p>115.87(b): Agency Directives and BOP PREA Plan address this provision. A review of FCI McDowell's tracking system and information reflected a comprehensive system designed to maintain various elements for the required data for sexual abuse and</p>

	<p>sexual harassment allegations.</p> <p>115.87(d)(e)(f): Agency Directive and BOP PREA Plan address this provision. A review of the agency website reflects the comprehensive report is published and available to the public for all serious incidents to include sexual abuse and sexual harassment allegations.</p> <p>Based on a review of the PAQ, PS 5324.12 and a review of the aggregated data, this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.88</b>	<b>Data review for corrective action</b>
	<b>Auditor Overall Determination:</b> Audited at Agency Level
	<b>Auditor Discussion</b>
	<p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. Annual PREA Reports</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with the Agency Head</li> <li>2. Interview with the PREA Coordinator</li> <li>3. Interview with the PREA Compliance Manager</li> </ol> <p>Findings (By Provision):</p> <p>115.88 (a): Agency Directives and BOP PREA Plan address this provision. PS 5324.12 indicated that the agency reviews data collected and aggregated pursuant to 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection and response policies and training. A review of the annual report reflects all the elements required by this provision. Staff reported the process followed when reviewing the data, identifying problem areas and corrective action, and preparing the annual report.</p> <p>115.88 (b): PS 5324.12 addresses the requirement of the standard. PS 5324.12 indicated that the agency’s annual report includes a comparison of the current year’s data and corrective actions with those from prior years and provides an assessment of the progress in addressing sexual abuse. A review of annual reports indicates that reports include aggregated data for all facilities. The data is broken down by incident type and includes investigative outcomes. The report also includes general information related to each substantiated incident. The report compares the data from the current year with the previous year. Additionally, the report includes problem</p>

	<p>areas and corrective action.</p> <p>The Bureau of Prisons and the institution 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, to identify any trends, issues, or problematic areas and to take corrective action if needed. The PREA Compliance Manager forwards data to the respective BOP Regional PREA Coordinator and then to the National BOP PREA Coordinator. An Annual Report is prepared and placed on the BOP website. The Annual Report was reviewed by the auditor. The report can be found at the following website address: <a href="http://www.bop.gov">www.bop.gov</a>.</p> <p>115.88 (c): Agency Directive and BOP PREA Plan address this provision. PS 5324.12 indicated that the agency's annual report is approved by the Agency Head and made available to the public through its website. Staff interviewed reported all personal identifying information and personal health information is redacted. The reports would reflect only basic demographic information. A review of the agency website confirmed that the current annual report is available to the public online.</p> <p>115.88 (d): Agency Directive and BOP PREA Plan address this provision. PS 5324.12 indicated that the agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted. Policy states that the agency complies with the Federal Privacy Act and the Freedom of Information Act. A review of the annual report confirmed that no personal identifying information was included in the report nor any security related information.</p> <p>Based on a review of the PAQ, the annual report, the website and information obtained from interviews, this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.89</b>	<b>Data storage, publication, and destruction</b>
	<b>Auditor Overall Determination:</b> Audited at Agency Level
	<b>Auditor Discussion</b>
	<p>Documents:</p> <ol style="list-style-type: none"> <li>1. Pre-Audit Questionnaire</li> <li>2. PS 5324.12</li> <li>3. Annual Reports</li> </ol> <p>Interviews:</p> <ol style="list-style-type: none"> <li>1. Interview with the PREA Coordinator</li> </ol>



	<p>Findings (By Provision):</p> <p>115.89 (a): Policy 5324.12 addresses the requirement of the standard and describes the data storage, publication and destruction of information related to sexual abuse and sexual harassment allegations. Specifically, it states that the agency shall ensure all data is securely retained. The National PREA Coordinator reviews data compiled by each BOP facility, as well as from SENTRY, each Regional PREA Coordinator, the Information Technology and Data Division of the BOP and from the Office of Internal Affairs. The PREA Coordinator issues a report to the Director on an annual basis. Facility data is maintained in locked files or on computer databases that are user ID and password protected. Agency PREA data is securely retained and is published on the BOP website after removing all personal identifying information. The agency complies with FOIA and other applicable laws, rules and regulations to ensure all investigative, psychological and medical data is securely maintained.</p> <p>115.89 (b): Agency Directive and BOP PREA Plan address this provision. PS 5324.12 describes the data storage, publication and destruction of information related to sexual abuse and sexual harassment allegations. Specifically, it states that the agency will make all aggregated sexual abuse data readily available to the public, at least annually, through its website or through other means. The data posted on the agency website, which includes aggregated data, is available to the public online.</p> <p>115.89 (c): Agency Directives and BOP PREA Plan address this provision. PS 5324.12 indicates that before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers. A review of the annual report, which contains the aggregated data, confirmed that no personal identifiers were publicly available.</p> <p>115.89 (d): Agency Directives and BOP PREA Plan address this provision. PS 5324.12 indicates that the agency maintains sexual abuse data that is collected for at least ten years after the date of initial collection. The data and records collected are to be retained in accordance with agency retention requirements.</p> <p>Based on a review of the PAQ, PS 5324.12, annual reports, the website and information obtained from the interview with the PREA Coordinator, this standard appears to be compliant.</p> <p>Corrective Action: None</p>
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<b>115.401</b>	<b>Frequency and scope of audits</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	Findings (By Provision):

	<p>115.401 (a): The facility is part of the Federal Bureau of Prisons. The agency ensured that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once in the previous three-year audit cycle.</p> <p>115.401 (b): The facility is part of the Federal Bureau of Prisons. The BOP has a schedule for all their facilities to be audited within the three-year audit cycle, with one third being audited in each year. This is the Agency’s second year of the fourth cycle, and at least two thirds have been audited in the second year. The agency is following their audit cycle and planned future audits.</p> <p>115.401 (h) - (n): The auditor had full, unimpeded access to all areas of the facility. The Auditor reviewed areas of this facility in person, by photographs and/or via security cameras during the on-site review. The auditor was permitted to receive and copy any relevant policies, procedure or other requested documents needed for the audit. The auditor was permitted to conduct private interviews with both staff and inmates. The staff were very helpful and efficient in ensuring the auditors completed the interviews in a timely manner. Inmates were notified via posting and permitted to send confidential information or correspondence to the Auditor. The Auditor received no confidential letters from any inmates.</p> <p>Corrective Action: None</p>
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<b>115.403</b>	<b>Audit contents and findings</b>
	<b>Auditor Overall Determination:</b> Audited at Agency Level
	<b>Auditor Discussion</b>
	<p>Findings:</p> <p>115.403 (a) The facility was previously audited on July 13-15, 2021. BOP has published on its agency website all Final Audit Reports within 90 days of issuance by the Auditor. This information is made available to the public and is in accordance with 28 C.F.R. § 115.405.</p> <p>The final audit report is publicly available via the website until the current audit report replaces it, but can be obtained via a public records request.</p> <p>Corrective Action: None</p>

<b>Appendix: Provision Findings</b>		
<b>115.11 (a)</b>	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>	
	Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment?	yes
	Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment?	yes
<b>115.11 (c)</b>	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>	
	If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.)	yes
	Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.)	yes
<b>115.12 (a)</b>	<b>Contracting with other entities for the confinement of inmates</b>	
	If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	na
<b>115.12 (b)</b>	<b>Contracting with other entities for the confinement of inmates</b>	
	Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	na
<b>115.13 (a)</b>	<b>Supervision and monitoring</b>	
	Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional	yes

	practices?	
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or standards?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors?	yes
<b>115.13 (b)</b>	<b>Supervision and monitoring</b>	

	In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.)	na
<b>115.13 (c)</b>	<b>Supervision and monitoring</b>	
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan?	yes
<b>115.13 (d)</b>	<b>Supervision and monitoring</b>	
	Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment?	yes
	Is this policy and practice implemented for night shifts as well as day shifts?	yes
	Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility?	yes
<b>115.14 (a)</b>	<b>Youthful inmates</b>	
	Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
<b>115.14 (b)</b>	<b>Youthful inmates</b>	
	In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na

	In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
<b>115.14 (c)</b>	<b>Youthful inmates</b>	
	Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
<b>115.15 (a)</b>	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?	yes
<b>115.15 (b)</b>	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.)	na
	Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the facility does not have female inmates.)	na
<b>115.15 (c)</b>	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?	yes
	Does the facility document all cross-gender pat-down searches of female inmates (N/A if the facility does not have female inmates)?	na
<b>115.15 (d)</b>	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility have policies that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or	yes

	genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	
	Does the facility have procedures that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit?	yes
<b>115.15 (e)</b>	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status?	yes
	If an inmate's genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner?	yes
<b>115.15 (f)</b>	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes
	Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes
<b>115.16 (a)</b>	<b>Inmates with disabilities and inmates who are limited English proficient</b>	
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are blind or have low vision?	yes

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



	Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient?	yes
	Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes
<b>115.16 (c)</b>	<b>Inmates with disabilities and inmates who are limited English proficient</b>	
	Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations?	yes
<b>115.17 (a)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to	yes

	consent or refuse?	
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
<b>115.17 (b) Hiring and promotion decisions</b>		
	Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates?	yes
	Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with inmates?	yes
<b>115.17 (c) Hiring and promotion decisions</b>		
	Before hiring new employees who may have contact with inmates, does the agency perform a criminal background records check?	yes
	Before hiring new employees who may have contact with inmates, does the agency, consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse?	yes
<b>115.17 (d) Hiring and promotion decisions</b>		
	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates?	yes
<b>115.17 (e) Hiring and promotion decisions</b>		
	Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees?	yes
<b>115.17 (f) Hiring and promotion decisions</b>		
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions?	yes
	Does the agency ask all applicants and employees who may have	yes

	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?	
	Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?	yes
<b>115.17 (g)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes
<b>115.17 (h)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.)	yes
<b>115.18 (a)</b>	<b>Upgrades to facilities and technologies</b>	
	If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)	na
<b>115.18 (b)</b>	<b>Upgrades to facilities and technologies</b>	
	If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)	yes
<b>115.21 (a)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the	yes

	agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	
<b>115.21 (b)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
	Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice’s Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/ Adolescents,” or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
<b>115.21 (c)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate?	yes
	Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?	yes
	If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?	yes
	Has the agency documented its efforts to provide SAFEs or SANEs?	yes
<b>115.21 (d)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?	yes
	If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency always makes a victim advocate from a rape crisis center available to victims.)	yes

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

	Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?	yes
	Does the agency document all such referrals?	yes
<b>115.22 (c)</b>	<b>Policies to ensure referrals of allegations for investigations</b>	
	If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).)	yes
<b>115.31 (a)</b>	<b>Employee training</b>	
	Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?	yes
	Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?	yes
	Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims?	yes
	Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse?	yes
	Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates?	yes

	Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?	yes
<b>115.31 (b)</b>	<b>Employee training</b>	
	Is such training tailored to the gender of the inmates at the employee's facility?	yes
	Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa?	yes
<b>115.31 (c)</b>	<b>Employee training</b>	
	Have all current employees who may have contact with inmates received such training?	yes
	Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures?	yes
	In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies?	yes
<b>115.31 (d)</b>	<b>Employee training</b>	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes
<b>115.32 (a)</b>	<b>Volunteer and contractor training</b>	
	Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes
<b>115.32 (b)</b>	<b>Volunteer and contractor training</b>	
	Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)?	yes
<b>115.32 (c)</b>	<b>Volunteer and contractor training</b>	

	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes
<b>115.33 (a)</b>	<b>Inmate education</b>	
	During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes
<b>115.33 (b)</b>	<b>Inmate education</b>	
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents?	yes
<b>115.33 (c)</b>	<b>Inmate education</b>	
	Have all inmates received the comprehensive education referenced in 115.33(b)?	yes
	Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility?	yes
<b>115.33 (d)</b>	<b>Inmate education</b>	
	Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are deaf?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled?	yes



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

	Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
<b>115.35 (a)</b>	<b>Specialized training: Medical and mental health care</b>	
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
<b>115.35 (b)</b>	<b>Specialized training: Medical and mental health care</b>	
	If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.)	yes
<b>115.35 (c)</b>	<b>Specialized training: Medical and mental health care</b>	
	Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental	yes

	health care practitioners who work regularly in its facilities.)	
<b>115.35 (d)</b>	<b>Specialized training: Medical and mental health care</b>	
	Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.)	yes
	Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.)	yes
<b>115.41 (a)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
	Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
<b>115.41 (b)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Do intake screenings ordinarily take place within 72 hours of arrival at the facility?	yes
<b>115.41 (c)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Are all PREA screening assessments conducted using an objective screening instrument?	yes
<b>115.41 (d)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate?	yes
	Does the intake screening consider, at a minimum, the following	yes

	criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated?	
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes?	yes
<b>115.41 (e)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior acts of sexual abuse?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior convictions for violent offenses?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: history of prior institutional violence or sexual abuse?	yes
<b>115.41 (f)</b>	<b>Screening for risk of victimization and abusiveness</b>	

	Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening?	yes
<b>115.41 (g) Screening for risk of victimization and abusiveness</b>		
	Does the facility reassess an inmate's risk level when warranted due to a referral?	yes
	Does the facility reassess an inmate's risk level when warranted due to a request?	yes
	Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse?	yes
	Does the facility reassess an inmate's risk level when warranted due to receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness?	yes
<b>115.41 (h) Screening for risk of victimization and abusiveness</b>		
	Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section?	yes
<b>115.41 (i) Screening for risk of victimization and abusiveness</b>		
	Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates?	yes
<b>115.42 (a) Use of screening information</b>		
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of	yes

	being sexually abusive, to inform: Work Assignments?	
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments?	yes
<b>115.42 (b)</b>	<b>Use of screening information</b>	
	Does the agency make individualized determinations about how to ensure the safety of each inmate?	yes
<b>115.42 (c)</b>	<b>Use of screening information</b>	
	When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)?	yes
	When making housing or other program assignments for transgender or intersex inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems?	yes
<b>115.42 (d)</b>	<b>Use of screening information</b>	
	Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate?	yes
<b>115.42 (e)</b>	<b>Use of screening information</b>	
	Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments?	yes
<b>115.42 (f)</b>	<b>Use of screening information</b>	
	Are transgender and intersex inmates given the opportunity to	yes

	shower separately from other inmates?	
<b>115.42 (g)</b>	<b>Use of screening information</b>	
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
<b>115.43 (a)</b>	<b>Protective Custody</b>	
	Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers?	yes
	If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment?	yes
<b>115.43 (b)</b>	<b>Protective Custody</b>	
	Do inmates who are placed in segregated housing because they	yes

	are at high risk of sexual victimization have access to: Programs to the extent possible?	
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible?	yes
	If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
<b>115.43 (c)</b>	<b>Protective Custody</b>	
	Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged?	yes
	Does such an assignment not ordinarily exceed a period of 30 days?	yes
<b>115.43 (d)</b>	<b>Protective Custody</b>	
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The basis for the facility's concern for the inmate's safety?	yes
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The reason why no alternative means of separation	yes



	can be arranged?	
<b>115.43 (e)</b>	<b>Protective Custody</b>	
	In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS?	yes
<b>115.51 (a)</b>	<b>Inmate reporting</b>	
	Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?	yes
<b>115.51 (b)</b>	<b>Inmate reporting</b>	
	Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?	yes
	Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the inmate to remain anonymous upon request?	yes
	Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility never houses inmates detained solely for civil immigration purposes.)	na
<b>115.51 (c)</b>	<b>Inmate reporting</b>	
	Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Does staff promptly document any verbal reports of sexual abuse and sexual harassment?	yes
<b>115.51 (d)</b>	<b>Inmate reporting</b>	

	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?	yes
<b>115.52 (a)</b>	<b>Exhaustion of administrative remedies</b>	
	Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse.	no
<b>115.52 (b)</b>	<b>Exhaustion of administrative remedies</b>	
	Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)	yes
	Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.)	yes
<b>115.52 (c)</b>	<b>Exhaustion of administrative remedies</b>	
	Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	yes
	Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	yes
<b>115.52 (d)</b>	<b>Exhaustion of administrative remedies</b>	
	Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)	yes
	If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision,	yes

	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.)	
	At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)	yes
<b>115.52 (e)</b>	<b>Exhaustion of administrative remedies</b>	
	Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Are those third parties also permitted to file such requests on behalf of inmates? (If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.)	yes
	If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)	yes
<b>115.52 (f)</b>	<b>Exhaustion of administrative remedies</b>	
	Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.).	yes
	After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days?	yes

	(N/A if agency is exempt from this standard.)	
	Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
	Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
<b>115.52 (g)</b>	<b>Exhaustion of administrative remedies</b>	
	If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.)	yes
<b>115.53 (a)</b>	<b>Inmate access to outside confidential support services</b>	
	Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations?	yes
	Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility never has persons detained solely for civil immigration purposes.)	na
	Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible?	yes
<b>115.53 (b)</b>	<b>Inmate access to outside confidential support services</b>	
	Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws?	yes
<b>115.53 (c)</b>	<b>Inmate access to outside confidential support services</b>	
	Does the agency maintain or attempt to enter into memoranda of	yes

	understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse?	
	Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements?	yes
<b>115.54 (a)</b>	<b>Third-party reporting</b>	
	Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment?	yes
	Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate?	yes
<b>115.61 (a)</b>	<b>Staff and agency reporting duties</b>	
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation?	yes
<b>115.61 (b)</b>	<b>Staff and agency reporting duties</b>	
	Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions?	yes
<b>115.61 (c)</b>	<b>Staff and agency reporting duties</b>	
	Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section?	yes
	Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of	yes

	confidentiality, at the initiation of services?	
<b>115.61 (d)</b>	<b>Staff and agency reporting duties</b>	
	If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws?	yes
<b>115.61 (e)</b>	<b>Staff and agency reporting duties</b>	
	Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators?	yes
<b>115.62 (a)</b>	<b>Agency protection duties</b>	
	When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate?	yes
<b>115.63 (a)</b>	<b>Reporting to other confinement facilities</b>	
	Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred?	yes
<b>115.63 (b)</b>	<b>Reporting to other confinement facilities</b>	
	Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?	yes
<b>115.63 (c)</b>	<b>Reporting to other confinement facilities</b>	
	Does the agency document that it has provided such notification?	yes
<b>115.63 (d)</b>	<b>Reporting to other confinement facilities</b>	
	Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?	yes
<b>115.64 (a)</b>	<b>Staff first responder duties</b>	
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report	yes

	required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence?	
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes
<b>115.64 (b)</b>	<b>Staff first responder duties</b>	
	If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff?	yes
<b>115.65 (a)</b>	<b>Coordinated response</b>	
	Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse?	yes
<b>115.66 (a)</b>	<b>Preservation of ability to protect inmates from contact with abusers</b>	
	Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes
<b>115.67 (a)</b>	<b>Agency protection against retaliation</b>	
	Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate	yes

	with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff?	
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes
<b>115.67 (b)</b>	<b>Agency protection against retaliation</b>	
	Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations?	yes
<b>115.67 (c)</b>	<b>Agency protection against retaliation</b>	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes?	yes



	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff?	yes
	Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?	yes
<b>115.67 (d)</b>	<b>Agency protection against retaliation</b>	
	In the case of inmates, does such monitoring also include periodic status checks?	yes
<b>115.67 (e)</b>	<b>Agency protection against retaliation</b>	
	If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?	yes
<b>115.68 (a)</b>	<b>Post-allegation protective custody</b>	
	Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43?	yes
<b>115.71 (a)</b>	<b>Criminal and administrative agency investigations</b>	
	When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
	Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
<b>115.71 (b)</b>	<b>Criminal and administrative agency investigations</b>	
	Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34?	yes
<b>115.71 (c)</b>	<b>Criminal and administrative agency investigations</b>	
	Do investigators gather and preserve direct and circumstantial	yes

	evidence, including any available physical and DNA evidence and any available electronic monitoring data?	
	Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
	Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes
<b>115.71 (d)</b>	<b>Criminal and administrative agency investigations</b>	
	When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?	yes
<b>115.71 (e)</b>	<b>Criminal and administrative agency investigations</b>	
	Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes
<b>115.71 (f)</b>	<b>Criminal and administrative agency investigations</b>	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes
	Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?	yes
<b>115.71 (g)</b>	<b>Criminal and administrative agency investigations</b>	
	Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?	yes
<b>115.71 (h)</b>	<b>Criminal and administrative agency investigations</b>	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
<b>115.71 (i)</b>	<b>Criminal and administrative agency investigations</b>	

	Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	yes
<b>115.71 (j)</b>	<b>Criminal and administrative agency investigations</b>	
	Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?	yes
<b>115.71 (l)</b>	<b>Criminal and administrative agency investigations</b>	
	When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
<b>115.72 (a)</b>	<b>Evidentiary standard for administrative investigations</b>	
	Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?	yes
<b>115.73 (a)</b>	<b>Reporting to inmates</b>	
	Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	yes
<b>115.73 (b)</b>	<b>Reporting to inmates</b>	
	If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)	yes
<b>115.73 (c)</b>	<b>Reporting to inmates</b>	
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the inmate's unit?	yes
	Following an inmate's allegation that a staff member has	yes

	committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility?	
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility?	yes
<b>115.73 (d) Reporting to inmates</b>		
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility?	yes
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?	yes
<b>115.73 (e) Reporting to inmates</b>		
	Does the agency document all such notifications or attempted notifications?	yes
<b>115.76 (a) Disciplinary sanctions for staff</b>		
	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes
<b>115.76 (b) Disciplinary sanctions for staff</b>		
	Is termination the presumptive disciplinary sanction for staff who	yes

	have engaged in sexual abuse?	
<b>115.76 (c)</b>	<b>Disciplinary sanctions for staff</b>	
	Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories?	yes
<b>115.76 (d)</b>	<b>Disciplinary sanctions for staff</b>	
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies(unless the activity was clearly not criminal)?	yes
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?	yes
<b>115.77 (a)</b>	<b>Corrective action for contractors and volunteers</b>	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?	yes
<b>115.77 (b)</b>	<b>Corrective action for contractors and volunteers</b>	
	In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates?	yes
<b>115.78 (a)</b>	<b>Disciplinary sanctions for inmates</b>	
	Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process?	yes
<b>115.78 (b)</b>	<b>Disciplinary sanctions for inmates</b>	

	Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories?	yes
<b>115.78 (c)</b>	<b>Disciplinary sanctions for inmates</b>	
	When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior?	yes
<b>115.78 (d)</b>	<b>Disciplinary sanctions for inmates</b>	
	If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits?	yes
<b>115.78 (e)</b>	<b>Disciplinary sanctions for inmates</b>	
	Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact?	yes
<b>115.78 (f)</b>	<b>Disciplinary sanctions for inmates</b>	
	For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation?	yes
<b>115.78 (g)</b>	<b>Disciplinary sanctions for inmates</b>	
	If the agency prohibits all sexual activity between inmates, does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.)	yes
<b>115.81 (a)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison).	yes
<b>115.81 (b)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	

	If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)	yes
<b>115.81 (c)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a jail).	na
<b>115.81 (d)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?	yes
<b>115.81 (e)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	yes
<b>115.82 (a)</b>	<b>Access to emergency medical and mental health services</b>	
	Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?	yes
<b>115.82 (b)</b>	<b>Access to emergency medical and mental health services</b>	
	If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62?	yes
	Do security staff first responders immediately notify the appropriate medical and mental health practitioners?	yes

<b>115.82 (c)</b>	<b>Access to emergency medical and mental health services</b>	
	Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate?	yes
<b>115.82 (d)</b>	<b>Access to emergency medical and mental health services</b>	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
<b>115.83 (a)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?	yes
<b>115.83 (b)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody?	yes
<b>115.83 (c)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Does the facility provide such victims with medical and mental health services consistent with the community level of care?	yes
<b>115.83 (d)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	na
<b>115.83 (e)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	If pregnancy results from the conduct described in paragraph §	na



	115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	
<b>115.83 (f)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes
<b>115.83 (g)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
<b>115.83 (h)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)	yes
<b>115.86 (a)</b>	<b>Sexual abuse incident reviews</b>	
	Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded?	yes
<b>115.86 (b)</b>	<b>Sexual abuse incident reviews</b>	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes
<b>115.86 (c)</b>	<b>Sexual abuse incident reviews</b>	
	Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?	yes
<b>115.86 (d)</b>	<b>Sexual abuse incident reviews</b>	

	Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?	yes
	Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility?	yes
	Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?	yes
	Does the review team: Assess the adequacy of staffing levels in that area during different shifts?	yes
	Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?	yes
	Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?	yes
<b>115.86 (e)</b>	<b>Sexual abuse incident reviews</b>	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes
<b>115.401 (h)</b>	<b>Frequency and scope of audits</b>	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes
<b>115.401 (i)</b>	<b>Frequency and scope of audits</b>	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes
<b>115.401 (m)</b>	<b>Frequency and scope of audits</b>	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes

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

# PREA Agency Audit Report: Final

**Name of Agency:** Federal Bureau of Prisons

**Facility Type:** Prison / Jail

**Date Interim Report Submitted:** NA

**Date Final Report Submitted:** 10/04/2023

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input type="checkbox"/>
<b>Auditor Full Name as Signed:</b> Marc Coudriet	<b>Date of Signature:</b> 10/04/2023

AUDITOR INFORMATION	
<b>Auditor name:</b>	Coudriet, Marc
<b>Email:</b>	usmc58312215@outlook.com
<b>Start Date of On-Site Audit:</b>	
<b>End Date of On-Site Audit:</b>	

AGENCY INFORMATION	
<b>Name of agency:</b>	Federal Bureau of Prisons
<b>Governing authority or parent agency (if applicable):</b>	U.S. Department of Justice
<b>Physical Address:</b>	320 1st Street Northwest, Washington , Dist. Columbia - 20534
<b>Mailing Address:</b>	
<b>Telephone number:</b>	2023073250

<b>Agency Chief Executive Officer Information:</b>	
<b>Name:</b>	Colette S. Peters, Director
<b>Email Address:</b>	bop-rsd-preacoordinator@bop.gov
<b>Telephone Number:</b>	(202) 307-3250

<b>Agency-Wide PREA Coordinator Information</b>			
<b>Name:</b>	Cynthia Campagna	<b>Email Address:</b>	ccampagna@bop.gov

<b>Agency AUDIT FINDINGS</b>	
<b>Summary of Audit Findings</b>	
<p>The OAS automatically populates the number and list of Standards exceeded, the number of Standards met, and the number and list of Standards not met.</p> <p>Auditor Note: In general, no standards should be found to be "Not Applicable" or "NA." A compliance determination must be made for each standard. In rare instances where an auditor determines that a standard is not applicable, the auditor should select "Meets Standard" and include a comprehensive discussion as to why the standard is not applicable to the facility being audited.</p>	
<b>Number of standards exceeded:</b>	
0	
<b>Number of standards met:</b>	
10	
<b>Number of standards not met:</b>	
0	

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

<b>115.11</b>	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>115.11(a)</p> <p>DIRECTIVE AND DOCUMENT REVIEW:</p> <p>Pre-Audit Questionnaire.</p> <p>BOP PREA Plan</p> <p>Agency zero-tolerance statement.</p> <p>Organizational charts, interviews.</p> <p>INTERVIEWS.</p> <p>Agency PREA Coordinator.</p> <p>FINDINGS:</p>

Agency Directives and BOP PREA Plan address the requirements of this provision. The agency mandates a zero-tolerance directive towards all forms of sexual abuse and sexual harassment and outlines the agency's strategies on preventing, detecting, and responding to such conduct. Agency policies addressed "Preventing" sexual abuse and sexual harassment through the designation of a PREA Coordinator and PREA Compliance Manager, Criminal Background Checks (Staff, Contractors, and Volunteers, as applicable), Training (Staff, Volunteers, and Contractors), Staffing, Intake Screening, Classification, Inmate Education, Posting of Signage (PREA Posters, etc.) and Contract Monitoring. The Directives addressed "Detecting" sexual abuse and sexual harassment through Training (Staff, Volunteers, and Contractors), and Intake Screening.

The policies addressed "Responding" to allegations of sexual abuse and sexual harassment through Reporting, Investigations, Victim Services, Medical and Mental Health Services, Disciplinary Sanctions for Staff (including notification to licensing agencies), Incident Review Teams, and Data Collections and Analysis.

The Inmate Handbook, PREA Posters, and PREA Brochures do address sexual abuse by another inmate, and the Inmate Handbook does address sanctions for inmates when involved in such conduct. Based on interviews and a review of agency policies, BOP staff closely monitor for inmate-on-inmate sexual misconduct in accordance with the agency's PREA policies; allegations are reported and investigated, and inmates are held accountable. By policy, the Inmate handbooks are reviewed and updated at least annually at each BOP institution.

115.11(b)

#### DIRECTIVE AND DOCUMENT REVIEW:

Agency Directives and BOP PREA Plan.

Agency's organizational chart.

#### INTERVIEWS:

PREA Coordinator.

#### FINDINGS:

Agency Directive(s) and BOP PREA Plan address(es) the position of the agency PREA Coordinator, which outlines the roles and responsibilities of the position and calls for the position being allowed enough time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in each facility.

The agency's organizational chart reflects that the agency PREA Coordinator position is an upper-level position with agency-wide oversight. The agency PREA Coordinator position reports to the Assistant Director, Reentry Services Division.

The PREA Coordinator was interviewed and reported to have enough time to focus on the PREA standards and the freedom to divert responsibilities to other staff as needed to focus on the audit. A review of the agency directive, agency's organization chart,

	<p>and based on the interview with the designated agency's PREA Coordinator, the Auditor determined the agency demonstrates it meets the requirements of this provision of this standard.</p>
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115.12	Contracting with other entities for the confinement of inmates
	<p><b>Auditor Overall Determination:</b> Meets Standard</p>
	<p><b>Auditor Discussion</b></p>
	<p>115.12(a) (b)</p> <p>DIRECTIVE AND DOCUMENT REVIEW:</p> <p>Agency Directives and BOP PREA Plan.</p> <p>FINDINGS:</p> <p>Agency Directive(s) and BOP PREA Plan address(es) this provision. The agency reported there were a total of zero contracts for the confinement of inmates and 161 Residential Reentry Centers (RRCs) that the agency had entered or renewed with private entities or other government agencies.</p> <p>A review of the agency directive reflected all contracts will meet the required entity's obligation to adopt and comply with the PREA standards.</p> <p>Agency Directive(s) and BOP PREA Plan address(es) this provision. The agency reported the agency-wide contracts would require the agency to monitor the contractor's compliance with the PREA standards.</p> <p>If the agency contracted the confinement of its inmates, the agency's Contract Administrator would be required to maintain regular contact with every inmate placed in a contract facility. If there are concerns, agency protocol requires the inmate be removed from the facility and the facility allows time to make corrective action and address the concerns.</p> <p>Corrective actions are addressed before the facility is reconsidered. Notification would also be made to law enforcement. The Contract Administrator would annually collect credentialing documentation for each facility: facility license; staff licenses or certifications; daily schedule; and monitoring reports or the licensing agency's website regarding the facility's status; and tours the facility. The BOP is no longer actively soliciting new contracts with private facilities.</p>

115.17	Hiring and promotion decisions
	<p><b>Auditor Overall Determination:</b> Meets Standard</p>



**Auditor Discussion**

115.17(a) (e)(h)

**DIRECTIVE AND DOCUMENT REVIEW:**

Agency Directives and BOP PREA Plan.

Supporting Documentation.

**FINDINGS:**

PS 3000.03 Human Resource Management Manual, PS 3420.11, Standards of Employee Conduct, the Pre-Employment Guide, SF85P (Questionnaire for Public Trust Positions) and a BOP recruitment document address the requirements of the standard. All employees who have contact with inmates have had a full field background investigation in addition to fingerprinting and inquiry into the FBI's National Crime Information Center (NCIC). Employee backgrounds are re-checked every five years. Contractors and volunteers who have regular contact with inmates also have criminal background checks completed prior to having contact with inmates. Volunteer and contractor background checks are repeated yearly. The facility does not hire or promote anyone who may have contact with inmates and does not enlist the services of any contractor who may have contact with inmates who has engaged in any type of sexual abuse/harassment (no exceptions). Employees have a duty to disclose such misconduct and material omissions regarding such misconduct would be grounds for termination. Submission of false information by any applicant is grounds for not hiring the applicant.

The Agency Head designee was interviewed and confirmed that the agency HR attempts to contact prior employers for information on substantiated allegations of sexual abuse or resignations which occurred during a pending investigation of sexual abuse. The Agency Head designee also confirmed that the agency provides information on substantiated allegations of sexual abuse or sexual harassment involving a former employee, upon receiving a request from an institutional employer for whom such employee has applied to work. The agency notifies appropriate licensing/certifying agencies when professional staff members are terminated for substantiated allegations of sexual abuse or sexual harassment. A review of policy, personnel forms, and relevant supporting documentation, including staff interviews, confirm compliance with this standard.

115.17(b)

**DIRECTIVE AND DOCUMENT REVIEW:**

Agency Directives and BOP PREA Plan.

**INTERVIEWS:**

Agency Head designee.

FINDINGS:

Agency Directives and BOP PREA Plan address this provision. Agency Head designee reported the agency has incorporated and implemented the "Affirmative Duty to Disclose," which all staff were required to affirm and sign. The form includes a "material omissions" clause.

115.17(c)

DIRECTIVE AND DOCUMENT REVIEW:

Agency Directives and BOP PREA Plan.

INTERVIEWS:

Agency Head.

FINDINGS:

Agency Directives and BOP PREA Plan address this provision. The agency directive requires job applicants to have background checks completed looking at any issue of prior sexual misconduct. The background checks are completed prior to any inmate contact. All contractors are screened by using the same process.

115.17(d)

DIRECTIVE AND DOCUMENT REVIEW:

Agency Directives and BOP PREA Plan.

INTERVIEWS:

Agency Head designee.

FINDINGS:

Agency Directive(s) and BOP PREA Plan address(es) the elements of this provision. Agency directive defines staff to include volunteer or contracted program services staff. All staff are also subjected to a criminal background check.

115.17(f)

DIRECTIVE AND DOCUMENT REVIEW:

Agency Directives and BOP PREA Plan. HR Files.

INTERVIEWS:

Agency Head designee.

FINDINGS:

Agency Directive(s) and BOP PREA Plan address(es) this provision.

	<p>The application process includes the "Affirmative Duty to Disclose" form for new hires, volunteers and contractors, and a review of the HR files indicated this process was being implemented. The HR files reviewed indicated the forms had been signed in accordance with directive.</p> <p>A review of agency directives and HR files, and Agency Head designee interview, indicate the practice is in place and meets the requirements of this provision.</p> <p>115.17(g)</p> <p>DIRECTIVE AND DOCUMENT REVIEW:</p> <p>Agency Directives and BOP PREA Plan.</p> <p>FINDINGS:</p> <p>Agency Directives and BOP PREA Plan address this provision. Agency directive defines staff to include volunteer or contracted program services staff.</p>
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<b>115.18 Upgrades to facilities and technologies</b>	
	<b>Auditor Overall Determination:</b> Meets Standard
	<p><b>Auditor Discussion</b></p> <p>115.18(a)</p> <p>INTERVIEWS:</p> <p>Interviews with the Agency Head designee confirm that the standard is being met.</p> <p>FINDINGS:</p> <p>The agency considers how all new facility designs and technology upgrades may enhance the Bureau’s ability to protect against sexual abuse. In existing institutions, we review all “Substantiated” and “Unsubstantiated” cases of inmate sexual abuse to determine if modifications to design or the addition or upgrade of technology would help prevent a similar occurrence in the future.</p> <p>115.18(b)</p> <p>DIRECTIVE AND DOCUMENT REVIEW:</p> <p>Video Surveillance Schematic.</p> <p>INTERVIEWS:</p> <p>Interviews with the Agency Head designee confirm that the standard is being met.</p> <p>FINDINGS:</p>

	<p>Institution reviews are ongoing to determine if upgrades or additions to our existing technology would enhance the protection of inmates from incidents of sexual abuse. The technology serves as a deterrent but also allows us to identify unreported victims and perpetrators of sexually abusive behavior. It also aids in successful criminal prosecutions. It is recommended that BOP receive the funding to procure additional cameras and an inmate RFID system to enhance the safety and security of the staff and inmates for each of its institutions.</p>
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<b>115.42</b>	<b>Use of screening information</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>115.42(a)</p> <p>DIRECTIVE AND DOCUMENT REVIEW:</p> <p>Agency Directive and the PREA Screen Tool.</p> <p>INTERVIEWS:</p> <p>Agency PREA Coordinator.</p> <p>FINDINGS:</p> <p>PS 5324.12 addresses the requirement of the standard. The information obtained in the inmate screening process is used to make individualized determinations to ensure the inmates safety. This information is used to make decisions to place each inmate in appropriate housing, work, and program assignments. A classification committee makes the placement decisions. Agency PREA Coordinator reported information secured through the screening process is used to determine the need for additional medical or mental health follow-up, and to make classification decisions based on risk factors.</p> <p>115.42(b)</p> <p>DIRECTIVE AND DOCUMENT REVIEW:</p> <p>Agency Directives and BOP PREA Plan.</p> <p>INTERVIEWS:</p> <p>Agency PREA Coordinator.</p> <p>FINDINGS:</p> <p>Agency Directive(s) and BOP PREA Plan address(es) this provision. By policy, special housing is used as a last resort and staff look for other options, such as housing unit</p>

	<p>changes. Agency PREA Coordinator reported the welfare of the inmate is always a high consideration. Medical and mental health are to conduct daily visits for any inmates placed in special housing for PREA risk factors.</p> <p>115.42(c)</p> <p>DIRECTIVE AND DOCUMENT REVIEW:</p> <p>Agency Directives and BOP PREA Plan.</p> <p>INTERVIEWS:</p> <p>Agency PREA Coordinator.</p> <p>FINDINGS:</p> <p>Agency Directive(s) and BOP PREA Plan address(es) this provision. Agency PREA Coordinator reported the facility does not have specific housing units designated for lesbian, gay, bisexual, transgender, or intersex inmates. All housing, program and work assignments are made on a case-by-case basis.</p>
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<b>115.66</b>	<b>Preservation of ability to protect inmates from contact with abusers</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>115.66(a)</p> <p>DIRECTIVE AND DOCUMENT REVIEW:</p> <p>Agency Directives and BOP PREA Plan.</p> <p>INTERVIEWS:</p> <p>Agency Head.</p> <p>FINDINGS:</p> <p>The Collective Bargaining Agreement (CBA) examined by the auditor, between the Federal Bureau of Prisons and 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 CBA is currently being renegotiated and will contain the required language in its final form.</p>

<b>115.87</b>	<b>Data collection</b>
	<p data-bbox="256 188 959 224"><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p data-bbox="256 264 544 300"><b>Auditor Discussion</b></p> <p data-bbox="256 340 485 376">115.87(a and c)</p> <p data-bbox="256 416 783 452">DIRECTIVE AND DOCUMENT REVIEW:</p> <p data-bbox="256 488 804 524">Agency Directives and BOP PREA Plan.</p> <p data-bbox="256 560 405 595">FINDINGS:</p> <p data-bbox="256 631 1474 958">PS 5324.12 addresses the requirement of the standard. As confirmed by a review of documents, BOP collects accurate, uniform data for every allegation of sexual abuse/ harassment by using a standardized instrument. The agency tracks information concerning sexual abuse using data from the SIS department, the agency's Office of Internal Affairs and SENTRY, the BOP's computerized data management program. 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.</p> <p data-bbox="256 994 1422 1115">The agency aggregates and reviews all data annually. Upon request, the agency would provide all such data from the previous calendar year to the Department of Justice no later than June 30.</p> <p data-bbox="256 1151 405 1187">115.87(b)</p> <p data-bbox="256 1223 783 1258">DIRECTIVE AND DOCUMENT REVIEW:</p> <p data-bbox="256 1294 804 1330">Agency Directives and BOP PREA Plan.</p> <p data-bbox="256 1366 405 1402">FINDINGS:</p> <p data-bbox="256 1438 1458 1594">Agency Directive(s) and BOP PREA Plan address(es) this provision. A review of the facility tracking information reflected a comprehensive system designed to maintain various elements for the required data for sexual abuse and sexual harassment allegations.</p> <p data-bbox="256 1630 405 1666">115.87(d)</p> <p data-bbox="256 1702 804 1738">Agency Directives and BOP PREA Plan.</p> <p data-bbox="256 1774 405 1809">FINDINGS:</p> <p data-bbox="256 1845 1442 2056">Agency Directive(s) and BOP PREA Plan address(es) this provision. A review of the agency website reflects the comprehensive report is published and available to the public for all serious incidents to include sexual abuse and sexual harassment allegations. The annual PREA reports can be found at <a href="https://www.bop.gov/inmates/custody_and_care/sexual_abuse_prevention.jsp">https://www.bop.gov/inmates/custody_and_care/sexual_abuse_prevention.jsp</a>.</p>

	<p>115.87(e)</p> <p>DIRECTIVE AND DOCUMENT REVIEW:</p> <p>Agency Directives and BOP PREA Plan.</p> <p>FINDINGS:</p> <p>Agency Directive(s) and BOP PREA Plan address(es) this provision.</p> <p>115.87(f)</p> <p>DIRECTIVE AND DOCUMENT REVIEW:</p> <p>Agency Directives and BOP PREA Plan.</p> <p>FINDINGS:</p> <p>Agency Directive(s) and BOP PREA Plan address(es) this provision.</p>
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<b>115.88</b>	<b>Data review for corrective action</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>115.88(a)</p> <p>DIRECTIVE AND DOCUMENT REVIEW:</p> <p>Agency Directives and BOP PREA Plan. Annual report.</p> <p>INTERVIEWS:</p> <p>Agency PREA Coordinator.</p> <p>FINDINGS:</p> <p>Agency Directive(s) and BOP PREA Plan address(es) this provision. A review of the annual report reflects all the elements required by this provision.</p> <p>Staff interviewed reported in detail the process followed when reviewing the data, identifying problem areas and corrective action, and preparing the annual report.</p> <p>115.88(b)</p> <p>DIRECTIVE AND DOCUMENT REVIEW:</p> <p>Agency Directives and BOP PREA Plan.</p> <p>FINDINGS:</p>

	<p>Agency Directive(s) and BOP PREA Plan address(es) this provision.</p> <p>115.88(c)</p> <p>DIRECTIVE AND DOCUMENT REVIEW:</p> <p>Agency Directives and BOP PREA Plan.</p> <p>Annual report.</p> <p>INTERVIEWS:</p> <p>Agency PREA Coordinator.</p> <p>FINDINGS:</p> <p>PS 5324.12 addresses the requirement of the standard. The Bureau of Prisons and the institution 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, to identify any trends, issues, or problematic areas and to take corrective action if needed. The Institution PREA Compliance Manager (IPCM) forwards data to the respective BOP Regional PREA Coordinator and then to the National BOP PREA Coordinator. An Annual Report has been prepared and placed on the BOP website. The auditor reviewed the Annual Report. The report can be found at the following website address: <a href="http://www.bop.gov">www.bop.gov</a>.</p> <p>115.88(d)</p> <p>DIRECTIVE AND DOCUMENT REVIEW:</p> <p>Agency Directives and BOP PREA Plan.</p> <p>INTERVIEWS:</p> <p>Agency PREA Coordinator.</p> <p>FINDINGS:</p> <p>Agency Directive(s) and BOP PREA Plan address(es) this provision. Agency PREA Coordinator reported the BOP complies with FOIA and all other applicable laws, rules, and regulations. No information that identifies victims or perpetrators is included in the report, nor is any information that could potentially threaten the security of an institution. The reports would reflect only basic demographic information.</p>
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<b>115.89</b>	<b>Data storage, publication, and destruction</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>



115.89(a)

DIRECTIVE AND DOCUMENT REVIEW:

Agency Directives and BOP PREA Plan.

INTERVIEWS:

Agency PREA Coordinator.

FINDINGS:

PS 5324.12 addresses the requirement of the standard. The National PREA Coordinator reviews data compiled by each BOP facility, from SENTRY, from each Regional PREA Coordinator, from the Information Technology and Data Division of the BOP and from the Office of Internal Affairs and issues a report to the Director on an annual basis. Facility data is maintained in locked files or on computer databases that are user ID and password protected. Agency PREA data is securely retained and is published on the BOP website after removing all personal identifying information.

115.89(b)

DIRECTIVE AND DOCUMENT REVIEW:

Agency Directives and BOP PREA Plan.

Aggregated data on website.

FINDINGS:

Agency Directive(s) and BOP PREA Plan address(es) this provision. The data posted on the agency website includes agency data from the previous year.

115.89(c)

DIRECTIVE AND DOCUMENT REVIEW:

Agency Directives and BOP PREA Plan.

Aggregated data on agency website.

FINDINGS:

Agency Directive(s) and BOP PREA Plan address(es) this provision. The data posted on the agency website has all personal identifiers removed.

115.89(d)

DIRECTIVE AND DOCUMENT REVIEW:

Agency Directives and BOP PREA Plan.

Aggregated data on agency website.

	<p><b>FINDINGS:</b></p> <p>Agency Directive(s) and BOP PREA Plan address(es) this provision. The data and records collected are to be retained in accordance with agency retention requirements.</p>
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<b>115.401</b>	<b>Frequency and scope of audits</b>
	<b>Auditor Overall Determination:</b>
	<b>Auditor Discussion</b>
	<p>115.401(a)</p> <p>DIRECTIVE AND DOCUMENT REVIEW:</p> <p>Aggregated data on website.</p> <p>FINDINGS:</p> <p>The agency ensured that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once.</p> <p>115.401(b)</p> <p>DIRECTIVE AND DOCUMENT REVIEW:</p> <p>Aggregated data on website.</p> <p>FINDINGS:</p> <p>This is the Agency’s first year of cycle 4. The agency is following their audit cycle and planned future audits. The data was posted on the agency website.</p>

<b>115.403</b>	<b>Audit contents and findings</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>115.403(f)</p> <p>DIRECTIVE AND DOCUMENT REVIEW:</p> <p>There is no agency directive for this provision.</p> <p>FINDINGS:</p> <p>BOP has published on its agency website all Final Audit Reports within 90 days of</p>

	<p>issuance by the Auditor. This information is made available to the public and is in accordance with 28 C.F.R. § 115.405.</p>
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<b>Appendix: Provision Findings</b>		
<b>115.11 (b)</b>	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>	
	Has the agency employed or designated an agency-wide PREA Coordinator?	yes
	Is the PREA Coordinator position in the upper-level of the agency hierarchy?	yes
	Does the PREA Coordinator have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities?	yes
<b>115.12 (a)</b>	<b>Contracting with other entities for the confinement of inmates</b>	
	If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	na
<b>115.12 (b)</b>	<b>Contracting with other entities for the confinement of inmates</b>	
	Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	na
<b>115.17 (a)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity	yes

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

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

	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.)	
<b>115.42 (c)</b>	<b>Use of screening information</b>	
	When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)?	yes
	When making housing or other program assignments for transgender or intersex inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems?	yes
<b>115.66 (a)</b>	<b>Preservation of ability to protect inmates from contact with abusers</b>	
	Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes
<b>115.87 (a)</b>	<b>Data collection</b>	
	Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions?	yes
<b>115.87 (b)</b>	<b>Data collection</b>	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes
<b>115.87 (c)</b>	<b>Data collection</b>	

	Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice?	yes
<b>115.87 (d)</b>	<b>Data collection</b>	
	Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?	yes
<b>115.87 (e)</b>	<b>Data collection</b>	
	Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.)	na
<b>115.87 (f)</b>	<b>Data collection</b>	
	Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)	yes
<b>115.88 (a)</b>	<b>Data review for corrective action</b>	
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole?	yes
<b>115.88 (b)</b>	<b>Data review for corrective action</b>	
	Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse?	yes



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

	If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.)	na
	If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)	na
<b>115.403 (f)</b>	<b>Audit contents and findings</b>	
	The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or, in the case of single facility agencies, there has never been a Final Audit Report issued.)	yes