

PREA Facility Audit Report: Final

Name of Facility: Hampden County Jail and House of Corrections

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 11/18/2023

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"/>
Auditor Full Name as Signed: Amy J Fairbanks	Date of Signature: 11/18/ 2023

AUDITOR INFORMATION	
Auditor name:	Fairbanks, Amy
Email:	fairbaa@comcast.net
Start Date of On-Site Audit:	09/11/2023
End Date of On-Site Audit:	09/13/2023

FACILITY INFORMATION	
Facility name:	Hampden County Jail and House of Corrections
Facility physical address:	627 Randall Road, Ludlow, Massachusetts - 01056
Facility mailing address:	

Primary Contact	
Name:	Sheriff Nick Cocchi
Email Address:	nick.cocchi@SDH.state.ma.us
Telephone Number:	413-858-0101

Warden/Jail Administrator/Sheriff/Director	
Name:	Sheriff Nick Cocchi
Email Address:	nick.cocchi@SDH.state.ma.us
Telephone Number:	413-858-0101

Facility PREA Compliance Manager	
Name:	Ben Mastay
Email Address:	benjamin.mastay@sdh.state.ma.us
Telephone Number:	

Facility Health Service Administrator On-site	
Name:	Keisha Williams
Email Address:	keisha.williams@SDH.state.ma.us
Telephone Number:	413-858-0343

Facility Characteristics	
Designed facility capacity:	1963
Current population of facility:	651
Average daily population for the past 12 months:	667
Has the facility been over capacity at any point in the past 12 months?	No

Which population(s) does the facility hold?	Males
Age range of population:	18-80
Facility security levels/inmate custody levels:	maximum, medium, pretrial, sentenced
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	625
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	218
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	808

AGENCY INFORMATION	
Name of agency:	Hampden County Sheriff's Department
Governing authority or parent agency (if applicable):	
Physical Address:	627 Randall Road , Ludlow , Massachusetts - 01056
Mailing Address:	
Telephone number:	

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

Agency-Wide PREA Coordinator Information

Name:	Matthew Roman	Email Address:	matthew.roman@sdh.state.ma.us
--------------	---------------	-----------------------	-------------------------------

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:

9

- 115.11 - Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
- 115.15 - Limits to cross-gender viewing and searches
- 115.16 - Inmates with disabilities and inmates who are limited English proficient
- 115.17 - Hiring and promotion decisions
- 115.31 - Employee training
- 115.33 - Inmate education
- 115.41 - Screening for risk of victimization and abusiveness
- 115.42 - Use of screening information
- 115.67 - Agency protection against retaliation

Number of standards met:

36

Number of standards not met:

	0	
--	---	--

POST-AUDIT REPORTING INFORMATION

GENERAL AUDIT INFORMATION

On-site Audit Dates

1. Start date of the onsite portion of the audit:	2023-09-11
2. End date of the onsite portion of the audit:	2023-09-13

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:	JDI, YWCA, SANE examiner Regional Supervisor

AUDITED FACILITY INFORMATION

14. Designated facility capacity:	1963
15. Average daily population for the past 12 months:	667
16. Number of inmate/resident/detainee housing units:	0
17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Not Applicable for the facility type audited (i.e., Community Confinement Facility or Juvenile Facility)

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

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

36. Enter the total number of inmates/residents/detainees in the facility as of the first day of onsite portion of the audit:	680
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:	10
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:	2
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:	1
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:	4
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:	1
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:	1

<p>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:</p>	<p>0</p>
<p>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:</p>	<p>3</p>
<p>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:</p>	<p>3</p>
<p>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:</p>	<p>0</p>
<p>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):</p>	<p>No text provided.</p>
<p>Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit</p>	
<p>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:</p>	<p>101</p>
<p>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:</p>	<p>2</p>

<p>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:</p>	<p>5</p>
<p>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:</p>	<p>No text provided.</p>
<p>INTERVIEWS</p>	
<p>Inmate/Resident/Detainee Interviews</p>	
<p>Random Inmate/Resident/Detainee Interviews</p>	
<p>53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:</p>	<p>32</p>
<p>54. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)</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 checked="" type="checkbox"/> Gender <input type="checkbox"/> Other <input type="checkbox"/> None </p>
<p>55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?</p>	<p>Assured one inmate from each housing area was interviewed.</p>
<p>56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?</p>	<p> <input checked="" type="radio"/> Yes <input type="radio"/> No </p>

57. Provide any additional comments regarding selecting or interviewing random inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):	No text provided.
Targeted Inmate/Resident/Detainee Interviews	
58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:	15
<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>	
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:	2
61. Enter the total number of interviews conducted with inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) using the "Disabled and Limited English Proficient Inmates" protocol:	2
62. Enter the total number of interviews conducted with inmates/residents/detainees who are Blind or have low vision (i.e., visually impaired) using the "Disabled and Limited English Proficient Inmates" protocol:	1

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:	1
64. Enter the total number of interviews conducted with inmates/residents/detainees who are Limited English Proficient (LEP) using the "Disabled and Limited English Proficient Inmates" protocol:	2
65. Enter the total number of interviews conducted with inmates/residents/detainees who identify as lesbian, gay, or bisexual using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:	1
66. Enter the total number of interviews conducted with inmates/residents/detainees who identify as transgender or intersex using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:	1
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:	3
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:	3

<p>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:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</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. 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).</p>	<p>Overall audit observations led the auditor to find this credible.</p>
<p>70. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):</p>	<p>No text provided.</p>
<p>Staff, Volunteer, and Contractor Interviews</p>	
<p>Random Staff Interviews</p>	
<p>71. Enter the total number of RANDOM STAFF who were interviewed:</p>	<p>12</p>

<p>72. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)</p>	<p><input type="checkbox"/> Length of tenure in the facility</p> <p><input type="checkbox"/> Shift assignment</p> <p><input type="checkbox"/> Work assignment</p> <p><input type="checkbox"/> Rank (or equivalent)</p> <p><input type="checkbox"/> Other (e.g., gender, race, ethnicity, languages spoken)</p> <p><input type="checkbox"/> None</p>
<p>73. Were you able to conduct the minimum number of RANDOM STAFF interviews?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>74. Provide any additional comments regarding selecting or interviewing random staff (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</p>	<p>No text provided.</p>
<p>Specialized Staff, Volunteers, and Contractor Interviews</p>	
<p>Staff in some facilities may be responsible for more than one of the specialized staff duties. Therefore, more than one interview protocol may apply to an interview with a single staff member and that information would satisfy multiple specialized staff interview requirements.</p>	
<p>75. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):</p>	<p>26</p>
<p>76. Were you able to interview the Agency Head?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>

78. Were you able to interview the PREA Coordinator?	<input checked="" type="radio"/> Yes <input type="radio"/> No
79. Were you able to interview the PREA Compliance Manager?	<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 type="checkbox"/> Other
81. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Enter the total number of VOLUNTEERS who were interviewed:	1
b. Select which specialized VOLUNTEER role(s) were interviewed as part of this audit from the list below: (select all that apply)	<input type="checkbox"/> Education/programming <input type="checkbox"/> Medical/dental <input type="checkbox"/> Mental health/counseling <input type="checkbox"/> Religious <input checked="" type="checkbox"/> Other
82. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Enter the total number of CONTRACTORS who were interviewed:	1
b. Select which specialized CONTRACTOR role(s) were interviewed as part of this audit from the list below: (select all that apply)	<input type="checkbox"/> Security/detention <input checked="" type="checkbox"/> Education/programming <input type="checkbox"/> Medical/dental <input type="checkbox"/> Food service <input type="checkbox"/> Maintenance/construction <input type="checkbox"/> Other

<p>83. Provide any additional comments regarding selecting or interviewing specialized staff.</p>	<p>Additional staff interviewed included the grievance coordinator, training supervisor, transgender committee member, union steward, programming supervisor and volunteer coordinator..</p>
--	--

SITE REVIEW AND DOCUMENTATION SAMPLING

Site Review

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

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

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

<p>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)?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
--	--

<p>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)?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
---	--

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

<p>88. Informal conversations with staff during the site review (encouraged, not required)?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
--	---

<p>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).</p>	<p>No text provided.</p>
--	--------------------------

Documentation Sampling

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

<p>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?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
--	---

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

SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS AND INVESTIGATIONS IN THIS FACILITY

Sexual Abuse and Sexual Harassment Allegations and Investigations Overview

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

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

	# of sexual abuse allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual abuse	3	0	3	0
Staff-on-inmate sexual abuse	2	0	2	0
Total	5	0	5	0

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

	# of sexual harassment allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual harassment	1	0	1	0
Staff-on-inmate sexual harassment	6	0	6	0
Total	7	0	7	0

Sexual Abuse and Sexual Harassment Investigation Outcomes

Sexual Abuse Investigation Outcomes

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

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

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

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

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual abuse	0	1	2	0
Staff-on-inmate sexual abuse	0	2	0	0
Total	0	3	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
Inmate-on-inmate sexual harassment	0	0	0	0	0
Staff-on-inmate sexual harassment	0	0	0	0	0
Total	0	0	0	0	0

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

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual harassment	0	1	0	0
Staff-on-inmate sexual harassment	0	5	1	0
Total	0	6	1	0

Sexual Abuse and Sexual Harassment Investigation Files Selected for Review

Sexual Abuse Investigation Files Selected for Review

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

5

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

<p>105. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>
<p>Sexual Harassment Investigation Files Selected for Review</p>	
<p>106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>7</p>
<p>107. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</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>Inmate-on-inmate sexual harassment investigation files</p>	
<p>108. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>1</p>
<p>109. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
<p>110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>

Staff-on-inmate sexual harassment investigation files	
111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:	6
112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)
113. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)
114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.	No text provided.
SUPPORT STAFF INFORMATION	
DOJ-certified PREA Auditors Support Staff	
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.	<input type="radio"/> Yes <input checked="" type="radio"/> No

Non-certified Support Staff

116. Did you receive assistance from any NON-CERTIFIED SUPPORT STAFF at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.

Yes

No

AUDITING ARRANGEMENTS AND COMPENSATION

121. Who paid you to conduct this audit?

The audited facility or its parent agency

My state/territory or county government employer (if you audit as part of a consortium or circular auditing arrangement, select this option)

A third-party auditing entity (e.g., accreditation body, consulting firm)

Other

Standards	
Auditor Overall Determination Definitions	
<ul style="list-style-type: none"> • Exceeds Standard (Substantially exceeds requirement of standard) • Meets Standard (substantial compliance; complies in all material ways with the stand for the relevant review period) • Does Not Meet Standard (requires corrective actions) 	
Auditor Discussion Instructions	
<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>	

115.11	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · Organization Charts · Interview with the PREA Coordinator · Interview with the Superintendent · Interview with the PREA Compliance Manager (PCM) · Interview with the Sheriff · Observations during the audit · FAQ

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

3.5.3 PREA Plan states, *The HCSO maintains a working environment free from all forms of sexual harassment, retaliation or intimidation. Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature will not be condoned or permitted.*

In accordance with M.G.L. Chapter 268, Section 21A the HCSO will investigate and prosecute any Employee, Contractor, Volunteer, or Intern found to have engaged in any sexual relations with any inmate. In criminal prosecution of such misconduct, the law deems an inmate is incapable of consent. Acts of sexual contact or sexual misconduct with an inmate, as well as retaliation against an inmate are prohibited. In addition, invasion of privacy, acts of intimacy, or anything other than purely professional relationships with inmates are prohibited and violators are subject to appropriate discipline.

FORMS:

PREA Sexual Abuse/Misconduct Notification

PREA Sexual Harassment Notification

PREA Incident Review

PREA Inmate Orientation Sign-Off

PREA Vendor, Volunteer, Intern Contractor Sign-Off

Concern/EAP Informed Consent & Limits of Confidentiality

PREA Notification Report Form

PREA Sexual Abuse Retaliation Monitoring

Protocols

PROTOCOL 1: PREVENTION & PLANNING 11

PROTOCOL 2: RESPONSIVE PLANNING 18

PROTOCOL 3: TRAINING AND EDUCATION 20

PROTOCOL 4: SCREENING FOR RISK OF SEXUAL VICTIMIZATION & ABUSIVENESS 23

PROTOCOL 5: REPORTING 27

PROTOCOL 6: OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT 30

PROTOCOL 7: INVESTIGATIONS 34

PROTOCOL 8: DISCIPLINE 37

PROTOCOL 9: MEDICAL AND MENTAL CARE 38

PROTOCOL 10: DATA COLLECTION AND REVIEW 40

PROTOCOL 11: AUDITING AND CORRECTIVE ACTION 43

A. The Hampden County Sheriff's Office (HCSO) promotes a zero tolerance of sexual abuse and sexual harassment.

1. This policy & protocol outlines the HCSO's approach to preventing, detecting, and responding to such conduct and is published on the Sheriff's Office website.

2. The Sheriff has appointed an agency-wide PREA Coordinator with the authority to develop, implement, and oversee the compliance with the PREA standards in all of its facilities.

3. Each facility has a designated PREA Compliance Manager with the authority to coordinate the facility's compliance with the PREA standards in conjunction with the HCSO PREA Coordinator.

a. The Sheriff has designated Matthew Roman as the PREA Coordinator.

b. The Sheriff has designated the following staff as PREA Managers:

- All Inclusive Support Systems (AISS) Sally Johnson-Van Wright*
- Main Institution (MI) Ben Mastay*
- Stonybrook Stabilization & Treatment Center (SSTC) Ben Mastay*
- Western Massachusetts Recovery and Wellness Center (WMRWC) Diane Bator*
- Women's Correctional Center (WCC) Tina Mateus*

Evidence reviewed/analyzed by provision:

(a) The policy excerpt mirrors the language in the PREA standards. It provides forms used to support achievement of compliance and outlines how the agency will address the requirements. Definitions are provided to ensure consistent application of relevant terms (see 115.87). It is forty-one (41) pages in length. The PREA Coordinator confirmed, in addition to dates on the policy, that the policy is reviewed and updated annually.

(b) The interview with the PREA Coordinator assured the auditor of the following: He has sufficient time and authority to effectuate the changes needed. Changes and improvements have been observed from the previous audit and are highlighted in the report. He has been in the position of PREA Coordinator for fifteen years, demonstrating that the facility has been attentive to the laws after passing, while the standards were being developed. He has been actively involved in training at this agency and currently works as the Health Care Standards supervisor. There are three

	<p>PREA Compliance Managers assigned to this agency; two were present during the entire audit. The PREA Coordinator was present during the entire onsite audit. He additionally is a trained investigator for sexual abuse allegations.</p> <p>(c)The interview with the PCM assured the following to the auditor: He has been actively involved in the PREA process. He has a sergeant assigned to assist him with all needs related to this responsibility. Both are trained to conduct sexual abuse allegations. He and the PCM from another operation with present during the audit to assist with any needs, questions or follow up documents the auditor requested. He has been actively involved in this process as well as accreditation, which affords him the ability and influence to analyze operations and implement changes needs to ensure improvement.</p> <p>Summary of evidence to support findings: The auditor finds the facility compliant with the standard provisions. Policy supports all elements of the standards, including forms to ensure compliance. It is reviewed an updated annually. The staff assigned to ensure compliance made clear to the auditor that this law and prevention of sexual abuse is evidence in all operations. Dialogue with the Sheriff and Superintendent provided evidence that both the PREA Coordinator, the PCMs and all needs relating to prevention, detection and response receive all support needed to support these actions. With the annual update and staff assigned, the auditor finds that the agency exceeds the standard requirements.</p>
--	--

115.12	Contracting with other entities for the confinement of inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · Interview with the Purchasing Officer · MOU with Massachusetts Office of Correction · Agreement for the Use of the Hampden County Sheriff’s Office for the Pre-Arrestment Holding · MOU with BOP · Regional Lock Up Agreements · BOP Statement · IGA 824 and extension

	<ul style="list-style-type: none"> · US Marshall MOU · PAQ <p>The PAQ indicated that there is no contract for the confinement of inmates since the last PREA audit.</p> <p>The following policy excerpts supports compliance with the requirements of this standard:</p> <p>3.5.3 PREA Plan states, <i>Contracting with Other Entities for the Confinement of Inmates</i></p> <ol style="list-style-type: none"> 1. <i>When the HCSO contracts for the confinement of its inmates with private agencies or other entities, including other government agencies, any new contract or contract renewal shall include the entity’s obligation to adopt and comply with the PREA standards.</i> 2. <i>Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards.</i> <p>Policy mirrors the standard language.</p> <p>Evidence reviewed/analyzed by provision:</p> <p>(a)(b) The auditor reviewed the current contractual arrangements for the Hampden County Sheriff’s Office to hold inmates on behalf of other operations. They do not contract for the confinement of their inmates with any other entities. This was further confirmed by the interview with the Purchasing Officer. In the event this changes, policy is in place to ensure compliance with the standard.</p> <p>Summary of evidence to support a finding of compliance: The PAQ indicates there are no contracts during the PREA audit cycle for confinement of inmates; as indicated, they hold inmates for other agencies. The auditor found no reason to dispute that they do not contract for the confinement of inmates during the audit process. Policy supports the requirements in the event that they do enter into contracts for the confinement of inmates from this agency. The interview with the Purchasing Officer confirmed this. Therefore, this standard is not applicable – compliant.</p>
--	--

115.13	Supervision and monitoring
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan

- Interview with the Superintendent (agency head)
- Interview with the Assistant Superintendent (facility head)
- Interview with the PREA Coordinator
- Interview with the PCM
- Security staffing plan – shift minimum calculations
- Staffing Plan Annual Review
- Randomly requested Staffing Rosters
- Interviews with Supervisors formal and informal
- Random staff interviews
- Documentation of unannounced rounds – 6/1/2023 to 6/7/2023, 7/1/2023 to 7/7/2023 day and night shift electronic notation
- Observations
- PAQ

The PAQ indicates that the average daily population since the last PREA audit is 672. The staffing plan is predicated on an inmate population of 672. The facility reports there have been no deviations.

The following policy excerpt supports compliance with the requirements of this standard:

3.5.3 PREA Plan states, *Supervision and Monitoring*

1. *The HCSO ensures that each facility develops, documents, and makes best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, the facilities shall take into consideration:*
 - a. *Generally accepted detention and correctional practices;*
 - b. *Any judicial findings of inadequacy;*
 - c. *Any findings of inadequacy from Federal investigative agencies;*
 - d. *Any findings of inadequacy from internal or external oversight bodies;*
 - e. *All components of the facility’s physical plant (including “blind-spots” or areas where staff or inmates may be isolated);*
 - f. *The composition of the inmate population;*

- g. The number and placement of supervisory staff;*
 - h. Institutional programs occurring on a particular shift;*
 - i. Any applicable State or local laws, regulations, or standards;*
 - j. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and*
 - k. Any other relevant factors.*
- 2. In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan.*
- 3. Whenever necessary, but no less frequently than once each year, for each facility the HCSO operates, in consultation with the PREA coordinator, the facility shall assess, determine, and document whether adjustments are needed to:*
- a. The staffing plan established pursuant to paragraph (a) of this section;*
 - b. The facility's deployment of video monitoring systems and other monitoring technologies; and*
 - c. The resources the facility has available to commit to ensure adherence to the staffing plan*
- 4. The HCSO has a policy and practice of having supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment (see Supervisor Post Orders). This policy and practice is implemented for all shifts (see MI/WCC P&P 3.1.1/3.1.3 Pod/Unit Supervision, 3.4.1/3.4.3 Restrictive Housing Unit, and 4.1.8/3.5.6 Inmate Orientation). It is a violation for staff to alert other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.*

Policy mirrors the standard language and additionally includes how the practice is addressed in other policies.

Evidence reviewed/analyzed by provision:

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

- (1) The facility is preparing to be audited for accreditation status through the American Correctional Association (ACA) and is currently accredited by the National Commission on Correctional Health (NCCHC).
- (2) There are no judicial findings of inadequacy;
- (3) There are no findings of inadequacy from Federal investigative agencies;
- (4) There are no findings of inadequacy from internal or external oversight bodies; the auditor was informed that the Massachusetts Department of Corrections

conducts audits twice yearly to analyze and assess operations. The Superintendent confirmed that no deficiencies have been noted requiring a change in operations. These reports were provided to the auditor for review. Additionally, the agency is audited by the Bureau of Prisons (BOP) twice a year as indicated on the annual staffing analysis and also provided to the auditor in the PAQ.

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

(6) The composition of the inmate population has been analyzed by the facility. The Staffing review notes, "In response to a pronounced increase of serious mental illness acuity in the community and rising demand within the Commonwealth, the WCC opened Unit 2A as an Evaluation & Stabilization Unit and Mental Health Unit." This facility population has been analyzed and notes a two percent increase in the average daily population.

(7) The number and placement of supervisory staff has been reviewed and determined to be adequate. Review of rounds and staffing occur regularly. The annual review states the facility has a minimum number of security supervisors on day shift, on evening shift and on the midnight shift. The security supervisors are required and routinely conduct unannounced checks in all areas of the facility to deter sexual abuse and sexual misconduct.

(8) Institution programs occurring on a particular shift has a detailed evaluation of the time and days of the programs occurring. It states the following: These programs are typically offered on the 8-4P and 4-12A shift. The programs offered include: Breakthru, 28-Day Program, Recovery Support Group, Religious Groups, Mindfulness/Meditation, Transitions, SAVR (Stress, Anger & Violence Reduction), Substance Use Disorder Education, Orientation, Youthful Inmate Program (18-24), Men's Leadership, Re-Entry, Culinary Arts, Arboriculture, Self-help Groups, GED, ESOL, Domestic Violence, Victim Impact, Creative Writing, Victim Awareness, Relapse Prevention, M.A.G.I.C program, Father's In Trust, MOUD Treatment Groups and more. The auditor observed programming during the tour of the facility and noted the camera monitoring and security staff in the areas.

(9) Any applicable State or local laws, regulations, or standards are reviewed. Staff discussed with the auditor changes that were implemented with the 2018 Crime Reform Act that affected restrictive housing, medication administration for those with substance use disorder, treatment/ searches of transgenders and other areas. Other regulations addressed come from the DEA, SAMHSA, Massachusetts DCP and Massachusetts BSAS. In accordance with the union contract, if a unit has a population of over seventy-seven (77), it is required that an additional Correctional Officer also be posted in that unit.

(10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse are addressed. This is additionally analyzed in the Annual Report. It was concluded that the review of PREA allegations did not warrant any changes to staffing.

(11) Other relevant factors include an assessment of the PREA training provided to staff annually, periodically and is always available on the agency intranet PodNet program.

(b) The facility indicated on the PAQ that there have been no instances of non-compliance as overtime is utilized to ensure all positions are filled. Staffing rosters were requested and received for the 1st day of each quarter for the previous twelve months, which further demonstrated compliance. It was reported and confirmed through review of randomly requested staffing rosters that overtime is used to ensure that all positions are filled. Random staff interviews confirmed that they work overtime and are from time to time mandated to work overtime to ensure staff positions are filled. During the audit, the auditor observed that the facility has no obvious blind spots, staff were assigned to posts as indicated in the staffing plan, staff stations provide direct supervision of the housing unit, camera coverage is excellent. The physical plant has remained the same.

(c) Policy, interviews with the Superintendent and the PREA Coordinator confirmed this staffing review has been conducted annually. Review of the staffing plan, seven pages total, confirmed that video monitoring, number and placement of supervisors, prevalence of substantiated and unsubstantiated incidents of sexual abuse, and resources are reviewed annually. The auditor supports that the analysis was credible and detailed. The meeting is attended by the following: PREA Coordinator/Assistant Deputy Superintendent of Medical, Assistant Superintendent of Operations, Assistant Superintendent of Human Resources, Captain - Security Staff Scheduler, PREA Manager/Administrator of Standards, Chief of Security, and Assistant Deputy Superintendent of WCC, Standards & Training Manager of WCC, Director of WMRWC, and Standards & Training Coordinator II of WMRWC.

(d) Electronic logbooks entries were provided with the pre-audit documentation. The auditor asked staff during random interviews if the supervisor comes through the unit regularly, if the time was the same every day and if anyone is alerting them to the rounds being conducted by the supervisor. All interviews confirmed that they do not know when the supervisor is coming to their assigned post for the check, and they are not being alerted to the supervisor making rounds. Additionally, they confirmed knowledge that they are not to alert others when the supervisor is making rounds. Formal and informal interviews with supervisory staff confirmed to the auditor that they conduct rounds at different times, different directions utilize the fire exit doors and do not believe that staff have been alerted to their rounds.

Summary of evidence to support a finding of compliance: Review of the policy, staffing plan, and random selection of rosters provided evidence which supports compliance. Interviews with staff such as corrections officers, supervisors, Superintendent and PREA Coordinator all supported a finding of compliance. Randomly requested documentation of unannounced rounds, overall observations during the audit process did not lead to any evidence that would indicate non-compliance. The auditor finds there is ample evidence to support a finding of compliance.

115.14	Youthful inmates
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · 4.1.7 Court Ordered Holding of Juveniles · Part I, Title XVII, Chapter 119 and Section 58 · Interview with the PREA Coordinator <p>The following policy excerpts supports compliance with the requirements of this standard:</p> <p>3.5.3 PREA Plan states, <i>Youthful Inmates (See MI/WCC P&P 4.1.7/3.5.2 Court Ordered Holding of Juveniles)</i></p> <ol style="list-style-type: none"> 1. <i>The HCSO will not place a youthful inmate in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters. The HCSO shall make best efforts to avoid placing youthful inmates in isolation to comply with this provision.</i> 2. <i>In areas outside of housing units, the HCSO shall either:</i> <ol style="list-style-type: none"> a. <i>Maintain sight and sound separation between youthful inmates and adult inmates, or</i> b. <i>Provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact.</i> 3. <i>Absent exigent circumstances, the HCSO shall not deny youthful inmates daily large-muscle exercise and any legally required special education services to comply with this provision. Youthful inmates shall also have access to other programs and work opportunities to the extent possible.</i> <p>Policy mirrors the standard language requirements.</p> <p>4.1.7 Court Ordered Holding of Juveniles</p> <p><i>PROTOCOL 1: Court Ordered Holding of Juveniles</i></p> <ol style="list-style-type: none"> A. <i>On 9/18/2013 the Governor signed Chapter 84 - An Act Expanding Juvenile Jurisdiction of 2013 (Raise the Age Bill - H.1432) requiring that seventeen (17) yr. olds be treated as juveniles in the Commonwealth of Massachusetts. In addition, The Prison Rape Elimination Act (PREA) 28 C.F.R Part 115, considers anyone under the age</i>

of eighteen (18) to be a Youthful Inmate, and as such, the youthful inmate shall not be placed in a housing unit in which they may have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters.

B. An inmate who has not attained the age of eighteen (18) and is a juvenile tried and adjudicated as an adult shall be managed separately from adult inmates until they reach the age of eighteen (18) and are classified as being suitable for incarceration with adult inmates.

Evidence reviewed/analyzed by provision:

(a)(b)(c)Part I, Title XVII, Chapter 119 and Section 58 effective September 2013 requires inmates under the age of 18 to be confined to the Office of Youth Services; this is referred to as the Raise the Age Bill. During the audit, neither auditor saw nor heard anything to dispute that no youths are housed at this facility. The PREA Coordinator additionally confirmed there are not youthful inmates housed at this jail.

Summary of evidence to support a finding of compliance: The law prevents the facility from housing inmates under the age of 18 yrs. old. Two policies support this. Observations confirmed this to be true and therefore it is deemed not applicable - compliant.

115.15	Limits to cross-gender viewing and searches
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · 3.1.8 Searches and Control of Contraband · Academy Training (Contraband, Search, Cross Gender Pat Searches & Security Procedures · Documentation showing staff trained 2021 to 2023 · Training video PODNet · Interview with the PREA Coordinator · Interviews with random staff (males and females) · Interviews with random inmates

- Interviews with Superintendent
- Interview with the Training Coordinator
- Observations of living areas
- Observations of strip search areas
- Review of video monitoring
- Demonstration of an inmate intake search process
- PAQ
- Frequently Asked Questions - Clarification of Application to PREA Standards Provisions (FAQ)

The PAQ indicates that there has been no cross-gender strip or cross-gender visual body cavity searches of inmates no cross-gender strip or cross-gender visual body cavity searches of inmates. Zero searches of transgender/intersex inmates for the sole purpose of determining the inmate's genital status.

The following policy excerpts supports compliance with the requirements of this standard:

3.1.8 Searches and Control of Contraband states,

In order to detect and prevent the introduction of contraband, recover missing or stolen property and to prevent escapes and other disturbances, it is the policy of the HCSO to conduct and document visual inspections/searches of the physical plant of the facility to include housing units, shops, programs and activity areas, vehicles and deliveries and the inmates confined therein; which are to be thorough and documented.

Personal (Pat) Searches of inmates are conducted ensuring that cross-gender pat searches of inmates shall be conducted in relative privacy with as much dignity as possible.

Visual searches of inmates are only conducted when there is reasonable belief that the inmate may be in possession of an item of contraband (circumstances warrant the search and following applicable legal restrictions). The least invasive form of search is conducted. Searches of inmates are to be conducted in relative privacy with as much dignity as possible by two security personnel of the same gender identity as the person to be visual searched except in exigent circumstances as determined by the Sheriff/facility administrator or designee. These searches may be employed in, but not limited to, the following situations and shall be documented thoroughly:

The body cavity search shall be conducted by qualified health care professionals (QHPs) or correctional personnel thoroughly trained by health care personnel and shall be conducted in private.

3.5.3 PREA Plan states, Limits to Inmate Cross-Gender Viewing and Searches.

1. *The HCSO does not conduct cross-gender visual searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners*
2. *The HCSO does not permit cross-gender pat-down searches of female inmates, absent exigent circumstances.*
3. *All cross-gender strip searches and cross-gender visual body cavity searches of female inmates must be authorized by the appropriate Supervisor and shall be documented.*
4. *Inmates will be able 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.*
5. *A facility-wide announcement is made by the Central Control Room (CCR) informing inmates that staff of the opposite gender of the inmate population will be entering the inmate housing unit to provide care, custody and services throughout the shift. This announcement is made at the beginning of each shift.*
6. *In order to be consistent with PREA Standard 115.15 Limits to Cross-Gender Viewing and Searches that requires staff of the opposite gender to announce their presence when entering an inmate housing unit, staff maintain the following protocol.*

PREA Standard 115.15 requires staff of the opposite gender to announce their presence when entering an inmate housing unit. This is sometimes referred to as the "cover-up rule" and is intended to put inmates on notice when opposite-gender staff may be viewing them. The announcement is required anytime an opposite-gender staff enters a housing unit and may be fully realized by requiring the announcement only when an opposite-gender staff enters a housing unit where there is not already another cross-gender staff present. For example, at the Main Facility, this means that an announcement is not required if the Pod Floor Officer is female and vice versa for the WCC.

This announcement is documented in POWS in the shift log under code "GA" for Gender Announcement. To accomplish this, simply click the icon located in the lower left corner titled "PREA Announcement." This will display a message to scan the employee badge number (or type the 6-digit ID#). Simultaneously, scan the employee badge while activating the pod intercom system. A pre-recorded message of "Female on the Unit" or conversely at the WCC "Male on the Unit" will then play and the shift log code of "GA" and synopsis of "Female on the Unit" or conversely at the WCC "Male on the Unit" will automatically be updated in POWS. Females/Males with a visitor pass that enter the housing unit will be announced in the same manner with the exception being the Pod Floor Officer will not scan their employee badge number but will click on the "Female" or "Male" button.

Consistent with PREA standard 115.16 the agency shall 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. Accordingly, the Pod Floor Officer will display the female laminated placard to supplement the verbal cross-gender announcement in male units with inmates who are deaf or hard of hearing (and vice versa at the WCC). Any unit housing deaf or hard of hearing inmates shall display the placard whenever a cross gender staff member is present on the unit.

7. *The HCSO staff does not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.*

8. *HCSO shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs and policy.*

Policies confirm the requirements of the standard provisions and mirror the language of the standard provision.

Evidence reviewed/analyzed by provision:

(a) As indicated, policy restricts cross-gender strip searches or cross-gender visual body cavity searches except if there are exigent circumstances. Visual cavity searches are only conducted by medical practitioner with authorization. The PAQ confirms this has not occur. The auditor found no reason to dispute this during the audit process.

(b) This provision is not applicable as they house male inmates.

(c) Policy requires that cross-gender searches be documented. The PAQ supports that this has not occurred. The auditor found no evidence to dispute this during the audit process. The auditor observed both male and female officers, and interviewed female officers who are trained and willing to conduct searches on transgender females to comply with the Crime Reform Bil of 2018. Females are not housed at this facility.

(d) The auditor was provided documentation that reflected that cross-gender announcements are documented in the electronic logbook as the "PREA Announcement". This document reflected announcements from 5/1/2023 to 5/5/2023. All random staff interviews and random inmate interviews confirmed that this announcement is made every time a female staff enters the unit. The auditor heard the cross-gender announcement during the tour and through the intercom at the beginning of each shift in both English and Spanish. Additionally, a placard is used in the event that an inmate is deaf or hard of hearing. These were observed by the

auditor during the tour of the facility. They additionally confirmed that inmates are able to shower, use the toilet and change clothes without being seen using the toilet, showering or changing clothes absent incident viewing. The auditor observed the showers in each occupied unit. They have separate stalls with adequate curtains, mesh on the top and bottom and solid canvas for the middle. Toilets and sinks are located in the inmate rooms. They are located on the opposite corner of the door opening. Staff can comprehend that someone is using the toilet but cannot see any genitals. Some inmate interviews expressed that a female staff could observe this but agreed this was incidental viewing.

Additionally, during the tour the auditor observed the area where visual strip searches are conducted in Intake. It provided appropriate privacy for the inmate during this process. It is located in a separate room, with an area for removing clothing while the officer views from a safe distance; a second officer is present that does not have direct view. Both are males by policy, unless the search is of a transgender female. The auditor additionally examined these areas from the security monitors and found that they cameras do not afford a view of buttocks or genitals. During the tour, the auditor and escort team was announced prior to entering the unit; this did not appear to be odd based on the observations of the inmates in the unit at the time. The view of the monitoring supports that opposite gender staff cannot view buttocks, or genitalia; they do not show views of the cells, bathroom or showers.

The auditor reviewed the mandatory training on cross-gender supervision presentation. It includes information on male and female difference, differences when working with female inmates, myths, rules and boundaries, communication skills, address inmates/residents by last name, and a review of the requirements for this standard.

(e) As stated in the policies, transgender or intersex inmates are not searched or physically examined to determine genital status. All staff interviews supported that they were knowledgeable regarding this requirement of the standard, and this has not occurred at this facility. The interview with the transgender inmate supported compliance with this provision. The training curriculum reinforces this requirement.

(f) The auditor reviewed the training curriculum for pat searches; it is a brief video on how pat searches are to be conducted. Staff reviewing this yearly according to interviews with staff. Policy regarding transgender/intersex inmate searches supports compliance with the FAQ issued December 2016 which indicates clarification for searches of transgender/intersex inmates. Training records were provided demonstrating that security staff have been trained in the updated curriculum implemented by state law in 2018. Additionally, per the interview with the Training Coordinator, this is provided in new officer orientation and is now a part of required annual mandatory training.

Summary of evidence to support a finding of compliance: Policies which support compliance, staff interviews which demonstrated knowledge of these requirements from training received, the training curriculum, training records, and overall observations made during the audit process provide ample evidence to support a

	<p>finding of compliance. In accordance with FAQ clarifications, policy was updated to allow a transgender/intersex inmate to designate the gender of the staff to pat search in accordance with the inmate’s gender identification. Interviews all confirmed that they have been appropriately trained regarding how to search transgender/intersex persons and cross-gender pat searches. Inmate interviews confirmed that they can shower, use the toilet and change clothes without being viewed by opposite gender staff. Targeted inmate interviews confirmed that searches have been professional, and according to their identified gender status. The auditor is finding this facility is compliant with this standard provisions.</p> <p>The auditor supports a finding of exceeds standards for the following reasons: Crime Reform Bill provides all inmates who identify as transgender/intersex preference on both pat searches and strip searches. Announcements are made per shift and when females enter the unit in addition to the use of placards. Staff receive training on cross-gender searches annually.</p>
--	--

115.16	Inmates with disabilities and inmates who are limited English proficient
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · Language Bridge Contract · Training Curriculum ADA and PREA - documentation. · Observations during the tour, PREA information · PREA information pamphlet for inmates - English and Spanish · Male on unit /Female on unit signs · Interview with the Superintendent · Random staff interviews · Interview staff who conduct orientation · Sign Language Interpretation Services - TTY device · Inmate Handbook - English and Spanish · PREA Intake Brochure - English and Spanish

- Orientation sign off sheets
- Implementation of Time Kettle an AI-powered real-time language translator utilizing Bluetooth connectivity and a tablet.
- PAQ

The PAQ indicates that the number of instances where incarcerated individual interpreters, readers, or other types of incarcerated individual assistants have been used and it was not the case that an extended delay in obtaining another interpreter could compromise the resident's safety, the performance of first-response duties under § 115.64, or the investigation of the resident's allegations is zero.

The following policy excerpts supports compliance with the requirements of this standard:

3.5.3 PREA Plan states, *Inmates with Disabilities and Inmates who are Limited English Proficient (See MI/WCC P&P 4.5.9/4.2.10 Special Needs Inmates).*

1. *The HCSO takes appropriate steps to ensure that inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the HCSO's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. These steps shall include (when necessary to ensure effective communication with inmates who are deaf or hard of hearing) providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the HCSO ensures that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision. The HCSO is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164.*

2. *The HCSO takes reasonable steps to ensure meaningful access to all aspects of the HCSO's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.*

3. *The HCSO does not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under Protocol 6D, Staff First Responder Duties of this P&P, or the investigation of the inmate's allegations.*

Policy mirrors the language of the standard provisions.

Evidence reviewed/analyzed by provision:

(a) Inmates' accommodation needs are assessed at intake by an intake nurse. The auditor observed a demonstration of this process during the onsite audit. Additionally, the Inmate Handbook (English and Spanish) informs inmates of the following: "HCSO recognizes and follows the guidelines of the Americans with Disabilities Act. If you have a special needs concern and feel that you need accommodation, you may sign up for sick call to address your concerns with Health Services staff. The HCSO provides a process to address inmate requests for special accommodations which may fall under the American with Disabilities Act (ADA) or other provisions of state and federal law."

Staff receive training specific to PREA and ADA during their annual PREA training as evidenced by the training curriculum, list of mandatory training, and random staff interviews. The training curriculum, specific to PREA and ADA needs provides fourteen PowerPoint slides to include definitions of ADA, reasonable accommodations, definition of disability, types of disabilities, ADA and PREA (increase in vulnerability) 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 and disability etiquette.

Additionally, the interview with the Mental Health Director confirmed that her staff are noting who has communication needs to include cognitive, intellectual, psychiatric and limited reading. The auditor interviewed the Unit Manager who was knowledgeable and expressed providing additional assistance to one inmate who had cognitive challenges (autistic).

(b) There is a contract for Language interpretation services. During random staff interviews, many staff are aware of the availability of the language line services which can be used, if needed. The facility has bilingual staff, who many indicated in their interviews, they contact if needed. One staff was readily available and assisted with the interview of an LEP inmate. The auditor was provided the Inmate Handbook and PREA brochures which are available in English and Spanish. Posters throughout the facility were provided in both English and Spanish. Interviews were conducted with inmates where English is their second language.

(c) The PAQ reports that there have been no instances where an inmate was used to interpret during a PREA investigation in the previous 12 months. The auditor found no reason to dispute this fact during the audit process. All staff interviews confirmed that another inmate would not be used to interpret for an inmate making a PREA allegation or any part of the PREA requirements (intake, investigation, etc).

Summary of evidence to support a finding of compliance: Policy supports the requirements of the standard. Random staff interviews, PREA coordinator interview, and the interview with the Superintendent support that inmates with disabilities and limited English inmates will be provided the resources to ensure they have equal participation and benefits from the requirements of this standard. Contracts with a language line service, demonstration of the availability of the language line service, availability of information throughout the institution in English and Spanish,

	<p>availability of bi-lingual staff and interviews with limited English inmates and those with cognitive challenges all provide the auditor with sufficient evidence to support a finding of compliance. The auditor finds the facility compliant with the standard provisions. The auditor gives a finding of exceeds due to the training provided, available of staff, language services and recent implementation of real time interpretation services.</p>
--	--

115.17	Hiring and promotion decisions
	<p>Auditor Overall Determination: Exceeds Standard</p> <p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · Documentation of background check · Observations · Interviews with the Human Resources staff · Employment application · Candidate Information Questionnaire · Employee Handbook · Contractor personnel files · Review of personnel files - newly hired, contractor, promotions · PAQ <p>The PAQ indicates that two hundred nineteen (219) staff have been hired who may have contact with inmates in the previous twelve months, thirty-one (31) contractual staff.</p> <p>The following policy excerpts supports compliance with the requirements of this standard:</p> <p>3.5.3 PREA Plan states, <i>Hiring and Promotion Decisions</i>.</p> <ol style="list-style-type: none"> 1. <i>In reference to the HCSO Human Resources Policy, the HCSO does not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates, who—</i> <ol style="list-style-type: none"> a. <i>Has engaged in sexual abuse in a prison, jail, lockup, community confinement</i>

facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);

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

c. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (1)(b) of this section.

2. The HCSO considers any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.

3. Before hiring new employees who may have contact with inmates, the HCSO will:

a. Perform a criminal background records check;

b. 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.

4. The HCSO also performs a criminal background records check before enlisting the services of any contractor who may have contact with inmates.

5. The HCSO conducts a criminal background records check at least every five (5) years of current Employees, Contractors, Volunteers and Interns who may have contact with inmates.

6. The HCSO shall ask all applicants and employees who may have contact with inmates directly about previous sexual abuse misconduct described in paragraph (1) of this section in written applications and/or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The HCSO also imposes upon employees a continuing affirmative duty to disclose any such misconduct.

7. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

8. Unless prohibited by law, the HCSO 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.

Policy mirrors the language of the standard provisions.

Evidence reviewed/analyzed by provision:

(a)(b) (g) The auditor reviewed the application process. The application process specifically asks all applicants to answer the questions

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

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

(3) Has been civilly or administratively adjudicated to have engaged in the activity. It also asks if the candidate has engaged in or been accused of engaging in sexual harassment. The interview with the HR Manager confirmed this requirement for newly hired and promotional staff. The Interview with the Human Resource Director indicates that they had not had a candidate with a history of sexual harassment which required consideration. The candidate information provides definitions related to sexual abuse in conformance with definitions in the PREA law. Candidates sign acknowledging they have a continuing affirmative duty to immediately report in writing to the Sheriff any such misconduct during the time they are employed by contract with or volunteer for the Hampden County Sheriff's Office. Lastly, an additional signature acknowledges the following: "I hereby affirm that I have read and understand that the information which I have provided, on this Candidate Information Questionnaire is true and complete to the best of my knowledge. I agree that any omission or falsified information shall subject me to disqualification from further consideration for employment and shall be considered justification for my immediate dismissal if discovered at a later date."

(c) (d) (e) The auditor requested and reviewed seven personnel files - one contractual files and one personnel file of recently promoted staff person which demonstrated the addressing of the required questions in provision (a) and newly hired employees which demonstrated reference checks, questions in provisions (a) and (b) and thorough background checks. The auditor observed documentation that all contractual staff, promotional staff and employees have a background check conducted at least every three years.

(f) Questions in provision (a) are included in the application process on the applicant forms. It was confirmed to the auditor that promotional candidates complete a new application; therefore, addressing these questions again. The Employee Handbook has a section on PREA, reinforcing the zero tolerance and prohibited behavior, requirement to immediately report any knowledge or suspicions, or any information regarding inappropriate sexual behavior timely and to the Shift Commander.

(h) Per the interview with the Human Resource Director, their office has not had to provide information to another agency about a prior employee. Upon receipt of a release of records, this information will be provided.

Summary of evidence to support a finding of compliance: Policy, interviews with the PREA Coordinator, Human Resource Director, and review of documentation from personnel files all provided the auditor with consistent, sufficient information to support that the provisions of the standard are in policy, and policy is followed. Background checks are conducted at least every three years, exceeding the five-year

	<p>requirement. The auditor finds the facility compliant with the standard provisions and due to the more frequent background checks, exceeds the requirements of the standard.</p>
--	---

115.18	Upgrades to facilities and technologies
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · Observations of camera monitoring · Interviews Superintendent · Interview Assistant Superintendent · PAQ <p>The PAQ indicates the facility has not acquired any new facilities or made any substantial expansions or modifications of existing facilities since the last PREA audit but is installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology since the last PREA audit.</p> <p>The following policy excerpts supports compliance with the requirements of this standard:</p> <p>3.5.3 PREA Plan states, <i>Upgrades to Facilities and Technologies</i>.</p> <ol style="list-style-type: none"> 1. <i>When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the HCSO considers the effect of the design, acquisition, expansion, or modification upon the HCSO’s ability to protect inmates from sexual abuse.</i> 2. <i>When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the HCSO considers how such technology may enhance the HCSO’s ability to protect inmates from sexual abuse.</i> <p>Policy mirrors the language of the standard provisions.</p> <p>Evidence reviewed/analyzed by provision:</p> <p>(a) (b) The auditor observed during the tour of the facility that several units were not occupied. Some are receiving a major upgrade to the HVAC system. The Superintendent and Assistant Superintendent confirmed that PREA (prevention,</p>

	<p>detection and response to sexual assault and sexual harassment) are included in the review and decision regarding the camera upgrades and/or modifications to the physical plant.</p> <p>Summary of evidence to support a finding of compliance: The PAQ notes there have not been any changes to the physical plant or video monitoring since the last PREA audit. Policy noted above supports that sexual abuse and sexual harassment prevention will be considered when making changes to the physical plant or upgrading the camera system. The interviews with the Superintendent and Assistant Superintendent support this as well. The auditor finds there is sufficient evidence to support a finding of compliance with the standard provisions.</p>
--	--

115.21	Evidence protocol and forensic medical examinations
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · MOU with YWCA of Western Massachusetts Oct 2022 · Interview with the SANE Coordinator · Interview with the YWCA Director · Verification of SANE exams available · Interview with investigator · Uniform evidence protocol · Interview with PCM · Interview with inmate who reported abuse · Victim Impact Coordinator · Observations · PAQ <p>The PAQ indicates there have been no forensic medical exams, one SANE/SAFE exam, no exams performed by a qualified medical practitioner during the previous twelve months. The auditor found no evidence to dispute this during the audit process.</p> <p>The following policy excerpts supports compliance with the requirements of this</p>

standard:

3.5.3 PREA Plan states, *Evidence Protocol and Forensic Medical Examinations (See P&P 4.5.11 Medical/Legal Issues)*

1. *To the extent the HCSO is responsible for investigating allegations of sexual abuse; the HCSO follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.*

2. *The HCSO offers all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility (Baystate Medical), without financial cost, where evidentiary or medically appropriate. These examinations will be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The HCSO documents its efforts to provide SAFEs or SANEs.*

3. *The HCSO makes available to the victim a Victim Advocate from the YWCA Rape Crisis Center. If the YWCA Rape Crisis Center is not available to provide victim advocate services, the HCSO has a qualified staff member. The HCSO's staff will document the efforts to secure services from the YWCA Rape Crisis Center.*

4. *As requested by the victim, the victim advocate or qualified HCSO staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.*

5. *The requirements of paragraphs (1) through (4) of this section shall also apply to:*

a. *Any State entity outside of the HCSO that is responsible for investigating allegations of sexual abuse in prisons or jails; and*

b. *Any Office of Justice Component that is responsible for investigating allegations of sexual abuse in prisons or jails.*

Policy mirrors the language of the standard provisions.

(a)(b) To assist with ensuring that a uniform evidence protocol is used, the facility maintains a PREA Response Kit and checklist of contents. Investigators were trained in conjunction with the Massachusetts Office of Correction Sexual Assault Investigation Training. Evidence Protocol and Forensic Medical Examinations are based on the Sexual Assault Investigator Certification Curriculum, Municipal Police Training Committee.

The Massachusetts State Police addresses evidence collection (as confirmed by policy and the interview with the investigator) and processes it at the State Police Crime Lab. The auditor found on the website the following: Furthermore, the Massachusetts State Police website states, The Massachusetts State Police (MSP) has a zero-

tolerance policy toward sexual abuse and sexual harassment of any kind towards any detainee while in State Police custody. All detainees have equal rights to safety, dignity, and justice and have the right to be free from sexual abuse and sexual harassment. Lock up facilities under their supervision have been certified compliant with PREA which further reinforces compliance with the standard.

(c) (d) Policy supports that all victims of sexual abuse will be offered a forensic exam with no cost to the victim. The interview and research on the internet further support that Massachusetts has a statewide organized system for ensuring that SANE exams are available for all who need them. The interview with the Regional SANE Coordinator for the Commonwealth of Massachusetts confirmed that there are SANE certified hospitals throughout the state. All efforts will be made to include sending a SANE certified nurse to a site when needed. She indicated they have been successful with providing this level of exam for several years. Request for an advocate is automatically addressed by the hospital. Plus, the MOU with the YWCA, which also provides emotional support services to all inmates, confirmed that it will provide victim services to inmates/residents who are transported to the local hospital.

The Commonwealth of Massachusetts SANE program has the following Program Goals:

The goals of the SANE Program are to:

- Certify a cadre of sexual assault nurse examiners to respond 24 hours a day at designated emergency Offices across the Commonwealth;
- Provide specialized medical-legal exams for victims of sexual assault, 12 years of age or older;
- Enhance existing community-based response systems for victims of sexual assault; improve and standardize data on the incidence of sexual assault victims seeking treatment in Massachusetts hospital emergency Offices and;
- Increase the rates of identification, prosecution and conviction of sexual assault perpetrators through a standardized procedure for the collection of forensic evidence from victims of sexual assault.

The Role of the Sexual Assault Nurse Examiner

The role of the Sexual Assault Nurse Examiner (SANE) is to provide specialized examination and care to victims of sexual assault 12 years of age or older.

Specifically, SANEs will:

- Assess, provide care for, and document the signs and symptoms of physical and emotional trauma;
- Collect, document, preserve, maintain custody of, and transfer forensic evidence to law enforcement authorities;
- Consult with the ED Physician regarding the provision of medical treatment,

medication orders, and readiness for discharge;

- Provide services in the ED, OR and ICU with appropriate hospital staff and equipment
- To meet SANE standards of care;
- Assess risk and offer prophylaxis for pregnancy;
- Assess risk and offer prophylaxis for sexually transmitted disease and HIV;
- Provide education to the patient throughout the examination process;
- Develop and discuss a discharge and aftercare plan with the patient;
- Cooperate with law enforcement authorities during court proceedings and;
- Complete mandatory reporting forms.

The interview with the Director, YWCA yielded the following: The YWCA does offer emotional support to inmates at the hospital, but that is not provided directly by Hotline staff (unless the inmate at the hospital calls the Hotline). Upon inmates' arrival to the hospital, where they are receiving medical attention for sexual assault, the hospital staff calls our Hotline. Hotline then dispatches the Sexual Assault Advocate. Those services can be in person or over the phone (depending on inclement weather, or pandemic related hospital restrictions and so forth).

(f) As indicated to the auditor in interviews and policy, if the Massachusetts State Police becomes involved, they will both ensure a qualified victim advocate is present, if requested, and ensure a SANE exam is conducted. The auditor finds this credible based on the PREA certifications of the Lockup facilities, operated by the State Police.

Summary of evidence to support a finding of compliance: Policy excerpts, review of investigations, investigator training, Massachusetts State Police website and interviews with the investigator, and PREA Compliance Manager support compliance. A PREA kit is available to help process evidence appropriately. Staff interviews supported that staff were aware of the requirements and actions needed to preserve evidence. The Regional SANE Coordinator confirmed that SANE exams are available to this population. The Director for the YWCA confirmed that in accordance with the MOU, they will provide advocacy services for all inmates who request one during a SANE exam, or forensic exam. The policy is posted on the agency website. The auditor finds the facility compliant with the standard provisions.

115.22	Policies to ensure referrals of allegations for investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

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

- 3.5.3 PREA Plan
- 3.1.7 Special Teams
- Interviews Superintendent
- Interview Investigative Staff - CIU
- Review of investigations
- Publication that describes the investigative responsibilities
- Flow chart (directs process for sexual abuse and sexual harassment investigations)
- PREA Process Map
- Website
- Observations
- PAQ

The PAQ indicates there have been fifteen allegations resulting in administrative investigations and zero resulting in criminal investigations in the past 12 months.

The following policy excerpts supports compliance with the requirements of this standard:

3.5.3 PREA Plan states, *Policies to Ensure Referrals of Allegations for Investigations*

1. *The HCSO ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.*
2. *The HCSO ensures that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The HCSO documents all such referrals.*
3. *Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.*
4. *Any Office of Justice Component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.*

Policy mirrors the language of the standard provisions.

(a) (b) (d) The interview with the investigator provided the auditor with the

following information: The agency has a Criminal Investigative Unit (CIU), supervised by a trained sexual assault investigator with prior experience investigating sexual assault in the community. A flow chart has been developed to clarify when an administrative investigation will be completed, or when it will be referred to the CIU. The CIU Captain does and has worked closely with the Massachusetts State Police and District Attorney for matters that are criminal that occur in the Main Institution, WCC or pre-release program all operated by the Hampden County Sheriff's Office. The flow chart and PREA process map outlines when investigations are referred to the CIU and how staff monitor the progress. The interview with the Superintendent confirmed to the auditor the agency's commitment to ensure that all allegations of sexual abuse and sexual harassment are completed by the appropriate investigator. Review of the investigations confirmed to the auditor that all allegations of sexual abuse and sexual harassment are referred to the appropriate investigator.

Review of the investigations yielded the following: One investigation alleging inmate on inmate sexual harassment, three allegations alleging inmate on inmate sexual abuse, six allegations alleging staff on inmate sexual harassment and two allegations were alleging staff on inmate abuse. Allegations were immediately sent to the investigators, investigations were initiated promptly.

(d) Per the interview and review of documentation the Massachusetts State Police will be contacted regarding any potential criminal allegation. Although the auditor is not required to audit this provision, See comment to 115.21.

(c) and (e) are not applicable.

Summary of evidence to support a finding of compliance: The complete policy can be viewed on the website at hcsdma.org. Review of policy, investigations as well as interviews with the Superintendent and investigator support that any suspicion or knowledge of sexual abuse, sexual harassment, neglect, or retaliation will be reported to the supervisors through to the shift commander to the investigators. Review of the investigations supported this requirement. The auditor finds the facility compliant with the standard provisions.

115.31	Employee training
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · New Staff Orientation schedule - PREA Sexual Misconduct, Professional Boundaries, ADA

- Screen shot acknowledgment of completing and comprehending
- Direct Supervision Training
- PREA Training on PODnet
- PREA Advanced Counselor – 73 slides
- Sexual Harassment Prevention Training for Supervisors – 33 slides understand PREA screening, Transgender review committee, vulnerable populations
- PREA and LGBTQIA+
- 2023 Cover Sheet
- “Downing a Duck” training
- PREA Retaliation and Reporting
- Rotational Training
- Female staff Rotational Training
- Training curriculum New employees seventy nine (79) slides
- Staff training records/acknowledgment of comprehension
- Observations
- Interviews random staff
- PAQ
- FAQ

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

The following policy excerpts supports compliance with the requirements of this standard:

3.5.3 PREA Plan states, *Employee Training* -

1. *The HCSO trains all employees who may have contact with inmates on:*
 - a. *Its zero-tolerance policy for sexual abuse and sexual harassment;*
 - b. *How to fulfill their responsibilities under HCSO sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;*
 - c. *Inmates’ right to be free from sexual abuse and sexual harassment;*
 - d. *The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;*

- e. *The dynamics of sexual abuse and sexual harassment in confinement;*
- f. *The common reactions of sexual abuse and sexual harassment victims;*
- g. *How to detect and respond to signs of threatened and actual sexual abuse;*
- h. *How to avoid inappropriate relationships with inmates;*
- i. *How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and*
- j. *How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.*

2. *The training is tailored to the gender of the inmates at the employee's facility. The employee receives additional training if they are reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa.*

3. *All current employees who have not received such training are trained within one (1) year of the effective date of the PREA standards (August 20, 2012), and the HCSO provides each employee with refresher training every two (2) years to ensure that all employees know the HCSO's current sexual abuse and sexual harassment policies and procedures. In years in which employees do not receive refresher training, the HCSO provides refresher information on current sexual abuse and sexual harassment policies.*

4. *The HCSO documents via employee signature or electronic verification, those employees understand the training they have received.*

Policy mirrors the language of the standard provisions.

Evidence reviewed/analyzed by provision:

(a)(b) Review of the training curriculum demonstrates compliance with all subtopics of the provision requirement. It is 79 pages and covers the following:

- History of the law
- Purpose - prevent, detect, investigate
- Clarification of sexual abuse - inmate, staff (crime in this state)
- Zero tolerance
- Culture of zero tolerance
- PREA Coordinator, PREA Compliance Manager
- Cross gender viewing
- Prevention planning (transgender, cross gender searches training)

- Inmates with disabilities
- Responsive planning
- Screening/ use of screening information
- Guidelines for use of specialized housing
- Staff Reporting, including a method for private reporting.
- Rules on PREA grievances
- First Responder duties (several slides)
- Staff/inmate right to be free from retaliation
- Dynamics of sexual behavior inmates (males and females)
- High risk population
- Signs of abuse
- Responding to signs of abuse
- Definitions
- Myths/misconceptions
- Specifics on how to create a culture of respect
- Mandated reporters
- Staff Sexual Misconduct
- Boundaries/warning signs (22 slides with in depth coverage of this topic)
- Points of contact

Random staff interviews supported knowledge of this training.

The facility provided documentation demonstrating that the following PREA courses are accessible through their PodNet training:

- PREA Auditor's 15 Questions PowerPoint
- Cross Gender Training Form
- Transgender and Intersex Inmate Pat Search Video
- Cross Gender Announcement Video
- NIC PREA Audit Process and Instrument Overview
- Behavioral Health Care for Sexual Assault Victims in a Confinement Setting

	<p>Course</p> <ul style="list-style-type: none"> · NIC PREA Coordinator’s Roles and Responsibilities · NIC Investigating Sexual Abuse in a Confinement Setting <p>(b) Several slides in the training power point are dedicated to the different experiences and reactions of sexual abuse based on gender. As the agency operates male and female facilities, all staff receive this information on both genders.</p> <p>(c) Per the PAQ all employees have been trained. The agency has a system to ensure all new employees receive this training before being placed on assignment. PREA training is addressed in mandatory training annually, exceeding the PREA standards. Additionally, if the policy is updated, there is a system to ensure staff review and complete in-service sign off sheets. The interview with the Training Coordinator further supported that staff receive this training before being placed on assignment with inmates, supporting compliance with the FAQ clarifying this requirement.</p> <p>(d) Within the intranet training program is Acknowledgement of Completion and Comprehension –“I certify that I have completed and comprehend the training materials presented to me. “</p> <p>Summary of evidence to support findings: Policy is compliant with the requirements of this standard. The curriculum addresses all required topics; staff interviews confirmed they are being trained on these topics. Training addresses the differences of the experiences of male and female victims and dynamics. Finally, staff has to acknowledge that they understood the training they received. The interview with the Training Coordinator (PCM) confirmed the process. This provides the auditor with ample evidence to support a finding of compliance. The auditor finds the facility compliant with the standard provisions. The facility/agency is receiving a finding of exceeds due to the annual training and additional specialized PREA training.</p>
--	--

115.32	<p>Volunteer and contractor training</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · Volunteer Handbook · Volunteer packet
---------------	---

- Observations
- Interview contractor
- Interview with a volunteer (intern)
- Review contractor training records
- Interview with the Volunteer Coordinator
- Volunteer documentation
- PAQ

The PAQ indicates there are thirty-four (34) volunteers and contractors who have been trained in agency policies and procedures regarding sexual abuse/harassment prevention, detection, and response.

The following policy excerpts supports compliance with the requirements of this standard:

3.5.3 PREA Plan states, *Volunteer, Intern, and Contractor Training* -

1. *The HCSO ensures that all volunteers, interns, and contractors who have contact with inmates have been trained on their responsibilities under the HCSO's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.*
2. *The level and type of training provided to volunteers, interns and contractors is based on the services they provide and level of contact they have with inmates, but all volunteers, interns, and contractors who have contact with inmates shall be notified of the HCSO's zero-tolerance policy regarding sexual abuse and sexual harassment and informed on how to report such incidents.*
3. *The HCSO maintains documentation confirming that volunteers, interns, and contractors understand the training they have received.*

Policy mirrors the language of the standard provisions.

1.7.1 Volunteers/Interns/Service Providers additionally reinforces the process on how volunteers are selected and trained.

Evidence reviewed/analyzed by provision:

(a)(b) (c) The volunteer handbook is nineteen (19) pages describing information about the operations and specific information regarding PREA. Volunteers attend a 3-hour training before being allowed to enter the facility for their program. The Volunteer packet includes Criminal Offender Record Information Acknowledgement (CORI), PREA acknowledgment, application acknowledgement of receipt of handbook, acknowledgement of state law that sexual relations in a criminal punishable to up to five years in prison.

	<p>A PowerPoint specific to contractual staff was provided to the auditor for review. Included is a section on sexual harassment, sexual misconduct, and PREA. It addresses zero tolerance and guidelines for preventing, detecting and responding to sexual abuse and violence in a correctional setting. An interview with the contractual staff (industry worker) confirmed that he has been educated on the requirements of PREA and his role in preventing, detecting and responding to sexual abuse or sexual harassment. Training records were provided to the auditor with pre-audit documentation that reflected that volunteers sign an acknowledgment regarding PREA which informs them of the following: the law, zero tolerance, full enforcement of the state law, Additionally, volunteers sign acknowledging receipt of the Volunteer Resource Handbook and agree to abide by the Rules and Regulations. The interview with the Volunteer Coordinator relayed to the auditor the process for a volunteer initiating service and maintain service at this agency. He confirmed that after applying and screening for appropriateness, a security clearance is conducted. Upon approval an eight-hour orientation is scheduled which addresses PREA. An acknowledgement is signed and noted in the database. PREA is reviewed yearly, as applications are reviewed yearly based on the submission of a renewal by the volunteer. Volunteer records were provided, four were randomly reviewed. All had appropriate documentation acknowledging PREA and training were observed.</p> <p>Summary of evidence to support a finding of compliance: Based on review of the information provided to contractual staff and volunteers, review of the training documentation, interview with the contractual staff and interview with the volunteer coordinator, the auditor finds sufficient evidence to support a finding of compliance with this standard. The auditor finds the facility compliant with the standard provisions.</p>
--	--

115.33	Inmate education
	Auditor Overall Determination: Exceeds Standard
	<p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · Review of PREA Video - JDI · Observations posters, pamphlets · Demonstration of the intake process · Inmate orientation acknowledgement form (Inmate handbook, PREA, grievances, telephone/mail, inmate rules) English and Spanish

- Unit posters report to staff or by calling the hotline (English and Spanish number) Rape Crisis hotline (zero tolerance)
- Demonstration of Orientation
- Interviews Intake staff
- Interviews with staff who conduct Orientation
- Facility Rulebook
- Additional randomly requested documentation of orientation, education provided at intake
- PAQ

The PAQ indicates that 4468 inmates were admitted that were given information at intake, 1731 stayed past 30 days who received comprehensive education on their rights to be free from both sexual abuse/harassment and retaliation for reporting such incidents and on agency policies and procedures for responding to such incidents within 30 days of intake.

The following policy excerpts supports compliance with the requirements of this standard:

3.5.3 PREA Plan states, *Inmate Education* -

1. *During the intake process, inmates receive information (English & Spanish) explaining the HCSO's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.*
2. *Within thirty (30) days of intake, each facility provides a comprehensive education program for the inmates regarding their rights to be free from sexual abuse and sexual harassment, to be free from retaliation for reporting such incidents, and regarding HCSO policies and procedures for responding to such incidents.*
3. *Each facility provides inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.*
4. *Each facility maintains documentation of inmate participation in these education sessions.*
5. *In addition to providing such education, the HCSO ensures that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.*

Policy mirrors the language of the standard provisions.

The Inmate Handbook, updated 2023, provides the following information:

Prison Rape Elimination Act (PREA) Screening for Risk of Victimization and Abusiveness

The Prison Rape Elimination Act (PREA) is a federal law dealing with the sexual assault and rape of prisoners by inmates and correctional staff.

The HCSO maintains a zero tolerance toward all forms of sexual abuse and sexual harassment.

All inmates shall be assessed during the intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. The screening shall ordinarily take place within seventy-two (72) hours of arrival at the facility and shall be conducted using an objective screening instrument.

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

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

The HCSO shall use information from the risk screening to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.

Medical and Mental Health Screening; History of Sexual Abuse

If the screening indicates that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within fourteen (14) days of the intake screening.

If the screening indicates that an inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a mental health practitioner within fourteen (14) days of the screening.

Sexual Misconduct Guidelines/Relationships and Boundaries

Jail is not a place to form love or sexual relationships. Therefore sexual misconduct/solicitation and flirtation is not allowed.

Physical contact is prohibited.

If you are in programs or vocational training together, you can discuss business only.
You may not pass notes or contraband as a way of communicating socially.

Sexual Abuse

Sexual Misconduct is a serious violation of HCSO rules and regulations. However, in the event that you are sexually abused, the agency provides multiple internal ways for you to privately report sexual abuse and sexual harassment to staff or to a public or private agency that is not part of HCSO. Sexual abuse of an inmate, detainee, or resident includes: if the victim does not consent, is coerced into act by overt or implied threats of violence, or is unable to consent or refuse. If you are the victim of sexual abuse, you should not shower, and you should not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating. Also, you should give to staff, any clothing/bedding, etc. that can be used as physical evidence.

Once reported, appropriate action will be taken by staff as indicated and victims are seen by Health Services Staff for treatment and confidential counseling. The situation is reviewed for administrative, classification/disciplinary purposes and for Criminal Investigation as warranted.

The HCSO makes known to all employees, vendors, contractors and consultants that it will fully enforce Massachusetts General Laws, Chapter 268, and Section 21A which reads as following:

Section 21A - An officer or other person who is employed by or contracts with any penal or correctional institution in the commonwealth, and who, in the course of such employment or contract or as a result thereof, engages in sexual relations with an inmate confined therein, within or outside of such institution, or an inmate who is otherwise under the direct custodial supervision and control of such officer or other person, shall be punished by imprisonment for not more than five years in a state prison or by a fine of \$10,000 or both. In a prosecution commenced under this section, an inmate shall be deemed incapable of consent to sexual relations with such person. For purposes of this section, sexual relations shall include intentional, inappropriate contact of a sexual nature, including, but not limited to conduct prohibited by section 22 or 24 of Chapter 265 or section 2, 3, 35 or 53A of Chapter 272.

Sexual Abuse and Sexual Harassment are Prohibited

They include: sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; or by a staff member, contractor or volunteer.

Sexual Abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into act by overt or implied threats of violence, or is unable to consent or refuse:

Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

Contact between the mouth and the penis, vulva, or anus;

Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and

Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual Abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

Contact between the mouth and the penis, vulva, or anus

Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

Any other intentional contact, either directly or through the clothing, of or with genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs 1-5 of this section;

Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and

Voyeurism by a staff member, contractor, or volunteer. Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions, requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual Harassment includes-

Repeated and unwelcome sexual advances, request for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and

Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references

to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

In the event that you feel you have been sexually harassed, retaliated against by other inmates or staff for reporting sexual abuse and sexual harassment, or that staff have neglected or violated their responsibilities that may have contributed to such incident, you may report abuse or harassment to staff or a public or private entity or office that is not part of the agency, which could receive and immediately forward your report(s) of sexual abuse and sexual harassment to HCSO staff, allowing you, to remain anonymous, upon request.

The HCSO shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

Following an investigation into an inmate's allegation that they suffered sexual abuse in the facility, the facility shall inform the inmates as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

Substantiated Allegation: Is an allegation that was investigated and determined to have occurred.

Unsubstantiated Allegation: An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Unfounded Allegation: An allegation that was investigated and determined not to have occurred.

Prison Rape Elimination Act (PREA) Information

The HCSO has a zero tolerance towards sexual assault, sexual misconduct, staff sexual misconduct and sexual harassment. This includes any sexual act as noted above.

If you are a victim of sexual assault, sexual misconduct, sexual harassment, or staff sexual misconduct, you can report it in one of the following ways:

Speak to a staff member

Send an inmate request to any staff

Request to speak with the PREA Manager or PREA Coordinator at your facility

Your PREA Coordinator is Matt Roman

Your PREA Manager is Ben Mastay

Call the Rape Crisis Center Hotline: 1(800) 796-8711; TTY (413) 733-7100; or

Llamanos Spanish Language 24-hr Helpline: 1(800) 223-5001

Contact the National Sexual Assault Hotline Tel: 1(800) 656-HOPE

Report it directly to the State Police (413) 736-8390

Foreign Nationals may contact their Consular Officer or Diplomat and relevant official at the Office of Homeland Security.

Calling the Rape Crisis Hotline and not informing Sheriff's Office staff will not allow for your immediate protection and investigation of a crime. You should notify Sheriff's Office staff immediately if you have been a victim of sexual misconduct or sexual assault.

If you are in need of rape crisis counseling, please notify staff so that they can assist you. If you want to receive confidential counseling you can contact the following agency:

YWCA of Western Mass., 1 Clough Street, Springfield, MA 01118

(Additional sites in Holyoke, Westfield, Huntington)

Hotline: (800) 796-8711

Office: (413) 732-3121

TTY: (413) 733-7100

If you need this information explained to you in a different language or format, please notify staff.

PREA: What You Need to Know, produced by JDI; it is approximately sixteen minutes long and discusses the following: confined persons right to be free from sexual abuse and sexual harassment, there is a zero tolerance to any form of sexual abuse or sexual harassment, right to report privately and safely, free medical, mental health and trained sexual abuse counseling, definitions of sexual harassment, sexual abuse, avoiding behaviors that will help maintain safety, third party reports, the facility's requirement to continually provide information on how to report, including outside the facility; and reasonable communication with sexual abuse advocacy groups.

Evidence reviewed/analyzed by provision:

(a) Inmates are provided with a pamphlet during the booking process. This was demonstrated to the auditor during the onsite audit. The Inmate handbook is also provided to the inmate upon arrival. The Inmate Handbook is available in English and Spanish. Interviews with limited English inmates whose primary language was Spanish confirmed to the auditor they were asked what language was their primary language and provided the materials.

The PREA Pamphlet has the following information:

- How do I protect myself

- Zero Tolerance
- Law enforcing staff misconduct is a crime
- What to do if you are sexually assaulted
- How to report
- Rape Crisis center Hotline (English and Spanish)
- Information on how to preserve physical evidence
- Consequences for perpetrating sexual abuse or sexual harassment

The Inmate Handbook, as illustrated, informs inmates of the following:

- PREA Pamphlet:
- PREA law
- Zero tolerance
- National Rape Crisis Center - phone
- Definitions of Sexual Abuse and Sexual Harassment
- National Rape Crisis Center phone number (toll free)
- Counseling services, confidential toll free, no PIN required
- Consequences of committing sexual abuse or sexual harassment

(b) Orientation is conducted when needed. It involves a detailed review of the handbook. As indicated by the excerpts noted above, they provide inmates with detailed information about their rights, reporting, definitions, screening process, boundaries, medical/mental health support, retaliation, and how to preserve evidence, exceeding the requirements of the standard. The orientation was demonstrated to the auditor; it is conducted by staff in the orientation pod, showing a brief video and explaining the information in the video. Documentation of intake, receipt of PREA information and attendance at orientation was provided to the auditor through a random request. This request yielded documentation of attendance at orientation for the following dates: 8/1/2022; 9/1/2022; 10/3/2022; 11/1/2022; 12/1/2022; 1/3/2023; 2/1/2023; 3/2/2023; 4/3/2023; 5/2/2023; 6/1/2023; 7/3/2023; and 8/1/2023.

(c) This does not apply to this facility. They have been actively involved with PREA compliance since 2015. The auditor finds this credible as the turnover at this facility is quick.

(d) See comments in 115.16.

(e) Documentation of intake was provided for the same randomly requested

	<p>inmates, see above. Inmates are provided the Handbook and pamphlet on sexual assault during the intake process.</p> <p>Inmate orientation acknowledgement form (Inmate handbook, PREA, grievances, telephone/mail, inmate rules) English and Spanish</p> <p>(f) Numerous posters providing information on PREA were visible throughout the facility, minimally several in each housing unit. Information is posted in Spanish and English. They are colorful and strategically located to ensure they are accessible and readable. Posters have the following information: “Sexual abuse is a crime. Even if you live behind a fence, it’s still against the law if you are a victim of sexual assault, sexual harassment or staff sexual misconduct report it now! Notify a Hampden County Sheriff’s Office Staff member, request to speak with the PREA Manager/PREA Coordinator at your facility, call the Rape Crisis Center Hotline” (phone number provided, TTY number, Spanish language 24 hr. helpline (phone number provided). Unit posters report to staff or by calling the hotline (English and Spanish number) Rape Crisis hotline (zero tolerance) 81/2 x 11, Red font large on white background overlay of a picture, black font.</p> <p>Inmates interviewed acknowledged that they knew of PREA by reading the posters. Additionally, every time an inmate uses the phone, they hear a message regarding PREA, a two-digit number for if they want to report an allegation of sexual abuse or sexual harassment, and another two-digit number if they wish to talk to a rape crisis counselor. All inmates interviewed confirmed they were aware of the PREA law, and how to report. The inmate is able to access these services before being required to use their PIN; there is no recording or monitoring. The auditor tested this system during the onsite audit and confirmed the availability, confidentiality and anonymity. This is what the inmates described to the auditor when asked about how to make a report. Lastly, the auditor was informed by staff and inmates that the PREA video is shown in the units weekly.</p> <p>Summary of evidence to support a finding of compliance: Policy, review of information provided to the inmates, observations of the intake process, testing of the reporting line, observation of orientation, interview with inmates, review of randomly requested documentation and interview with the intake staff (nurse) provided the auditor with ample evidence to support a finding of compliance. The auditor is finding that the facility exceeds the requirements by use of the telephone message which was effective in informing inmates continually of these rights and how to report.</p>
--	--

115.34	Specialized training: Investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- PREA Specialized Training curriculum
- Training records/certificates
- Observations
- Interviews Investigative staff
- PAQ # of investigators agency

The PAQ indicates there are currently six investigators trained to handle and respond to sexual abuse allegations.

The following policy excerpts supports compliance with the requirements of this standard:

3.5.3 PREA Plan states, *Specialized Training* -

1. *Investigations*

a. *In addition to the general training provided to all employees pursuant to Protocol 3:A, the HCSO ensures that, to the extent the HCSO itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings.*

b. *Specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.*

c. *The HCSO maintains documentation that investigators have completed the required specialized training in conducting sexual abuse investigations.*

Policy mirrors the language of the standard provisions.

Evidence reviewed/analyzed by provision:

(a) Training is conducted with the Massachusetts Department of Correction investigator training. The auditor reviewed documentation showing that the investigators have received regular PREA training in addition to the specialized PREA training. Two certificates demonstrated Buccal DNA Collection Training. The interview with the CIU Investigator confirmed that he and the designated investigators have received specialized training and do attend regular PREA training annually.

(b) The auditor reviewed the training curriculum. The training curriculum addressed the following topics over a course of three days:

- Introduction to Sexual Assault Investigation
- Defining PREA
- Evidence Protocol

	<ul style="list-style-type: none"> · Interviewing, including Miranda and Garrity · Investigative Outcomes · Documentation · Post Allegation <p>(c) Training certificates were provided and reviewed for the investigators identified. Additionally, the CIU Captain additional attended Chief Municipal Police Training Committee in 2013.</p> <p>Summary of evidence to support a finding of compliance: Policy supports the requirements of the standards. Review of the investigations with corresponding certificates of training of those who conducted the investigation supported compliance. Interview with the investigator demonstrated knowledge regarding Miranda and Garrity warnings, interviewing victims, dynamics of abuse in a confinement setting and evidence collection. Investigators are on call if needed. He indicated they are being notified of any need to initiate investigations immediately. The interview confirmed that they also attend regular PREA training. The auditor finds the facility compliant with the standard provisions.</p>
--	---

115.35	Specialized training: Medical and mental health care
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · Specialized medical and mental health training curriculum - PREA Behavioral Health and PREA Medical · Health Services Orientation checklist - PREA · PREA intranet in-service training · Training records · Observations · Interviews medical staff and mental health staff · PAQ <p>The PAQ indicates that the facility has 200 medical and mental health staff, 100%</p>

have received specialized training.

The following policy excerpts supports compliance with the requirements of this standard:

3.5.3 PREA Plan states, *Medical and Mental Health Care* -

- a. *The HCSO ensures that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in:*
 - 1. *How to detect and assess signs of sexual abuse and sexual harassment;*
 - 2. *How to preserve physical evidence of sexual abuse;*
 - 3. *How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and*
 - 4. *How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.*
- b. *If medical staff employed by the HCSO conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations.*
- c. *The HCSO shall maintain documentation that medical and mental health practitioners have received the training.*
- d. *Medical and mental health care practitioners shall also receive the training mandated for employees under Protocol 3:A or for contractors, interns, and volunteers under Protocol 3:B, depending upon the practitioner's status at the facility.*

Policy mirrors the language of the standard provisions.

Evidence reviewed/analyzed by provision:

(b) Not applicable, another agency provides this service. However, this facility/ agency has one staff, Responsible Health Authority, who is SANE certified but would not perform these duties at the facility.

(a) (c) (d) Facility staff are used in the area of medical health and mental health. Medical staff do not conduct forensic exams, they are transported to a local hospital. The auditor spoke to the Mental Health Director and the Nursing Supervisor. The auditor was provided documentation that medical and mental health staff have been trained on regular PREA training and the specialized training. This was confirmed in the interviews with the training coordinator, medical supervisor, Mental Health Director. They confirmed they receive training in

- (1) How to detect and assess signs of sexual abuse and sexual harassment;
- (2) How to preserve physical evidence of sexual abuse;
- (3) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and

	<p>(4) How and to whom to report allegations or suspicions of sexual abuse and sexual in addition to regular PREA training annually.</p> <p>They also review a power point slide entitled, A Sexual Assault Evidence Collection kit/SANE overview, developed by the Regional SANE Coordinator for this area. Training records were provided for medical and mental health staff, which demonstrated to the auditor compliance with these requirements.</p> <p>Summary of evidence to support a finding of compliance: Policy supports the requirements of the standard. Interviews with the medical and mental health staff, and review of training documents (completion of training and the curriculum) provided the auditor with sufficient evidence to support a finding of compliance. The auditor finds the facility compliant with the standard provisions.</p>
--	--

115.41	Screening for risk of victimization and abusiveness
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · Risk Assessment tool · 30-day review notice · Risk screen questions with area for notes (subjective assessment) · Interviews Staff who perform risk screens · Risk assessments initial, 30-day reassessment, when warranted or referred · Random review risk assessments · Interview PREA Coordinator · Interview with the PREA Manager · PAQ · FAQ <p>The PAQ indicates that 2589 inmates were screened for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of their entry into the facility, 1731 inmates remained past 30 days) who were reassessed for their risk of sexual victimization or of being sexually abusive within 30 days after their arrival at the</p>

facility based upon any additional, relevant information received since intake.

The following policy excerpts supports compliance with the requirements of this standard:

3.5.3 PREA Plan states, *Screening for Risk of Sexual Victimization and Abusiveness*

1. *All inmates shall be assessed during an Intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. The assessment is conducted using an objective screening instrument in the PREA Database.*

2. *The Intake screening takes place within seventy-two (72) hours of their arrival at the facility.*

3. *The Intake screening considers, at a minimum, the following criteria to assess inmates for risk of sexual victimization:*

a. *Whether the inmate has a mental, physical, or developmental disability;*

b. *The age of the inmate;*

c. *The physical build of the inmate;*

d. *Whether the inmate has previously been incarcerated;*

e. *Whether the inmate's criminal history is exclusively nonviolent;*

f. *Whether the inmate has prior convictions for sex offenses against an adult or child;*

g. *Whether the inmate is or may be perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;*

h. *Whether the inmate has previously experienced sexual victimization;*

i. *The inmate's own perception of vulnerability; and*

4. *The initial screening considers prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the HCSO, in assessing inmates for risk of being sexually abusive.*

5. *Within a set time period, not to exceed thirty (30) days from the inmate's arrival at the facility (exigent any security or safety concerns, i.e. temporary hospitalization, etc.), the staff reassesses the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by staff since the intake screening.*

6. *An inmate's risk level shall be reassessed by their Counselor/CCW 30 days after the initial date of entry and again when warranted due to a referral, request, incident of sexual abuse/harassment, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.*

7. *Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, screening questions asked pursuant to:*

- a. *Whether the inmate has a mental, physical, or developmental disability;*
- b. *Whether the inmate is or may be perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;*
- c. *Whether the inmate has previously experienced sexual victimization;*
- d. *The inmate's own perception of vulnerability.*

8. *The HCSO implements appropriate controls on the dissemination 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.*

Policy mirrors the language of the standard provisions.

Evidence reviewed/analyzed by provision:

(a) (b) Policy supports that an intake screening is conducted on all inmates entering the system. This intake is completed within hours of arrival (based on interviews and observations during the onsite visit).

(c)(d)(e) An example of a completed Risk Assessment was sent to the auditor with the pre-audit documentation. The objective screening tool used considers the following information:

Risk of Sexual Victimization

- Former/current victim of prison rape or sexual assault
- History of sexual activity while in custody
- Youthful (under 18) or elderly (65 and over)
- Small physical stature
- Developmental, physical or mental health disability
- Perception of or self identifies as gay, lesbian, bisexual, transgender, intersex or gender nonconforming (area for notes for the screener)
- Experienced sexual victimization outside the correctional setting within the past year
- Verbalizes fear for personal safety/shows vulnerability
- First incarceration

- Criminal history exclusively nonviolent
- Prior or current convictions for sex offense against an adult or child

Possible predatory factors include:

- History of institutional predatory sexual behavior
- Conviction for sex offense against adult or child
- Current charge for sex offenses against adult or child
- Convictions for Violent Offenses (including domestic violence)
- History of strong arming or assaults while in custody
- History of sexual activity while in custody

The risk screen developed and used at this facility addresses all of the requirements of the provision of this standard. The screen addresses more detail regarding sexual victimization specifically questions pertaining to prior use of protective custody due to sexual victimization while incarcerated. The screen is completed upon arrival by the medical staff and reviewed by intake staff. There is a place for the subjective assessment in the risk screen. The Jail Management System (JMS) based on the answers calculates the answers, a scale is provided for how one is designated as a victim or a predator. Interviews with staff who complete the risk assessment verified to the auditor that they will make a notation if they believe an inmate is demonstrating effeminate mannerisms but will also note the response given by the individual. Therefore, the procedure is compliant with the clarifications in the FAQs for this standard. Additionally, the auditor observed the intake process; it was conducted in the health care operation, in a room privately with the nurse. If conducted at the intake area, the auditor was shown the room where the interview would be conducted, it is a private setting.

(f) The counselor in the orientation ensures that the 30 days risk assessment review is completed. As the system is computerized, she reported that she is prompted when these are due to ensure completion within the thirty days as required by the standard and uses her own system to ensure no one is missed for the reassessment. All inmate interviews (for those who have been at the facility over thirty days) confirmed to the auditor that a reassessment was completed in person by the case manager within 30 days of arrival. The auditor requested and received initial and 30-day risk assessments for the first inmate to arrive for each month for the last twelve months. This request yielded documentation of initial and 30 day follow risk assessments for the following dates: 8/1/2022; 9/1/2022; 10/3/2022; 11/1/2022; 12/1/2022; 1/3/2023; 2/1/2023; 3/2/2023; 4/3/2023; 5/2/2023; 6/1/2023; 7/3/2023; and 8/1/2023.

(g) The PCM indicated that he assures that new information generates an updated risk assessment when referred by staff, when requested by staff, when an investigation has been completed which revealed information that warranted a new

	<p>risk assessment.</p> <p>(h) The interview with the Intake staff and PCM confirmed that the agency would not require an inmate to answer sensitive questions - (d)(1), (d)(7), (d)(8), or (d)(9) if they did not want to respond. Inmate interviews confirmed that they did not believe they would be disciplined if they did not respond.</p> <p>(i) Per the interview with the Intake staff and the PREA Coordinator, Risk assessments are maintained in the JMS which has appropriate controls on which staff can access the data. An alert will be prompted when placing a victim near an aggressor, but this is the only information staff can see that are not a part of the designated staff who have access.</p> <p>Summary of evidence to support a finding of compliance: Policy supports compliance with all aspects of the standards. Inmates acknowledged being asked questions on the risk assessment. Inmates were asked if they felt they would be disciplined for not answering the questions; they answered no. Interview with the intake staff and PREA Coordinator supports compliance with completing the risk screen upon arrival, exceeding the 72-hour requirement. Appropriate controls on the information are in place by maintenance in a secure office and access to the JMS.</p>
--	---

115.42	Use of screening information
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · Policy on transgender/intersex assessment · Transgender Review Committee meeting minutes - weekly · PREA Alert Report · Notification of Status · Interviews PCM · Interview transgender inmates · Interview PREA Coordinator · Interview with the Programming Supervisor · Interviews transgender/intersex inmates

· Observations

The following policy excerpts supports compliance with the requirements of this standard:

3.5.3 PREA Plan states, *Use of Screening Information and Transgender/Intersex Inmates -*

1. *The HCSO uses the information from the Risk Screening Tool to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.*
2. *The HCSO makes individualized determinations about how to ensure the safety of each inmate.*
3. *In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the HCSO considers on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.*
4. *Placement and programming assignments for each transgender or intersex inmate is reassessed at least twice each year to review any threats to safety experienced by the inmate.*
5. *A transgender or intersex inmate's own views with respect to their own safety will be given serious consideration.*
6. *Transgender and intersex inmates will be given the opportunity to shower separately from other inmates.*
7. *The HCSO does not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.*
8. *In regards to the C.J.R. Act, the fact that a prisoner is lesbian, gay, bisexual, transgender, queer or intersex or has a gender identity or expression or sexual orientation uncommon in general population shall not be grounds for placement in Restrictive Housing.*

Policy mirrors the language of the standard provisions.

Evidence reviewed/analyzed by provision:

(a) (b) The facility ensures that inmates who are deemed predatory, potential predatory, victims, and potential victims are not housed in the same area, same room. The PREA Alert system, embedded in the Jail Management System (JMS) ensures this. Informal conversations with security staff revealed to the auditor that

they can see the Alert and are able to maintain closer observation on those with designations to ensure safety. The auditor spoke with the Program Director who also indicated that she would be aware if a designated predator and victim were in the same area. The Program Supervisor (Assistant Deputy) confirmed that she and her staff are able to view the alerts before making assignments to the various programs in the facility. Security staff are present and would help to monitor programming needs if inmates with designations are programmed in the same area. Email notification of victim or aggressors are sent to the following: Supervisors, Mental Health staff, and programming staff.

(c)(d) (e)(f) Observations and interviews provided the auditor with evidence of compliance. Specially, the auditor spoke with a member of the Transgender Committee and determined that they meet with transgender/intersex inmate at least monthly, exceeding the requirements of the standard. Documentation was provided that reflected this.

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

Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. The JMS Alert system, transgender review committee and interviews with all staff and targeted inmates and overall observations provided the auditor with sufficient evidence to support a finding of compliance. Finding of exceeds standard given due to the monthly review of transgender/intersex inmates, exceeding the six-month requirement.

115.43	Protective Custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · Observations of Restricted Housing (RH) · Interviews Superintendent · Interviews staff who supervise RH · PAQ <p>The PAQ states that no inmate has been placed in involuntary protective custody due</p>

to their high risk of sexual victimization. The auditor found no evidence to dispute this during the audit process.

The following policy excerpts supports compliance with the requirements of this standard:

3.5.3 PREA Plan states, *Protective Custody* -

1. *Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If the facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than twenty-four (24) hours while completing the assessment.*

2. *Inmates placed in segregated housing for this purpose will have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility will document:*

a. *The opportunities that have been limited;*

b. *The duration of the limitation; and*

c. *The reasons for such limitations.*

3. *The facility will assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of thirty (30) days.*

4. *If an involuntary segregated housing assignment is made pursuant to paragraph (1) of this section, the facility shall clearly document:*

a. *The basis for the facility's concern for the inmate's safety; and*

b. *The reason why no alternative means of separation can be arranged.*

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

Policy mirrors the language of the standard provisions.

Evidence reviewed/analyzed by provision:

(a) (b) (c) (d) (e) Policy reflects compliance with the provisions of the standards. The PAQ states that no inmates have been placed in restrictive housing for protective custody to separate a victim from their abuser. The auditor found no reason to dispute this fact during the audit process. Due to the physical plant, the facility has numerous options for placing an inmate for separation from their abuser without having to resort to placement in protective housing status. The interview with the

	<p>Superintendent confirmed that restrictive housing will be used as a last resort. Interviews with one supervisor of the restrictive area and one officer who was working in this area support that they have no knowledge of inmates who are alleged victims, or at risk of victimization being placed in this unit. They would know this from the JMS Alert system.</p> <p>Summary of evidence to support findings: Based upon the written authority, observations and interviews, the auditor finds the facility is substantially compliant with this standard.</p>
--	---

115.51	Inmate reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.1.6 Reporting of Incidents · 4.1.1 Inmate Admissions and Release · Inmate Handbook · PREA Intake Information - pamphlets · Interviews random staff · Interviews random inmates · Test of telephone for reporting · Documented outside call to the hotline report · Reports made by grievance - sexual harassment · Example of verbal report follow by documentation · EAP Contract · Observations <p>The following policy excerpts supports compliance with the requirements of this standard:</p> <p>3.1.6 Reporting of Incidents <i>Initiation of an Incident Report</i></p> <p>A. <i>Staff must complete Incident Reports as soon after the incident as possible, but before the end of the shift.</i></p>

B. For all inmate related incident reports (and related intelligence reports), staff will utilize the electronic incident report system. For Staff and other non-inmate issues staff will utilize the hardcopy, manual Incident Report form.

C. All staff issues will be reported via the manual/hard copy incident report form. All portions will be completed and include all parties involved, what occurred, where it occurred, when it occurred, how it occurred, and if known, why it occurred. The completed form will then be forwarded to the immediate supervisor of the reporting staff member.

3.5.3 PREA Plan states, Inmate reporting -

1. The HCSO provides multiple internal ways for inmates to privately report sexual abuse, sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.

2. The HCSO provides toll free calls via the pod/unit phones for inmates to report sexual abuse or sexual harassment to the YWCA Rape Crisis Center (who will work with the inmate to report the sexual abuse/harassment to HCSO officials).

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

4. The HCSO contracts with Concern/EAP of the River Valley Counseling Center to provide a method for staff to privately report sexual abuse and sexual harassment of inmates.

Policy mirrors the language of the standard provisions and provides specific information on how to report, and who receives reports.

4.1.1 Inmate Admissions and Release ensures access to consular officials and relevant officials at the Office of Homeland Security.

The HCSO provides inmates who are Foreign Nationals access to the diplomatic representative of their country of citizenship.

Foreign Nationals - Inmate Diplomatic Representation

It is the policy of the Hampden County Sheriff's Office to comply with all United States treaty obligations on consular notification and access. For more information, please see the United States Consular Notification and Access Fourth Edition/March 2014: Instructions for Federal, State, and Local Law Enforcement and Other Officials regarding Foreign Nationals in the United States and the Rights of Consular Officials to assist them (see PodNet/Available Manuals). These are mutual obligations that also apply to foreign authorities when they arrest or detain U.S. citizens abroad. In general, you should treat a foreign national as you would want a U.S. citizen to be treated in a similar situation in a foreign country. This means prompt and courteous compliance with the following requirements. For the specific Booking process related to foreign nationals, see Protocol 4:F Booking Documentation and Recordkeeping.

The Inmate Handbook, updated 2023, provides the following information:

Prison Rape Elimination Act (PREA) Information

The HCSO has a zero tolerance towards sexual assault, sexual misconduct, staff sexual misconduct and sexual harassment. This includes any sexual act as noted above.

If you are a victim of sexual assault, sexual misconduct, sexual harassment, or staff sexual misconduct, you can report it in one of the following ways:

Speak to a staff member

Send an inmate request to any staff

Request to speak with the PREA Manager or PREA Coordinator at your facility

Your PREA Coordinator is Matt Roman

Your PREA Manager is Ben Mastay

Call the Rape Crisis Center Hotline: 1(800) 796-8711; TTY (413) 733-7100; or

Llamanos Spanish Language 24-hr Helpline: 1(800) 223-5001

Contact the National Sexual Assault Hotline Tel: 1(800) 656-HOPE

Report it directly to the State Police (413) 736-8390

Foreign Nationals may contact their Consular Officer or Diplomat and relevant official at the Office of Homeland Security.

Calling the Rape Crisis Hotline and not informing Sheriff's Office staff will not allow for your immediate protection and investigation of a crime. You should notify Sheriff's Office staff immediately if you have been a victim of sexual misconduct or sexual assault.

If you are in need of rape crisis counseling, please notify staff so that they can assist you. If you want to receive confidential counseling you can contact the following agency:

YWCA of Western Mass., 1 Clough Street, Springfield, MA 01118

(Additional sites in Holyoke, Westfield, Huntington)

Hotline: (800) 796-8711

Office: (413) 732-3121

TTY: (413) 733-7100

If you need this information explained to you in a different language or format, please notify staff.

The MOU with the YWCA confirms agreement to provide the following services (as summarized by the auditor):

- Provide a rape crisis counselor at the hospital
- Provide survivors counseling, information and continued care. HCSO agrees to respect the confidentiality of such counseling to the extent permitted by safety and security considerations
- YWCA will provide free, confidential counseling to survivors who are under the responsibility of the HCSO. This can include 12 sessions in person and is not contingent on cooperating with any level of the investigation.
- YWCA is mandated to report threats of suicide, threats of homicide, abuse/neglect of a child, someone with a disability or someone over the age of 65.
- Continued care after the SANE exam.
- Provide a Rape Crisis Hotline number to inmates. HCSO agrees to respect the confidentiality of all calls to that hotline and allow calls to the hotline to be unmonitored and unrecorded. YWCA ensures that all counselors assigned to the hotline are properly trained.
- YWCA provides a point of contact for questions, concerns or collaborations.
- There is no charge for any services listed.
- The YWCA will contact the HCSO PREA Hotline whenever they receive a complaint of sexual abuse or sexual assault that is alleged to have occurred at an HCSO facility.

Evidence reviewed/analyzed by provision:

(a,b) As illustrated in the response to standard 115.33, the Handbook includes information on how to report in detail. The review of the investigations reflects that inmates are aware of how to report. Inmates are provided information regarding how to make reports in at intake via the pamphlet and Inmate Handbook, and PREA posters viewed throughout the facility.

Investigations were initiated based on numerous avenues: grievances, reported to the hotline, written report, third party (outside caller), mental health counselor, and intake staff. All inmate interviews support knowledge of several options. Inmates have a hotline number which can be called without using a personal identification number (PIN) which goes directly to the YWCA (separate from access to the rape crisis counselors). This is noted on PREA posters throughout the facility; posters are located next to the phones. Most inmates were knowledgeable regarding this number being available. All inmate interviews confirmed that they know of numerous methods for reporting sexual harassment or sexual abuse. Most said they would report to staff or use the hotline number. The auditor tested the line and was able to access the number and talk to staff. An immediate report via email was provided to

the PREA Coordinator of this test. An inmate pin number was not needed, there was no message that it was being recorded or monitored. Discussion with the person who answered the phone confirmed to the auditor that the caller can remain anonymous. The interview with inmates in RHU supported that they are out of cell daily and have access to a phone. The phone in this area was observed by the auditor. The MOU with the YWCA reflects this separate reporting process. The auditor confirmed and observed that all inmates have access to phones, including the special management housing who have access during their out of cell time. Additionally, the auditor examined the mail process. Inmates can place mail directly into a mailbox in general population. Although limited, when inmates are out of cell, they can place mail into the mailbox directly. Interview with inmates confined in restrictive housing further confirmed they have access to pencils and paper.

(c) The provision requires that staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports. Staff interviews confirmed that they are aware of this expectation and support compliance, including the reporting of suspicions to their immediate supervisor, stating that this information is well received and handled appropriately by the supervisors. Review of the investigations supported that reports are made verbally to staff, documented and reported immediately to their supervisor and/or the Shift Commander, per the Response Plan.

(d) The policy and training support that EAP has been designated as the outside reporting entity for staff. All staff knew this but two needed prompting. One officer provided the auditor information that he received noting that the call/services are confidential. Documentation was provided that the EAP confirms that they are aware they are required to report any allegations of sexual abuse or sexual harassment to the facility.

Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. Staff and inmate interviews acknowledge there are multiple methods for filing a complaint. Investigations were initiated based on numerous avenues. Information provided at orientation, in the Inmate Handbook, PREA pamphlet and posters educate inmates on numerous methods for reporting. There is a way to report outside the agency (tested by the auditor) which allows the inmate to remain anonymous with immediate transmission to the facility of the allegation. Inmate interviews provided the auditor with confidence that inmates are aware they have numerous methods for reporting sexual abuse or sexual harassment. This evidence provided the auditor with the confidence to support a finding of compliance.

115.52	Exhaustion of administrative remedies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

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

- 3.5.3 PREA Plan
- 3.5.2 Inmate Grievances
- Grievance Form
- Interview Superintendent
- Interview with Grievance Coordinator
- Facility Rulebook
- PAQ

The PAQ provided the following information:

- Two grievances regarding sexual abuse
- Zero emergency grievances
- Zero grievances written in bad faith
- Zero third party grievances
- Zero grievances alleging imminent sexual abuse

The following policy excerpts supports compliance with the requirements of this standard:

3.5.3 PREA Plan states, *Exhaustion of Administrative Remedies* -

1. *The HCSO does not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.*
2. *The HCSO may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.*
3. *The HCSO does not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.*
4. *Nothing in this section shall restrict the HCSO's ability to defend against an inmate lawsuit on the ground that the applicable statute of limitations has expired.*
5. *The HCSO will ensure that;*
 - a. *An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and*
 - b. *Such grievance is not referred to a staff member who is the subject of the complaint.*

6. *The HCSO shall issue a final decision on the merits of any portion of a grievance alleging sexual abuse within ninety (90) days of the initial filing of the grievance.*
7. *Computation of the ninety (90) day time period shall not include time consumed by inmates in preparing any administrative appeal.*
8. *The HCSO may claim an extension of time to respond, of up to seventy (70) days, if the normal time period for response is insufficient to make an appropriate decision. The HCSO shall notify the inmate in writing of any such extension and provide a date by which a decision will be made.*
9. *At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.*
10. *Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, will be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and will also be permitted to file such requests on behalf of inmates.*
11. *If a third-party files such a request on behalf of an inmate, staff may require as a condition of processing the request that the alleged victim agree to have the request filed on their behalf and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.*
12. *If the inmate declines to have the request processed on their behalf, the HCSO will document the inmate's decision.*
13. *The HCSO has a procedure for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse.*
14. *After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the facility will immediately forward the grievance to a level of review at which immediate corrective action may be taken, will provide an initial response within forty-eight (48) hours, and will issue a final HCSO decision within (5) five calendar days. The initial response and final HCSO decision shall document the determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.*
15. *The HCSO may discipline an inmate for filing a grievance related to alleged sexual abuse where the HCSO demonstrates that the inmate filed the grievance in bad faith. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.*

3.5.2 Inmate Grievances states,

(a) *An agency shall be exempt from this standard if it does not have administrative procedures to address inmate grievances regarding sexual abuse.*

(b)

(1) *The agency shall not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.*

(2) *The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.*

(3) *The agency shall not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.*

(4) *Nothing in this section shall restrict the agency's ability to defend against an inmate lawsuit on the ground that the applicable statute of limitations has expired.*

(c) *The agency shall ensure that—*

(1) *An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and*

(2) *Such grievance is not referred to a staff member who is the subject of the complaint.*

(d)

(1) *The agency shall 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.*

(2) *Computation of the 90-day time period shall not include time consumed by inmates in preparing any administrative appeal.*

(3) *The agency may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the inmate in writing of any such extension and provide a date by which a decision will be made*

(4) *At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.*

(e)

(1) *Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates.*

(2) *If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.*

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

(f)

(1) *The agency shall establish procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse.*

(2) *After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the agency shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final agency decision within 5 calendar days. The initial response and final agency decision shall document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.*

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

Policies mirror the language of the standard provisions.

3.3.3 Inmate Handbook states, *Grievance Regarding Sexual Abuse*

There is no time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.

You are not required to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, nor will such grievance be referred to a staff member who is subject of the complaint.

The HCSO shall issue a final decision on the grievance alleging sexual abuse within 90 days of the initial filing of the grievance following an investigation into an inmate's allegation that they suffered abuse in an agency facility; the agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

Computation of the 90-day period shall not include time consumed by the inmate in preparing any administrative appeal.

The HCSO may claim an extension of time to respond, of up to 70 days, if the normal

time period for response is insufficient to make an appropriate decision. The HCSO shall notify the inmate in writing of any such extension and provide a date by which a decision will be made.

At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.

Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filling requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates.

If a third-party file such a request on behalf of an inmate, the HCSO may require as a condition of processing the request that the alleged victim agree to have the request filed on their behalf and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process. If the inmate declines to have the request processed on their behalf, the HCSO shall document the inmate's decision.

If you believe that you are at risk of imminent sexual abuse, you are to staff and complete a GRIEVANCE/APPEAL FORM showing the emergency. Also, write "Emergency" on this form.

After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the HCSO shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final HCSO decision within five calendar days. The initial response and final HCSO decision shall document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

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

Evidence reviewed/analyzed by provision:

(a) (b) (c)(d) (e) (f) (g) The interview with the Grievance Coordinator confirmed that any grievance received will be closed out and referred to the investigators for investigation. Additionally, the auditor randomly, informally asked inmates about the availability to obtain a grievance form; those asked indicated there is no problem with obtaining form or getting the grievance formal filed. Review of investigations did reveal that the grievance process was used for making allegations of sexual abuse and sexual harassment. The grievance was addressed; the investigation commenced quickly.

Summary of evidence to support a finding of compliance: Policy reflects compliance

	<p>with the provisions of the standards. The interview with the Grievance Coordinator confirmed the grievance is processed and timelines/requirements noted in policy would be followed. The Inmate Handbook educates the inmates on the grievance process regarding sexual abuse. Observations of grievances and interviews with inmates provide sufficient evidence to support a finding of compliance.</p>
--	---

115.53 Inmate access to outside confidential support services	
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · 4.1.1 Inmate Admissions and Release · 3.3.3 Inmate Handbook · Interview with the Director YWCA · MOU YWCA · Inmate Rulebook · PREA posters · PREA Postings · Interviews random inmates · Review of access to mail and telephones · Observations <p>The following policy excerpts supports compliance with the requirements of this standard:</p> <p>3.5.3 PREA Plan states, <i>Inmate Access to Outside Confidential Support Services -</i></p> <p><i>The HCSO provides inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The HCSO enables reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.</i></p>

Staff informs 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.

The HCSO maintains a memorandum of understanding (MOU) with the YWCA Rape Crisis Center who provides the inmates with confidential, emotional support services related to sexual abuse. The HCSO maintains copies of these agreements.

Policy mirrors the language of the standard provisions.

Inmate handbook provides the following information.

The HCSO has a zero tolerance towards sexual assault, sexual misconduct, staff sexual misconduct and sexual harassment. This includes any sexual act as noted above.

If you are a victim of sexual assault, sexual misconduct, sexual harassment, or staff sexual misconduct, you can report it in one of the following ways:

Speak to a staff member

Send an inmate request to any staff

Request to speak with the PREA Manager or PREA Coordinator at your facility

Your PREA Coordinator is Matt Roman

Your PREA Manager is Ben Mastay

Call the Rape Crisis Center Hotline: 1(800) 796-8711; TTY (413) 733-7100; or

Llamanos Spanish Language 24-hr Helpline: 1(800) 223-5001

Contact the National Sexual Assault Hotline Tel: 1(800) 656-HOPE

Report it directly to the State Police (413) 736-8390

Foreign Nationals may contact their Consular Officer or Diplomat and relevant official at the Office of Homeland Security.

Calling the Rape Crisis Hotline and not informing Sheriff's Office staff will not allow for your immediate protection and investigation of a crime. You should notify Sheriff's Office staff immediately if you have been a victim of sexual misconduct or sexual assault.

If you are in need of rape crisis counseling, please notify staff so that they can assist you. If you want to receive confidential counseling you can contact the following agency:

YWCA of Western Mass., 1 Clough Street, Springfield, MA 01118

(Additional sites in Holyoke, Westfield, Huntington)

Hotline: (800) 796-8711

Office: (413) 732-3121

TTY: (413) 733-7100

The HCSO shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state, or national victim advocacy or rape crisis organizations, and for persons detained solely for civil immigration purposes, immigrant services agencies. The HCSO shall enable reasonable communication between inmates and these organizations and agencies, in as confidential manner as possible (See 11.02.02 Sexual Abuse and Sexual Harassment are prohibited).

If you are detained solely for civil immigration purposes you shall be provided information on how to contact the consular officials and relevant official at the Office of Homeland Security.

The MOU with the YWCA confirms agreement to provide the following services (as summarized by the auditor):

- Provide a rape crisis counselor at the hospital
- Provide survivors counseling, information and continued care. HCSO agrees to respect the confidentiality of such counseling to the extent permitted by safety and security considerations
- YWCA will provide free, confidential counseling to survivors who are under the responsibility of the HCSO. This can include 12 sessions in person and is not contingent on cooperating with any level of the investigation.
- YWCA is mandated to report threats of suicide, threats of homicide, abuse/neglect of a child, someone with a disability or someone over the age of 65.
- Continued care after the SANE exam.
- Provide a Rape Crisis Hotline number to inmates. HCSO agrees to respect the confidentiality of all calls to that hotline and allow calls to the hotline to be unmonitored and unrecorded. YWCA ensures that all counselors assigned to the hotline are properly trained.
- YWCA provides a point of contact for questions, concerns or collaborations.
- There is no charge for any services listed.

Evidence reviewed/analyzed by provision:

(a) (b) (c) The facility does provide the inmates access to outside victim advocates for emotional support by giving them the mailing address and telephone number. It is posted in the unit and also noted in the Inmate Handbook, instructing inmates that

the number is toll free and confidential (no pin required). This affords the inmates reasonable communication. This is in accordance with an MOU established with the YWCA. The auditor tested the inmate phone during the onsite visit and was able to reach the advocate no PIN number was needed, there was no message that it was monitored or recorded. Some interviews with the random and targeted inmates knew of the service as they hear the message on the phone but indicated they had not need or desire to use that service. The facility provides information, supported by policy on contact with consular officials.

The interview with the Director, YWCA yielded the following: The types of services provided via the Rape Crisis Center (RCC) Hotline is indeed, emotional support, advocacy and trauma response to survivors of domestic violence, sexual assault, human trafficking and stalking. Upon inmates disclosing that they're experiencing harassment and/or abuse in the facility, they are informed that they can file a report, submit it to PREA personnel, which then prompts an investigation typically within 24 hours period. All Hotline staff undergo training in domestic violence, sexual assault, human trafficking, stalking as well as suicidal ideation and crisis response following our protocols in place. Each team member earns a certificate in victim advocacy after completing our 40-hour training and must continue to recertify every 3 years for 15 hours. The Hotline team receives administrative supervision (on an individual basis) and clinical supervision (on a group basis) on a continuum to discuss calls, call navigation, as well as their outcomes. All in essence to support staff and their efforts to provide quality services rooted in trauma informed care. All Hotline staff are required to be bilingual at their time of hire. For languages other than English and Spanish, we utilize Language Line Services which provide over the phone interpretation 24/7 that supports communication in over 200 languages. Hotline Staff ensures inmates callers that everything they share will be kept confidential and will include in report what they want us to include in it. We also inform them that once a report is filed, we no longer have access to any information about their case and any follow-up questions about their case should be addressed directly to trusted PREA personnel involved in the investigation.

Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. The MOU with YWCA, testing on the phone access for inmates, information provided at intake in the Inmate Handbook and on the PREA posters and inmate interviews supports a finding of compliance.

115.54	Third-party reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- 3.5.3 PREA Plan
- Observations
- Agency website
- Visitor posters
- Interview with the Superintendent
- Interview with the PREA Coordinator
- Random staff interviews
- Testing of third-party reporting
- Review of investigations
- FAQ October 2015

The following policy excerpts demonstrate compliance with the provisions of the standards.

3.5.3 PREA Plan states, *Third-Party Reporting*.

The HCSO has established a method to receive third-party reports of sexual abuse and sexual harassment and distributes publicly (via the website) information on how to report sexual abuse and sexual harassment on behalf of an inmate.

Policy mirrors the language of the standard provisions.

The website provides the following information:

The Hampden County Sheriff's Office PREA Program

The Hampden County Sheriff's Office (HCSO) established a zero-tolerance policy for incidents of sexual assault, sexual abuse, and sexual harassment. It makes the prevention and elimination of sexual assault, sexual abuse, and sexual harassment a top priority.

HCSO designated a PREA Coordinator to oversee, coordinate and monitor implementation of these changes as well as be responsible to continually evaluate and seek out new methods to prevent and reduce sexual assault, sexual abuse, and sexual harassment within the agency's facilities.

Compliance with Prison Rape Elimination Act

In compliance with Section 115.22 (115.222 for Community Confinement Facilities) of the Prison Rape Elimination Act (PREA) Standards, the Hampden County Sheriff's Office has provided policies to ensure referrals of allegations for investigations.

Those policies can be found by clicking here: [PREA Policy](#)

Reporting Abuse

If you suspect sexual abuse has happened at one of the Hampden County Sheriff's Office facilities, you may call the PREA Coordinator at (413)858-0914 or you may call the Massachusetts State Police. Please have any information or evidence available for the investigator who will be assigned to handle the case. False accusations may be prosecuted. All reports are taken seriously and investigated as outlined in the PREA Standards.

How to Report Incidents of Sexual Assault or Sexual Abuse:

Mail the PREA Coordinator at 627 Randall Road, Ludlow, Ma. 01056

Call the PREA Coordinator at (413)858-0914

Call the Hampden County Rape Crisis Center:

YWCA of Western Mass.

1 Clough Street

Springfield, MA 01118

Additional sites in Holyoke, Westfield, Huntington

Hotline: (800) 796-8711

Office: (413) 732-3121

TTY: (413) 733-7100

Llámanos Spanish Language Helpline

24-hour Helpline: (800) 223-5001

c/o YWCA of Western Mass.

1 Clough Street

Springfield, MA 01118

Services Offered to Victims upon Request:

Free, confidential rape crisis hotline

Mental Health counseling

Forensic Medical Exams performed by Sexual Assault Nurse Examiners (SANE)

Provide victim advocacy/victim rights information if applicable

Provide the opportunity to report incidents to an agency outside HCSO

Monitoring for retaliation by the PREA Coordinator

The auditor tested the reporting process noted on the website and received follow up acknowledgement from the PREA Coordinator of receipt within the hour. Additionally, one investigation reviewed was initiated by a complaint received from an outside caller.

Summary of evidence to support findings: Policy, the MOU with the YWCA for third party reporting, the process available on the webpage, noting who to contact and how, testing of the hotline and review of one investigation that was received from an outside caller, all provided sufficient evidence to support a finding of compliance with

	the standard and the FAQ issued October 2015. The auditor finds the facility compliant with the standard provisions.
--	--

115.61	Staff and agency reporting duties
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · Interview with the PREA Coordinator · Interview with investigators · Employment Handbook · Observations · Interviews random staff · Facility information to inmates · Training curriculum · Interview with medical and mental health professionals · PREA Pamphlet · Mandatory reporting laws <p>The following policy/documentation excerpts supports compliance with the requirements of this standard:</p> <p>3.5.3 PREA Plan states, <i>Staff and Office Reporting Duties</i> -</p> <ol style="list-style-type: none"> 1. <i>The HCSO requires all staff to report immediately 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 HCSO; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.</i> 2. <i>Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in HCSO policy, to make treatment, investigation, and other security and management decisions.</i>

3. *Unless otherwise precluded by Federal, State, or Local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to part (A)(1) of this section and to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.*

4. *If the alleged victim is under the age of eighteen (18) or considered a vulnerable adult under a State or Local vulnerable person's statute, the HCSO shall report the allegation to the designated State or Local services agency under applicable mandatory reporting laws.*

Staff shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to designated investigator(s) which may be the Criminal Investigation Unit, PREA Coordinator, and/or Facility PREA Manager.

PREA Sexual Abuse/Misconduct Notification

PREA Sexual Harassment Notification

Policy mirrors the language of the standard provisions.

The Employee Handbook - reinforces zero tolerance The Hampden County Sheriff's Office and Correctional Center makes known to all employees, vendors, contractors, volunteers, interns, service providers, and consultants that it fully enforces the Prison Rape Elimination Act (PREA), an Act of Federal Law passed in 2003. a) The Act supports the elimination, reduction, and prevention of sexual misconduct, sexual abuse (rape), and sexual harassment in all correctional systems including federal, state, county, and other law enforcement detention facilities. b) The agency views all sexual contact between inmates/detainees or between inmates/detainees and employees, volunteers, interns, service providers, consultants, vendors, and contractors as coercive and NEVER consensual. The Hampden County Sheriff's Office has zero tolerance toward all forms of sexual abuse/sexual harassment and each case will be thoroughly investigated. Employees, vendors, contractors, volunteers, interns, service providers, and consultants are required to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. The agency has a policy which protects all employees, vendors, contractors, volunteers, interns, service providers, and consultants who report sexual abuse/sexual harassment or cooperate with sexual abuse/sexual harassment investigations from retaliation by other inmates or employees, vendors, contractors, volunteers, interns, service providers, and consultants. e) These laws are in addition to, not in place of, the Office's strict policy prohibiting any type of verbal or physical advances, sexual or romantic overtures or any fraternization with inmates.

Evidence reviewed/analyzed by provision:

(a) (b) Interviews with staff revealed that staff are keenly aware of the requirement to report immediately any suspicion, knowledge or information on sexual abuse, sexual

	<p>harassment, retaliation and/or staff neglect that may contribute to sexual abuse or sexual harassment. Review of the investigations and interviews with the investigators support that an immediate notification is made. Staff was also keenly aware of the requirement to maintain confidentiality after the allegation is made.</p> <p>(c) The interviews with medical and mental health staff confirmed to the auditor their awareness that they need to report. The PREA Pamphlet informs the inmates that all staff have a duty to report any sexual abuse or sexual harassment, and specifically indicates that medical and mental health practitioners have this obligation.</p> <p>(d) This facility does not house inmates under the age of 18. Per the Massachusetts State Law, Elder abuse states, Elder Protective Services can only investigate cases of abuse where the person is age 60 and over and lives in the community. Policy requires that a report be made regarding any allegations of Elder Abuse, in accordance with the law. The jail/house of corrections is not considered community.</p> <p>(e) Review of the investigations and interview with the investigators support that all allegations are referred to the investigators for review and investigation.</p> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. Overall observations of the audit tasks such as the interviews with staff, including medical and mental health, administrators, investigators, review of state laws, and investigations support knowledge of the requirement for reporting, process for reporting and need to maintain confidentiality. The auditor finds the facility compliant with the standard provisions.</p>
--	---

115.62	Agency protection duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · Interviews Superintendent · Interview Assistant Superintendent · Interview random staff · Observations · PAQ

	<p>The PAQ indicates there have been no times the facility determined that an inmate was at risk of imminent sexual abuse. The auditor found no reason to dispute this during the audit process.</p> <p>The following policy excerpts demonstrate compliance with the provisions of the standards.</p> <p>3.5.3 PREA Plan states, <i>HCSO Protection Duties</i> -</p> <p><i>When the HCSO learns that an inmate is subject to a substantial risk of imminent sexual abuse, it will take immediate action to protect the inmate.</i></p> <p>Policy mirrors the language of the standard provisions.</p> <p>The interview with Superintendent and Assistant Superintendent confirmed that an inmate at imminent risk of sexual abuse or any imminent risk of harm shall have immediate action taken to ensure their safety. This can include a transfer to another jail/house of correction. All staff interviews confirmed to the auditor that they would take immediate action if they believed an inmate was at imminent risk of sexual abuse. Staff confirmed that this request to intervene before something has occurred would be supported, and action would be taken to protect the inmate before the suspected event occurred. Additionally, through observations and informal dialogue with staff, they are aware of the Alert status of inmates in their area. They expressed and demonstrated to the auditor that they are observant of them they (staff) will intervene if any indications occurred that would jeopardize their safety.</p> <p>Finding compliance is based on the following: Policy supports the requirements of the standard provision. Based on information noted above and overall observations during the audit, the auditor found staff credible and that to protect inmate is an integral part of the culture of this facility. The auditor finds the facility compliant with the standard provision.</p>
--	--

115.63	Reporting to other confinement facilities
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · Interview with Superintendent · Interview Assistant Superintendent · Review of notifications

	<p>· PAQ</p> <p>The PAQ indicates that seven allegations were received that an inmate was abused while confined at another facility, zero allegations of sexual abuse were received from another facility.</p> <p>The following policy excerpts supports compliance with the requirements of this standard:</p> <p>3.5.3 PREA Plan states, <i>Reporting to Other Confinement Facilities</i> -</p> <ol style="list-style-type: none"> 1. <i>Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.</i> 2. <i>Such notification shall be provided as soon as possible, but no later than seventy-two (72) hours after receiving the allegation.</i> 3. <i>The HCSO shall document that it has provided such notification.</i> 4. <i>The facility/ HCSO head that receives such notification will ensure that the allegation is investigated in accordance with these standards.</i> <p>Policy mirrors the language of the standard provisions.</p> <p>Evidence reviewed/analyzed by provision:</p> <p>(a)(b)(c) As indicated, there were allegations that were reported to other facilities. Review of seven revealed that they were sent by the facility head, to the facility head, and within 72 hours, typically the same day.</p> <p>(d) The interview with the Superintendent confirmed that any receipt of allegations that occurred at his facility will be immediately reported to the investigators for investigation. Review of the investigations for the twelve-month review period confirmed this.</p> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. The policy, review of notification forms/ investigations and interviews with the Superintendent provided the auditor with sufficient evidence to support a finding of compliance. There is a process in place to ensure the requirements of this standard are met.</p>
--	--

115.64	Staff first responder duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

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

- 3.5.3 PREA Plan
- PREA Response Checklist
- Training curriculum
- Observations
- Random staff interviews
- First Responder interview
- Non security staff interview
- PAQ

The PAQ indicates there were five allegations that an inmate was sexually abused; one allegations where first security staff responded to the report separated the victim and abuser, four times staff were notified within a time period to allow for the collection of evidence, two times the first responders preserved and protected any crime scene until appropriate steps could be taken to collect any evidence, one time the first responder ensured that the alleged abuser not take any actions that could destroy physical evidence (washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.) Zero times a non-security staff member was the first responder. The auditor found no reason to dispute this during the audit process.

The following policy excerpts supports compliance with the requirements of this standard:

3.5.3 PREA Plan states, *Staff First Responder Duties -*

1. *Security Staff - Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to:*
 - a. *Separate the alleged victim and abuser;*
 - b. *Notify area supervisor to report to the area;*
 - c. *Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;*
 - d. *If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and*
 - e. *If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that*

could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

f. If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence and then notify security staff.

Security Supervisor Responsibilities -

Ensure the victim and the perpetrator have been separated.

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

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

Policy mirrors the language of the standard provisions.

Evidence reviewed/analyzed by provision:

(a)(b) Review of the training curriculum reinforces the requirements of this standard. Policy and all random staff interviews, including the informal interviews all indicated to the auditor that staff are aware of their duties should be they be the first to respond to an incident where there is potential evidence. All indicated they will separate the residents, non-first responders indicated they would contact the nearest security staff, while keeping the inmate in a safe area. Many indicated that this information is available for reference in the pocket planner issued to them annually. The auditor was provided a document reflecting the pocket planner information which provides staff with the first responder duties for both security and on security staff. Observations during the tour reflected that correctional officers are assigned to all areas of the facility; no volunteer, contractual staff or program staff were isolated from correctional staff when conducting their job with inmates in the area. The auditor reviewed the investigation and interviewed a first responder regarding their actions for one incident and found it was compliant with these requirements.

Summary of evidence to support findings: Policy, training curriculum, interviews, review of investigations and observation of response cards provided the auditor with sufficient evidence to support a finding of compliance.

115.65	Coordinated response
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

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

- 3.5.3 PREA Plan
- Random staff interviews
- Interview facility head
- Interview with the Watch Commander

The following policy excerpts supports compliance with the requirements of this standard:

3.5.3 PREA Plan states, *Coordinated Response* -

1. *The HCSO has written institutional plans to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, inmate advocate, and HCSO leadership (See MI/WCC P&P 4.5.9/4.2.10 Special Needs Inmates and 3.1.7/3.1.26 Special Teams.)*
2. *When a staff member is made aware of an incident of sexual abuse and they are not security staff, they will immediately notify security staff.*
3. *Security staff will notify Special Operations Supervisor of any incidents of sexual abuse. Security staff will separate the alleged victim and alleged abuser. The Special Operations Supervisor acts as the Incident Site Commander.*
4. *The Special Operations Supervisor will ensure that the crime scene is secured to prevent any possible contamination.*
5. *The Special Operations Supervisor is responsible for notifying Medical. The Special Operations Supervisor ensures that all involved parties are brought to Medical for evaluation.*
6. *Medical will conduct an evaluation to document the extent of physical injury (if applicable) and to determine whether referral to Baystate Hospital is indicated.*
7. *If exam indicates that the victim is to be referred to Baystate Hospital, the Medical Supervisor will contact the Special Operations Supervisor. Medical will also make mental health referrals. The Special Operations Supervisor is responsible for coordinating the transportation of the individual to the hospital.*
8. *The Special Operations Supervisor is responsible for notifying the CIU Commander. If the CIU Commander is not available, a member of the Criminal Investigation Unit will be activated.*
9. *The CIU Commander/designee is responsible for notifying the emergency chain of command to include:, Facility Administrator, Chief of Security, and Assistant Superintendent of Operations, Assistant Superintendent of Reentry Services and*

Transitional Services, Superintendent and the Sheriff.

a. If the incident of sexual abuse is staff involved, the Assistant Superintendent of Human Resources will be contacted.

10. The CIU Commander/designee will ensure a report is made to the Sheriff/Facility Administrator and Chief of Security to effect a separation of the victim from their assailant in their housing assignments and immediately begin a criminal investigation. Also see Policy and Protocol 3.1.7 Special Teams Protocol 3: Criminal Investigative Unit (CIU).

11. The CIU Commander/designee will also report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated Investigator (CIU), PREA Coordinator, and Facility PREA Manager.

12. The Facility PREA Manager is responsible for facilitating a PREA investigation with a certified Sexual Assault Investigator in a Confinement Setting. The PREA Manager will ensure that the CIU team, medical response team and Special Operations duties are completed in a timely manner.

13. Per the Memorandum of Understanding with the YWCA, Baystate Hospital staff will contact the YWCA for any individual who is the responsibility of HCSO who presents for medical care and/or a sexual assault nurse's examination.

14. The Medical Office will make a referral to the Forensic Mental Health Office for a qualified mental health professional for crisis intervention counseling and long-term follow-up.

15. Prophylactic treatment and follow-up care for sexually transmitted or other communicable diseases (e.g., HIV, Hepatitis B) are offered to all victims, as appropriate via the Medical Office.

Policy mirrors the language of the standard provisions and provides the detailed response for this facility.

The training curriculum reviews the coordinated response plan with both security and non-security staff. The auditor interviewed the Shift Commander. The details of the response plan were reiterated to the auditor demonstrating knowledge of the plan and location of the PREA evidence kit.

Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards detailing the facility's/agencies response plan.

Review of the training curriculum which reinforces the actions of the plan, interview with all staff who are knowledgeable regarding the plan, provided the auditor with sound evidence that the plan is detailed, and coordinates actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership. The auditor finds the facility compliant with the standard provisions.

115.66	Preservation of ability to protect inmates from contact with abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · HCSCOA contract · NCEU Officer and Supervisors · Interview Superintendent · Interview with the Assistant Superintendent · Observations · PAQ <p>The PAQ indicates that the facility has not entered into a collective bargaining on the agency's behalf.</p> <p>3.5.3 PREA Plan states, <i>Preservation of Ability to Protect Inmates from Contact with Abusers</i> -</p> <ol style="list-style-type: none"> 1. <i>Neither the Office nor any other governmental entity responsible for collective bargaining on the Office's behalf will enter into or renew any collective bargaining agreement or other agreement that limits the Office'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.</i> 2. <i>Nothing in this policy shall restrict the entering into or renewal of agreements that govern:</i> <ol style="list-style-type: none"> a. <i>The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of Protocols 7:B (Evidentiary Standard for Administrative Investigations) and 8:A (Disciplinary Sanctions for Staff); or</i> b. <i>Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated.</i> <p>Policy mirrors the language of the standard provisions.</p> <p>Evidence reviewed/analyzed by provision:</p>

	<p>(a & b) The auditor reviewed the bargaining agreements and found no evidence to indicate that the bargaining unit would limit the agency's ability to remove alleged staff from contact with the known abuser. The interview with the Assistant Superintendent confirmed this. Language of the Hampden County Superior Correctional Officers Association contract and the National Correctional Employees Union contract both state, "The Sheriff or his designee shall have the right to remove, dismiss, discharge, suspend or discipline a unit member, provided that no such action shall be taken except for just cause." Both contracts were provided for review in addition to documents demonstrating they are current.</p> <p>Summary of evidence to support findings: Policy, contract language and the interview with the Superintendent and the Assistant Superintendent provided the auditor with sufficient evidence to support a finding of compliance.</p>
--	---

115.67	Agency protection against retaliation
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · Interviews Superintendent · Interview Assistant Superintendent · Interview with the PREA Coordinator · Interview with designated staff members charged with monitoring for retaliation · Documentation of retaliation monitoring · Interview with inmates who reported abuse · PAQ <p>The PAQ indicates that there were no reported incidents of retaliation occurred. The auditor found no reason to dispute this during the audit process.</p> <p>The following policy excerpts supports compliance with the requirements of this standard:</p> <p>3.5.3 PREA Plan states, <i>HCSO Protection against Retaliation.</i></p> <ol style="list-style-type: none"> 1. <i>The HCSO has established this policy to protect all inmates and staff who</i>

report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff and designates which staff members/Offices are charged with monitoring retaliation.

2. *The HCSO employs 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 that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.*

3. *For at least ninety (90) days following a report of sexual abuse, the HCSO shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and will act promptly to remedy any such retaliation. The HCSO will monitor any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The HCSO will continue this monitoring beyond 90 days if the initial monitoring indicates a continuing need.*

4. *In the case of inmates, this monitoring will also include periodic status checks.*

5. *If any other individual who cooperates with an investigation expresses a fear of retaliation, the Office will take appropriate measures to protect that individual against retaliation.*

The HCSO obligation to monitor for retaliation will terminate if the PREA Manager determines that the allegation is unfounded.

Policy mirrors the language of the standard provisions.

Evidence reviewed/analyzed by provision:

(a) (b) (c)(d) (e)(f) The PCM is designated as the person responsible for retaliation monitoring. He confirmed he does check in with the inmates regularly and would extend the monitoring beyond 90 days if deemed warranted. The PREA Coordinator remains informed of the progress. An example of documentation of retaliation monitoring was provided to the auditor. The form addresses the requirements of the provisions. Additional documentation was found in the investigation folders; it reflected that monitoring starts at the initiation of the report, involved face to face meetings typically weekly, and review of housing changes, program reports, and disciplinary reports. He indicated he has not had to monitor staff who may fear retaliation yet but would if deemed necessary in accordance with the requirements of the standard.

Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. Interview with the designated retaliation monitor supported compliance based on his responses to questions, experience at the facility and specific documentation he provided showing how he accomplishes this task. The interviews with the Superintendent, Assistant Superintendent, and PREA Coordinator support that the facility will protect anyone who fears retaliation. The

	<p>physical plant affords numerous options to change housing, if needed. In an extreme event, they can make arrangements with another county jail to have them placed there. The auditor finds the facility compliant with the standard provisions. The agency/facility exceeds the standard requirements as they monitor those who reported sexual harassment also. This was reflected in the investigations reviewed for the previous twelve months.</p>
--	--

115.68	Post-allegation protective custody
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · Interviews Superintendent · Interview staff who supervise restrictive housing · PAQ <p>The PAQ indicates there has been no incident where inmates who suffered sexual abuse were held in involuntary segregated housing in the past twelve months. The auditor found no reason to dispute this during the audit process.</p> <p>The following policy excerpts supports compliance with the requirements of this standard:</p> <p>3.5.3 PREA Plan states, Post-Allegation Protective Custody.</p> <p><i>Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the requirements of Protocol 4:C (Protective Custody).</i></p> <p>Policy mirrors the language of the standard provisions.</p> <p>Interviews with staff who regularly supervise special housing and the Superintendent both confirmed to the auditor that placement for an inmate who is alleged to have suffered sexual abuse has not occurred. The Superintendent reinforced that there are numerous options available to ensure a safe placement before use of special management. He noted that policy is in place should the options reviewed lead to that placement to ensure the provisions of the standard are met. See comments to 115.43.</p> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. The PAQ indicates they have not had to use</p>

	<p>restrictive housing to protect an inmate who is alleged to have suffered sexual abuse. Policy addresses the requirements in the event of an occurrence in the future. The auditor finds the facility compliant with the standard provisions.</p>
--	---

115.71	Criminal and administrative agency investigations
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · Interview with investigators · PREA Process Map · Review of investigations · Interview with the Superintendent · Interview with the PREA Coordinator · Interview with inmates who reported sexual abuse · Observations · PAQ <p>PAQ indicates no substantiated allegations of conduct that appeared criminal were referred for prosecution since the last PREA audit. The auditor found no reason to dispute this during the audit process.</p> <p>The following policy excerpts supports compliance with the requirements of this standard:</p> <p>3.5.3 PREA Plan states, <i>Criminal and Administrative Office Investigations</i>.</p> <ol style="list-style-type: none"> 1. <i>When the HCSO conducts its own investigations into allegations of sexual abuse and sexual harassment, it will do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.</i> 2. <i>Where sexual abuse is alleged, the Office will use investigators who have received special training in sexual abuse investigations pursuant to Protocol 3:D:1 Specialized Training: Investigations.</i> 3. <i>Investigators will gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic</i>

monitoring data; will interview alleged victims, suspected perpetrators, and witnesses; and will review prior complaints and reports of sexual abuse involving the suspected perpetrator.

4. *When the quality of evidence appears to support criminal prosecution, the HCSO will conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.*

5. *The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as inmate or staff. The HCSO will not require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.*

6. *Administrative Investigations:*

a. *Will include an effort to determine whether staff actions or failures to act contributed to the abuse; and*

b. *Will be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.*

7. *Criminal investigations will be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence with attached copies of all documentary evidence, where feasible.*

8. *Substantiated allegations of conduct that appear to be criminal shall be referred for prosecution.*

9. *The HCSO will retain all written reports referenced in paragraphs (6) Administrative Investigations and (7) Criminal Investigations of this section for as long as the alleged abuser is incarcerated or employed by the HCSO, plus five years.*

10. *The departure of the alleged abuser or victim from the employment or control of the HCSO will not provide a basis for terminating an investigation.*

11. *Any State entity or Office of Justice component that conducts such investigations will do so pursuant to the above requirements.*

When outside agencies investigate sexual abuse, the HCSO shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

Policy mirrors the language of the standard provisions.

Evidence reviewed/analyzed by provision:

(a) The investigator interviewed the Captain of the Criminal Investigation Unit (CIU) for the agency. The interview with him and review of the investigations

confirmed that he has received referrals for all allegations of sexual abuse and sexual harassment. He confirmed that criminal investigations are referred to him. He would in turn be the liaison with the Massachusetts State Police if he felt it warranted a referral, and also the liaison with the District Attorney. He has qualifications to conduct criminal investigations for sexual abuse incidents in any of the facilities operated by the HCSO. One investigation was initiated due to a third-party allegation. Staff interviewers confirmed that they would refer a third-party complaint to the investigators via supervisors.

(b) All designated investigators receive training. See 115.34

(c) The interview with the investigator and review of the investigations confirmed that any relevant evidence is gathered to include physical, DNA, electronic monitoring data and interviews of all parties who may have relevant information. If there is potential for criminal charges, the Massachusetts State Police will bring an evidence team for collection. A database is maintained to consult if there were prior investigations involving the individuals.

(d) (e) The interview with the investigator confirmed that he concludes credibility on the collaborating evidence. He confirmed that polygraph or truth telling devices are not used. Additionally, polygraph tests are prohibited in accordance with the law in this state and therefore not used in any aspect of the investigation for sexual abuse or sexual harassment. The investigator confirmed the District Attorney's office would be consulted before conducting compelled interviews. Review of investigations supported that the credibility of victim, suspect or witness is based on alignment with established facts. This requirement was confirmed by the interview with three other investigators. Credibility is usually supported by video evidence.

(f) The investigator confirmed that staff actions or failures are inherently part of every investigation. One investigation illustrated this. All investigations are organized in a consistent format (referred to as a six-part folder). The investigator related to the auditor what each part contains. The auditor observed the investigative folder for every investigation reviewed. Review of investigations supports that they are standardized, written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

(g) (h) Criminal investigations can be conducted by the Massachusetts State Police Unit of the Hampden County Prosecutor's Office. Criminal investigations initiated at the facility use the same organization format. The HCSO has written to all law enforcement agencies operating in the county and the Commonwealth of Massachusetts notifying them of the Prison Rape Elimination Act standards.

(i) The auditor asked where and how evidence is maintained; the area was described to support that they are maintained in a secure area with limited, controlled access at the Main Institution. The auditor was stationed in this area and can confirm through observations that access is controlled.

(j) Two investigations reviewed did have the accused or accuser leave the facility, yet

	<p>the investigation continued. Additionally, this was confirmed in the interview with the investigators.</p> <p>(k) Auditor is not required to audit this provision.</p> <p>(l) If the state police investigate, the CIU Captain confirmed that he is the main contact at the Sheriff's Office who remains informed of the progress of the investigation. He provided anecdotal information on how this has occurred for a non PREA investigation.</p> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. Twelve investigations were reviewed and demonstrated compliance with the standards. Interview with the main PREA investigator confirmed compliance with all the provisions of the standard. The interview with the Superintendent and PREA Coordinator provided the auditor with further evidence and support of the findings for this standard and provisions. The auditor finds there is sufficient evidence to support a finding of compliance.</p>
--	--

115.72	Evidentiary standard for administrative investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · Interviews Investigative staff · Review of investigations using preponderance of evidence (administrative) · Observations <p>The following policy excerpts supports compliance with the requirements of this standard:</p> <p>3.5.3 PREA Plan states, <i>Evidentiary Standard for Administrative Investigations - The HCSO imposes no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.</i></p> <p>Policy mirrors the language of the standard provisions.</p> <p>The interview with the investigator confirmed this, review of the investigations supported this standard of evidence. Review of the training curriculum supports that a preponderance of evidence is used to determine when an allegation is</p>

	<p>substantiated, unsubstantiated or unfounded. Investigations determined to be unfounded reflect a preponderance of evidence, typically video footage, that the incident did not occur. The auditor was informed that a team reviews the evidence and makes the determination.</p> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. Policy excerpts noted above as well as review of the investigations and interviews with the investigators support compliance with this standard. The auditor finds the facility compliant with the standard provisions.</p>
--	---

115.73	Reporting to inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · Interview Assistant Superintendent · Inmate Notification form · PAQ <p>The PAQ indicates the following:</p> <ul style="list-style-type: none"> · Five investigations of alleged sexual abuse completed · Four investigations of alleged sexual abuse completed where inmate was notified of the results (verbally or in writing); four were documented · Zero sexual abuse investigations completed by an outside agency · Zero notifications of the results of an investigation completed by an outside agency · Zero substantiated cases of staff sexual abuse <p>The following policy excerpts supports compliance with the requirements of this standard:</p> <p>3.5.3 PREA Plan states, <i>Reporting to Inmates</i> -</p> <ol style="list-style-type: none"> 1. <i>Following an investigation into an inmate's allegation that they suffered sexual abuse in a HCSO facility, the HCSO will inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.</i>

2. *If the HCSO did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.*
3. *Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the HCSO will subsequently inform the inmate (unless the HCSO has determined that the allegation is unfounded) whenever:*
 - a. *The staff member is no longer posted within the inmate's unit;*
 - b. *The staff member is no longer employed by the HCSO;*
 - c. *The HCSO learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or*
 - d. *The HCSO learns that the staff member has been convicted on a charge related to sexual abuse within the facility.*
4. *Following an inmate's allegation that they had been sexually abused by another inmate, the HCSO shall subsequently inform the alleged victim whenever:*
 - a. *The HCSO learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or*
 - b. *The HCSO learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.*
5. *All such notifications or attempted notifications will be documented.*

The HCSO obligation to report under this policy will terminate if the inmate is released from the Office's custody.

Policy mirrors the language of the standard provisions.

Evidence reviewed/analyzed by provision:

(a) (b)(c)(d) (e) (f) The auditor reviewed the notification form developed to address this standard and concluded that they do ensure that the inmate is informed as required by the provisions, as all requirements are addressed.

One completed notification to an inmate was provided with the pre-audit documentation. The interview with the investigator supports that this is the obligation of the investigator or PCM to complete the notification. The auditor observed during the review of all investigations that they included a copy of the memo of notification to the inmate. Two inmates were interviewed who had been involved in a sexual abuse/harassment allegation and confirmed to the auditor that they were informed of the results, further commenting that everything was handled efficiently.

Summary of evidence to support a finding of compliance: Policy excerpts demonstrate compliance with the requirements. The attachments ensure that the requirements are reflected in the notification. The interview with the investigator and observations of the notices provided sufficient evidence to support a finding of compliance.

115.76	Disciplinary sanctions for staff
	<p data-bbox="256 188 959 221">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="256 266 544 300">Auditor Discussion</p> <p data-bbox="256 344 1406 412">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="256 456 970 916" style="list-style-type: none"> · 3.5.3 PREA Plan · 1.3.1 Human Resources Policy Manual · Employee Handbook · Interview with the Superintendent · Interview with the PREA Coordinator · Interview with the Assistant Superintendent · PAQ <p data-bbox="256 960 1477 1151">The PAQ indicates that no staff have been terminated, nor referred to licensing bodies for violating agency sexual abuse and/or sexual harassment policy, one staff has been disciplined short of termination for violation of agency sexual abuse or sexual harassment policies (not engaging in sexual abuse) The auditor found no reason to dispute this during the audit process.</p> <p data-bbox="256 1196 1318 1263">The following policy/documentation excerpts supports compliance with the requirements of this standard:</p> <p data-bbox="256 1308 1046 1341">3.5.3 PREA Plan states, <i>Disciplinary Sanctions for Staff</i> -</p> <ol data-bbox="256 1386 1477 1800" style="list-style-type: none"> 1. <i>Staff will be subject to disciplinary sanctions up to and including termination for violating HCSO sexual abuse or sexual harassment policies.</i> 2. <i>Termination will be the presumptive disciplinary sanction for staff who has engaged in sexual abuse.</i> 3. <i>Disciplinary sanctions for violations of HCSO policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) will be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.</i> <p data-bbox="256 1845 1477 2002"><i>All terminations for violations of HCSO sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.</i></p> <p data-bbox="256 2047 1031 2080">Policy mirrors the language of the standard provisions.</p>

1.3.1 Human Resources Policy Manual

It is the policy of the HCSO to maintain a working environment free from all forms of sexual harassment, retaliation or intimidation. Sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute serious violations of our policy and will not be tolerated or permitted. Not only is sexual harassment inappropriate, offensive and unprofessional behavior; it also violates Title VII of the Civil Rights Act and Massachusetts General Laws, Chapter 151 B.

Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated. Because the HCSO takes allegations of sexual harassment seriously, the Office responds promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, the Office will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

This policy applies to all employees. All employees of the HCSO have the right to work in an environment free from sexual harassment.

In accordance with M.G.L Chapter 268, Section 21A the HCSO will investigate and prosecute any employee, contractor, or volunteer found to have engaged in any sexual relations with any inmate. In criminal prosecution of such misconduct, the law deems an inmate incapable of consent. Acts of sexual contact or sexual misconduct with an inmate, as well as retaliation against an inmate is prohibited. In addition, invasion of privacy, acts of intimacy, or anything other than purely professional relationships with inmates is prohibited and violators are subject to appropriate discipline.

PROTOCOL 25: Corrective Discipline

A. This procedure outlines the steps of employee discipline. Whether the steps are followed sequentially or one (1) or more steps are bypassed depends on the particular facts and circumstances presented in each case including but not limited to, the person's employment record, disciplinary history, the severity of the offense(s), any mitigating factors, etc. These steps are not required to be applied to employees in their probation or orientation period. The potential steps include:

- 1. Verbal Reprimand, which is noted in writing in the employee's personnel file and to the union representative if the employee is in a bargaining unit.*
- 2. Written Reprimand, which is filed in the employee's personnel file and a copy is given to the employee and the union representative if the employee is in a bargaining unit.*
- 3. Suspension, without pay of normally three (3) to ten (10) working days depending on the facts and circumstances. A copy of the specific dates and the reason for the suspension will be given to the employee and a copy is given to the union representative if the employee is in a bargaining unit.*

4. *Demotion may be administered in lieu of, or an addition to, a suspension. An employee may be demoted one or more ranks or titles for serious misconduct or performance issues, or if their behavior or performance otherwise indicates an unwillingness or inability to meet the standards of conduct attributes or the duties and responsibilities of a particular position.*

5. *Termination/Discharge, the Sheriff/Designee will be the decision maker in a case of a discharge.*

This policy reinforces a strong commitment to a culture free of sexual harassment and sexual abuse.

Employee Manual

SEXUAL MISCONDUCT POLICY STATEMENT The Hampden County Sheriff's Office and Correctional Center makes known to all employees, vendors, contractors and consultants that it will fully enforce Massachusetts General Law Chapter 268, Section 183, which reads as follows: Section 21A. "An officer or other person who is employed by or contracts with any penal or correctional institution in the Commonwealth, and who, in the course of such employment or contract or as a result thereof, engages in sexual relations with an inmate confined therein, within or outside of such institution, or an inmate who is otherwise under the direct custodial supervision and control of such officer or other person, shall be punished by imprisonment for not more than five (5) years in a state prison or by a fine of \$10,000.00 or both. In a prosecution commenced under this section, an inmate shall be deemed incapable of consent to sexual relations with such person. For purposes of this section, sexual relations shall include intentional, inappropriate contact of a sexual nature, including, but not limited to, conduct prohibited by section 22 or 24 of chapter 265 or section 2, 3, 35 or 53A of chapter 272". This law is in addition to, not in place of, the Office's strict policy prohibiting any type of verbal or physical advances, sexual or romantic overtures or any fraternization with inmates.

PRISON RAPE ELIMINATION ACT POLICY STATEMENT

The Hampden County Sheriff's Office and Correctional Center makes known to all employees, vendors, contractors, volunteers, interns, service providers, and consultants that it fully enforces the Prison Rape Elimination Act (PREA), an Act of Federal Law passed in 2003. a) The Act supports the elimination, reduction, and prevention of sexual misconduct, sexual abuse (rape), and sexual harassment in all correctional systems including federal, state, county, and other law enforcement detention facilities. b) The Office views all sexual contact between inmates/detainees or between inmates/detainees and employees, volunteers, interns, service providers, consultants, vendors, and contractors as coercive and NEVER consensual. c) The Hampden County Sheriff's Office has zero tolerance toward all forms of sexual abuse/sexual harassment and each case will be thoroughly investigated. Employees, vendors, contractors, volunteers, interns, service providers, and consultants are required to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against

inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. d) The Office has a policy which protects all employees, vendors, contractors, volunteers, interns, service providers, and consultants who report sexual abuse/sexual harassment or cooperate with sexual abuse/sexual harassment investigations from retaliation by other inmates or employees, vendors, contractors, volunteers, interns, service providers, and consultants. e) These laws are in addition to, not in place of, the Office's strict policy prohibiting any type of verbal or physical advances, sexual or romantic overtures or any fraternization with inmates.

As indicated, the requirements to report and not engage in sexual abuse, noting the criminal penalties is reinforced in the employee manual.

Evidence reviewed/analyzed by provision:

(a) (b) (c) (d) Dialogue with the Superintendent, investigators, and PREA Coordinator support that all allegations against staff for sexual abuse, sexual harassment, retaliation or neglect are investigated and disciplinary action would be commensurate with the circumstances up to termination for sexual abuse.

Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. The PAQ notes that no staff have been terminated for sexual abuse or sexual harassment towards an inmate in the past 12 months. The auditor found no evidence to dispute this during the audit process. This conclusion was additionally based on formal interviews and informal conversations with staff and inmates. Interviews with the Superintendent and Assistant Superintendent support that these requirements will be followed. The auditor finds the facility compliant with the standard provisions.

115.77	Corrective action for contractors and volunteers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · 1.3.1 HR Policy Manual · Interviews Superintendent · Interviews with contractual staff/volunteers · Review of investigations

· PAQ

The PAQ notes that no contractor or volunteer has been involved in an investigation regarding sexual abuse or sexual harassment towards an incarcerated individual. The auditor found no evidence to dispute this statement during the audit process.

The following policy excerpts supports compliance with the requirements of this standard:

3.5.3 PREA Plan states, *Corrective Action for Contractors, Interns, and Volunteers -*

Any contractor, intern, or volunteer who engages in sexual abuse will be prohibited from contact with inmates and will be reported to law enforcement agencies (unless the activity was clearly not criminal) and to relevant licensing bodies. The HCSO will take appropriate remedial measures, and will consider whether to prohibit further contact with inmates, in the case of any other violation of HCSO sexual abuse or sexual harassment policies by a contractor, volunteer, or intern.

Policy mirrors the language of the standard provisions.

1.3.1 HR Policy Manual

In accordance with M.G.L Chapter 268, Section 21A the HCSO will investigate and prosecute any employee, contractor, or volunteer found to have engaged in any sexual relations with any inmate. In criminal prosecution of such misconduct, the law deems an inmate incapable of consent. Acts of sexual contact or sexual misconduct with an inmate, as well as retaliation against an inmate is prohibited. In addition, invasion of privacy, acts of intimacy, or anything other than purely professional relationships with inmates is prohibited and violators are subject to appropriate discipline.

The employee Manual, which is applicable to contractual staff and volunteers, further reinforces the commitment to hold accountable any contractor or volunteer who engages in sexual abuse with inmates.

Evidence reviewed/analyzed by provision:

(a) (b) The auditor interviewed the Superintendent who provided assurances he can and will prohibit contact from a volunteer or contractor if allegations of sexual abuse are made. Interviews with one volunteer (intern) and one contractual staff supported knowledge and understanding that they are held to the same law, and they understand the consequences of any action determined to be sexual abuse. Review of investigations concluded that this has not occurred.

Summary of evidence to support a finding of compliance: Policy excerpts quoted above meet the requirements of the standard. The PAQ notes that no volunteers or contractors have been terminated for sexual abuse or sexual harassment towards an inmate in the past 12 months. The auditor found no evidence to dispute this during the audit process. Interview with the Superintendent supported that these requirements will be followed, and the volunteer or contractor would not be allowed contact with inmates pending the outcome of the investigation. Volunteers and

	contractual staff are informed of their obligation under this law. The interview with a volunteers supported knowledge of this. The auditor finds the facility compliant with the standard provisions.
--	--

115.78	Disciplinary sanctions for inmates
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · 3.3.3 Inmate Handbook · Interview Superintendent · Interviews with mental health staff · Facility Rulebook · PREA Predator Program · Observations · PAQ <p>The PAQ indicates there have been no administrative findings or criminal findings of inmate-on-inmate sexual abuse. The auditor found no reason to dispute this during the audit process.</p> <p>The following policy excerpts supports compliance with the requirements of this standard:</p> <p>3.5.3 PREA Plan states, <i>Disciplinary Sanctions for Inmates</i> -</p> <ol style="list-style-type: none"> 1. <i>Inmates will be subject to disciplinary sanctions/mandated programming pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.</i> 2. <i>Sanctions will be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed/mandated programming for comparable offenses by other inmates with similar histories.</i> 3. <i>The disciplinary process will consider whether an inmate's mental disabilities</i>

or mental illness contributed to their behavior when determining what type of sanction, if any, should be imposed.

4. *The HCSO may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.*

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

6. *The HCSO prohibits all sexual activity between inmates and will discipline inmates for such activity.*

Policy mirrors the language of the standard provisions.

Evidence reviewed/analyzed by provision:

(a) (b) (c) 3.3.3 Inmate Handbook under Disciplinary Sanctions for Inmates (Sexual Abuse Related). The auditor reviewed the inmate handbook. It illustrates that there are disciplinary sanctions and a formal disciplinary process. The disciplinary process supports that discipline will be issued commensurate to the nature and circumstances with a sanction schedule and range of sanctions noted. Mental health will be consulted. Sanctions will be considered after an evaluation of mental disabilities or mental illness was or was not a factor in the behavior. The facility does provide counseling. Inmates are informed that they will not be charged with misconduct for actions of staff that was consensual by the staff. Finally, they are informed that a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. It additionally includes specific charges relating to sexual misconduct are provided, the classification (major or minor) and proposed sanctioning schedule.

(d) A program description was provided to the auditor. The agency has a PREA Predator Program with the following objective: self-identification, interventions, management, and consequences for individuals that violate PREA during incarceration. One time a week for four weeks. Mandatory. For the previous twelve-month review, no inmates were required to participate in this program. The auditor found this credible after reviewing the investigations.

(e) The auditor reviewed a Memo to the PREA Coordinator requiring that the PREA Coordinator ensure that disciplinary action is not taken or pursued against any inmate at any security level that has a consensual sexual relationship with any staff member. Pursuant to Massachusetts General Law 268 sec. 21A: An officer or other person who is employed by or contracts with any penal or correctional institution in the commonwealth, and who, in the course of such employment or contract or as a result thereof, engages in sexual relations with an inmate confined therein, within or outside of such institution, or an inmate who is otherwise under the direct custodial supervision and control of such officer or other person, shall be punished by

	<p>imprisonment for not more than five years in a state prison or by a fine of \$10,000 or both. In a prosecution commenced under this section, an inmate shall be deemed incapable of consent to sexual relations with such person. The Inmate handbook states, Pursuant to Prison Rape Elimination Act standard 115.78 Disciplinary Sanctions for inmates subsection the agency may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact. In the instance where a sexual relationship between and inmate and any staff member is suspected the Assistant Superintendent of Operations, Assistant Superintendent of Human Resources, the Chief of Security, the Superintendent, and the Sheriff will be notified immediately.</p> <p>(f) The Inmate Handbook addresses this. Although many allegations were deemed unfounded, the facility opted to not pursue disciplinary charges.</p> <p>(g) The Inmate Handbook informs the inmates that sexual activity deemed consensual is still prohibited.</p> <p>Policy reflects compliance with the provisions of the standards. The interview with the Superintendent supported those sanctions are proportionate to the nature and circumstance and mental disability/illness is considered when determining sanctions in accordance with policy. The interview with the Mental Health Director supports that the inmate will be referred for appropriate counseling if found guilty of sexual misconduct. The Inmate Handbook educates inmates that they will be disciplined for engaging in inmate-on-inmate abuse pursuant to a formal process. Based on analysis of the evidence, the auditor finds the facility to be compliant with the requirements of this standard.</p>
--	--

115.81	Medical and mental health screenings; history of sexual abuse
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · Demonstration of the intake process · Interviews inmates who disclose sexual victimization at risk screening · Mental health follows up sessions nine examples · Interview staff responsible for risk screening · Random request for intake documents

- Interview with mental health staff

- PAQ

The PAQ indicates that 100% of inmates who disclosed prior victimization during screening who were offered a follow up meeting with medical/mental health practitioner.

The following policy excerpts supports compliance with the requirements of this standard:

3.5.3 PREA Plan states, *Medical and Mental Health Screenings; History of Sexual Abuse.*

1. *If the screening pursuant to Protocol 4:A (Screening for Risk of Sexual Victimization and Abusiveness) indicates that an inmate has experienced prior sexual victimization and/or has previously perpetrated sexual abuse (whether it occurred in an institutional setting or in the community), staff will ensure that the inmate is referred for a follow-up meeting with a medical and mental health practitioner within fourteen (14) days of the intake screening.*

2. *Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or Local law.*

3. *Medical and mental health practitioners will obtain informed consent from the inmate before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of eighteen (18) years.*

Policy mirrors the language of the standard provisions.

Evidence reviewed/analyzed by provision:

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

(c) The auditor was given a demonstration of the intake process. The risk assessment is conducted at intake with medical staff. The room is private. It was reported that if an inmate reports prior sexual victimization, a referral is made to mental health staff through the health Trax system. The interview with mental health staff confirmed this to the auditor, indicating the evaluation is completed as soon as possible but no later than seven days, exceeding the requirements of the standard provision. The interview with staff who conducts the thirty day risk review further confirmed to the auditor that if in her interview, they then disclose sexual victimization; she makes a referral and provided the auditor details of that process.

(d) The auditor was provided the secure medical and mental health information from the intake process, nine examples demonstrating compliance.

	<p>(e) Medical and mental health staff are trained to obtain informed consent prior to reporting information about prior sexual victimization that did not occur in an institutional setting. This was confirmed during the interviews with medical and mental health staff. A form has been developed to support this consent being obtained. The medical record at this facility is electronic and is only shared and utilized by medical and mental health staff.</p> <p>Summary of evidence to support a finding of compliance: Review of policy, interviews with staff, including medical and mental health staff, support a finding of compliance. As all inmates are reviewed by medical and mental health staff, the notation of prior victimization will be addressed at the initial intake encounter. Inmates wanting to receive further mental health assistance are placed on the caseload and assessed and provided with treatment according to their needs. This is also reviewed when the PREA Coordinator makes the final assessment. Medical and mental health staff confirmed they obtain informed consent by having the inmate sign a form, if making a referral outside the agency related to prior victimization. This information is reaffirmed in the specialized training for medical and mental health staff. The auditor finds the facility compliant with the standard provisions.</p>
--	---

115.82	Access to emergency medical and mental health services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · 4.5.9 Special Needs and Services · Sexual Abuse Response Plan · Interview with the facility head · Observations made during the tour · Interview with inmate who reported sexual abuse <p>The following policy excerpts supports compliance with the requirements of this standard:</p> <p>3.5.3 PREA Plan states, <i>Access to Emergency Medical and Mental Health Services</i> -</p> <p>1. <i>Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to</i></p>

their professional judgment.

2. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders will take preliminary steps to protect the victim pursuant Protocol 6:B (HCSO Protection Duties) and will immediately notify the appropriate medical and mental health practitioners.

3. Inmate victims of sexual abuse while incarcerated will be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.

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

Policy mirrors the language of the standard provisions.

4.5.9 Special Needs and Services

PROTOCOL IN THE EVENT OF SEXUAL ASSAULT

A. The medical and psychological trauma of a sexual assault is minimized as much as possible by prompt and appropriate health intervention.

B. Victims of sexual assault are referred to a community facility for treatment and the gathering of evidence. The following will be accomplished by the community facility. Also see Policy and Protocol 3.1.7 Special Teams Protocol 3: Criminal Investigative Unit (CIU)

1. A history is taken and QHPs conduct an examination to document the extent of physical injury and to determine whether referral to another medical facility is indicated. With the victim's consent, the examination includes the collection of evidence from the victim, using a kit approved by the local legal authority.

2. Prophylactic treatment and follow-up care for sexually transmitted or other communicable diseases (e.g., HIV, Hepatitis B) are offered to all victims, as appropriate.

C. Following the physical examination, a referral is made to a qualified mental health professional for crisis intervention counseling and long-term follow-up. Also see Policy and Protocol 3.1.7 Special Teams Protocol 3: Criminal Investigative Unit (CIU)

D. A report is made to the Sheriff/facility administrator and Chief of Security to effect a separation of the victim from their assailant in their housing assignments and immediately begin a criminal investigation. Also see Policy and Protocol 3.1.7 Special Teams Protocol 3: Criminal Investigative Unit (CIU).

E. A sexual assault is a sexual act that is coercive or assaultive in nature and that involves the use or the threat of force.

	<p>This policy provides details of how they will ensure detailed, quality unimpeded access to emergency medical treatment will be provided.</p> <p>Evidence reviewed/analyzed by provision:</p> <p>(a) (b) It was reported that medical staff are on duty 24 hours a day, seven days a week. The auditor found this credible and met with the second shift during the tour and for an interview on site.</p> <p>Policy requires that they be immediately notified if a report of sexual abuse is made. No inmate victim of sexual abuse required emergency medical treatment, however in the response plan and incident review, all inmates involved are evaluated by the medical staff, regardless of the details of the incident.</p> <p>(c) There was no reported incident that warranted post sexual abuse treatment in the previous 12 months as reported by the facility. The auditor found this information credible. The interview with the two nursing supervisors additionally confirmed this.</p> <p>(d) Policy and the interview with the Health Services Administrator confirmed that treatment would be free and not based on whether the alleged victim cooperates with the investigation.</p> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. The interview with the health services supervisor confirmed that the provisions included in the policy would occur. Therefore, the auditor found there is sufficient evidence to support a finding of compliance. The auditor finds the facility compliant with the standard provisions.</p>
--	--

115.83	Ongoing medical and mental health care for sexual abuse victims and abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · Observations made during the tour · Interview with medical and mental health staff · Interview inmate who reported prior abuse/medical and mental health follow up documents <p>The following policy excerpts supports compliance with the requirements of this</p>

standard:

3.5.3 PREA Plan states, *Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers* -

1. *The HCSO offers 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.*
2. *The evaluation and treatment of such victims includes, 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.*
3. *The HCSO provides such victims with medical and mental health services consistent with the community level of care.*
4. *Inmate victims of sexually abusive vaginal penetration while incarcerated will be offered pregnancy tests.*
5. *If pregnancy results from the conduct described in paragraph (4) of this section, such victims will receive timely and comprehensive information about, and timely access to, all lawful pregnancy-related medical services.*
6. *Inmate victims of sexual abuse while incarcerated will be offered tests for sexually transmitted infections as medically appropriate.*
7. *Treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.*
8. *All facilities will 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.*

Policy mirrors the language of the standard provisions.

Evidence reviewed/analyzed by provision:

(a)(b) (c) There was no reported incidents that warranted post sexual abuse treatment in the previous 12 months as reported by the facility. The auditor found this information credible. The interview with the health services supervisor confirmed that the evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody occur. She additionally confirmed that services would be consistent with community level of care.

(d)(e) This is not applicable to this facility as they do not house females.

(f) (g) Policy and interview with the nursing supervisor confirm that the inmate would

	<p>not be charged for these services, testing and treatment for sexually transmitted infections may begin at the hospital or at the facility. Either way, this treatment would be provided.</p> <p>(h) This is not applicable to this facility as it is a jail.</p> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. There was no reported incident that warranted post sexual abuse treatment in the previous 12 months as reported by the facility. The auditor found this information credible. Interviews with inmates and medical and mental health staff confirmed that care would be provided, consistent with community care as it occurs in the community.</p>
--	--

115.86	Sexual abuse incident reviews
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · Interview with the Superintendent · Interview with members of the Sexual Abuse Incident Review Team · Sexual Abuse Response Checklist · Interview with the PREA Manager · PREA Incident Review · PAQ <p>The PAQ indicates that there were three criminal and/or administrative investigations of alleged sexual abuse completed at the facility, excluding only “unfounded” incidents.</p> <p>The following policy excerpts supports compliance with the requirements of this standard:</p> <p>3.5.3 PREA Plan states, <i>Sexual Abuse Incident Reviews-</i></p> <p><i>1. The HCSO conducts 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.</i></p>

2. *These reviews ordinarily occur within thirty (30) days of the conclusion of the investigation.*

3. *The review team includes upper-level management officials, line supervisors, investigators, and medical or mental health practitioners.*

4. *The review team will:*

a. *Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;*

b. *Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the HCSO;*

c. *Examine the area in the HCSO where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;*

d. *Assess the adequacy of staffing levels in that area during different shifts;*

e. *Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and*

f. *Complete a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (4)(a)-(4)(e) of this section, and any recommendations for improvement and submit the report to the facility Superintendent, PREA Coordinator, and facility PREA Manager.*

5. *The HCSO will implement the recommendations for improvement, or will document its reasons for not doing so.*

Policy mirrors the language of the standard provisions.

Evidence reviewed/analyzed by provision:

(a) (b) (c) (d)(e) The auditor reviewed all sexual abuse incident reviews when reviewing investigations. Interviews with members of the review team (investigator, and the PREA Coordinator) confirmed that the requirements of the standard are all considered when conducting the review. Sexual Abuse Incident Review meeting minutes were reviewed. They addressed all aspects of the standard provision. Narrative review is provided when relevant. Team members and titles were listed, reflecting that the appropriate staff attend the meetings (PREA Coordinator, Assistant Superintendent, Security, Housing, Classification, Medical, Mental Health and additional staff as deemed relevant). The date reflected the meeting was held within thirty (30) days of the conclusion of the investigation. The auditor concludes that the members have the authority to effectuate changes that may be needed. The interview with the PREA Coordinator and documentation did reflect that the sexual abuse incident review provided insight into an adjustment needed to the Risk screen process, which was completed.

	<p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. PREA incident reviews address all provisions of the standard. The interview with members of the incident review team confirmed that the provisions are met and addressed. The auditor finds the facility compliant with the standard provisions.</p>
--	--

115.87	Data collection
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · 3.5.3 PREA Plan · Interview PREA Coordinator · Interview with the PREA Manager · Annual Report - agency · Observations · SSV 2021 <p>The following policy excerpts supports compliance with the requirements of this standard:</p> <p>3.5.3 PREA Plan states, <i>Data Collection</i> -</p> <ol style="list-style-type: none"> 1. <i>The HCSO collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using the PREA, Trax Case Management, HealthTrax, and SOU databases.</i> 2. <i>The incident-based data is collected at least annually and will include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Office of Justice.</i> 3. <i>The HCSO will maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.</i> 4. <i>The HCSO also obtains incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.</i> 5. <i>Upon request, the HCSO will provide all such data from the previous calendar year to the Office of Justice no later than June 30.</i>

DEFINITIONS:

Agency:

The unit of a State, local, corporate, or nonprofit authority, or of the Office of Justice, with direct responsibility for the operation of any facility that confines inmates, detainees, or residents, including the implementation of policy as set by the governing, corporate, or nonprofit authority.

Superintendent:

The principal official of an agency.

Allegation:

Substantiated Allegation:

An allegation that was investigated and determined to have occurred.

Unfounded Allegation:

An allegation that was investigated and determined not to have occurred.

Unsubstantiated Allegation:

An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Community Confinement Facility:

A community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours.

Contractor:

A person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

Detainee:

Any person detained in a lockup, regardless of adjudication status.

Direct Staff Supervision:

That security staff are in the same room with, and within reasonable hearing distance of, the resident or inmate.

Employee:

A person who works directly for the agency or facility.

Exigent Circumstances:

Any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

Facility Head:

The principal official of a facility.

Full Compliance:

Means compliance with all material requirements of each standard except for de minimis violations, or discrete and temporary violations during otherwise sustained periods of compliance.

Gender Identity:

A person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth (in accordance with M G L c. 4 S 7, Part 59). Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held as part of a person's core identity; provided, however, that gender-related identity shall not be asserted for any improper purpose.

Gender Non-conforming:

A person whose appearance or manner does not conform to traditional societal gender expectations.

Inmate:

Any person incarcerated or detained in a prison or jail.

Intern:

An individual/student who works without pay at an occupation in order to gain work experience.

Intersex:

A person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

Jail:

A confinement facility of a Federal, State, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.

Juvenile:

Any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.

Juvenile Facility:

A facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.

Lockup:

A facility that contains holding cells, cell blocks, or other secure enclosures that are:

- (1) Under the control of a law enforcement, court, or custodial officer; and*
- (2) Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.*

Medical Practitioner:

A health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of their professional practice. A "qualified medical practitioner" refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Mental Health Practitioner:

A mental health professional that, by virtue of their education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of their professional practice. A "qualified mental health practitioner" refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Preponderance of the Evidence:

The greater weight of the evidence required in a civil (non-criminal) lawsuit for the trier of fact (jury or judge without a jury) to decide in favor of one side or the other. This preponderance is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence.

Qualified Agency Staff Member (Qualified Community-Based Staff Member):

An individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.

Rape Crisis Center:

Refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages. The agency may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.

Resident:

Any person confined or detained in a juvenile facility or in a community confinement facility.

Secure Juvenile Facility:

A juvenile facility in which the movements and activities of individual residents may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows residents access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure juvenile facility.

Security Staff:

Employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility.

Sexual Abuse:

For purposes of this part, Sexual Abuse includes;

- (1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and*
- (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, volunteer, or intern.*

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;*
- (2) Contact between the mouth and the penis, vulva, or anus;*

(3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and

(4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, volunteer, or intern includes any of the following acts, with or without consent of the inmate, detainee, or resident:

(1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

(2) Contact between the mouth and the penis, vulva, or anus;

(3) Contact between the mouth and any body part where the staff member, contractor, volunteer, or intern has the intent to abuse, arouse, or gratify sexual desire;

(4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, volunteer, or intern has the intent to abuse, arouse, or gratify sexual desire;

(5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, volunteer or intern has the intent to abuse, arouse, or gratify sexual desire;

(6) Any attempt, threat, or request by a staff member, contractor, volunteer or intern to engage in the activities described in paragraphs (1)-(5) of this section;

(7) Any display by a staff member, contractor, volunteer, or intern of their uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and

(8) Voyeurism by a staff member, contractor, volunteer, or intern.

Sexual Harassment includes:

(1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and

(2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, intern, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Visual Search:

A search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.

Transgender:

A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

Voyeurism:

(by a staff member, contractor, intern, or volunteer) – an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in their cell to perform bodily functions; requiring an inmate to expose their buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Youthful Detainee:

Any person under the age of eighteen (18) who is under adult court supervision and detained in a lockup.

Youthful Inmate:

Any person under the age of eighteen (18) who is under adult court supervision and incarcerated or detained in a prison or jail.

Policy mirrors the language of the standard provisions. Definitions are consistent with definitions in the PREA standards.

Evidence reviewed/analyzed by provision:

(a) (b) (c)(d)(e)(f) Per the interview with the PCM and PREA Coordinator, they collect and analyze the staffing plan, investigations, sexual abuse incident reviews and risk screens to aggregate data. Definitions have been established that are consistent with those indicated in 115.5 and 115.6. They use the SSV form to collect data in addition to the definitions noted in policy. This facility does not use a private facility for the confinement of its inmates. They stated they collect data from investigations, risk assessments and incident reviews. The interview with the PREA Coordinator confirmed that he last received a request for the Survey on Sexual Victimization in 2022. A copy was provided. Additional documentation was provided that they received the request for the SSV in September 2023.

Summary of evidence to support findings: Policy reflects compliance with the provisions of the standards. The interview with the PREA Coordinator and PCM provided additional evidence to support a finding of compliance. The auditor finds the facility compliant with the standard provisions.

Auditor Overall Determination: Meets Standard

Auditor Discussion

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

- 3.5.3 PREA Plan
- Observations
- Interview with the Superintendent
- Interview PREA Coordinator
- Link to website - Prison Rape Elimination Act - Sheriff (hcsoma.org)
- Annual Report on the Prison Rape Elimination Act 2022

The following policy excerpts supports compliance with the requirements of this standard:

3.5.3 PREA Plan states, Data Review for Corrective Action -

1. The HCSO reviews data collected and aggregated pursuant to Protocol 10:B (Data Collection) in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
 - a. Identifying problem areas;
 - b. Taking corrective action on an ongoing basis; and
 - c. Preparing an annual report of its findings and corrective actions for each facility, as well as the HCSO as a whole.
2. The HCSO's report will be approved by the Sheriff or designee and made available to the public through its website.
3. These reports will include a comparison of the current year's data and corrective actions with those from prior years and will provide an assessment of the HCSO's progress in addressing sexual abuse.
4. The HCSO will redact specific material from the reports when publication would present a clear and specific threat to the safety and security of the HCSO's facilities but must indicate the nature of the material redacted.

Policy mirrors the language of the standard provisions.

Evidence reviewed/analyzed by provision:

- (a) (b) (c) (d) The Annual Report addresses audits, investigations, findings, training, goals, objectives and strategic planning, and a comparison to previous years. The

	<p>interview with the Superintendent confirmed that incident based sexual abuse data is used to assess and improve prevention, detection and response policies. He confirmed that he does approve the reports. It is available on the agency website. Review of the report indicated to the auditor that no redactions were required. The interviews with the PREA Coordinator and PCM reviewed the process for collecting, analyzing, storing and writing of the annual report.</p> <p>Summary of evidence to support a finding of compliance: Policy reflects compliance with the provisions of the standards. The annual report is located on the website. Assessment of comparisons reveals little information but affirms that allegations are low, supporting that staff excel at prevention in the facility. The interview with the Superintendent supports the process and use of the information. The report compares statistics from 2019 to 2021. There is an analysis of possible trends, identification of problems areas and corrective actions. The auditor finds the facility compliant with the standard provisions.</p>
--	---

115.89	Data storage, publication, and destruction
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · PREA Guidance · Interviews PREA Coordinator · Documentation that it is on the website starting with 2014 · Retention Schedule <p>The following policy excerpts supports compliance with the requirements of this standard:</p> <p>3.5.3 PREA Plan states, <i>Data Storage, Publication, and Destruction</i> -</p> <ol style="list-style-type: none"> 1. <i>The HCSO will ensure that data collected pursuant to Protocol 10:B (Data Collection) is securely retained.</i> 2. <i>The HCSO will make all aggregated sexual abuse data, readily available to the public at least annually through its website.</i> 3. <i>Before making aggregated sexual abuse data publicly available, the Office will remove all personal identifiers.</i> 4. <i>The HCSO will maintain sexual abuse data collected pursuant to Protocol 10:B (Data Collection) for at least 10 years after the date of the initial collection unless</i>

	<p><i>Federal, State, or Local law requires otherwise.</i></p> <p>Policy mirrors the language of the standard provisions.</p> <p>Evidence reviewed/analyzed by provision:</p> <p>(a) (b) (c) Policy reflects compliance with the provisions of the standards. The interview with the PREA Coordinator supports that data is securely maintained and will be maintained for the required 10 years. This was discussed during the onsite audit; staff provided the auditor information on where the files for the previous nine years are being retained; it is in a secure administrative building. In addition, data is available on the website for the years 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 and 2022</p> <p>(d) No redactions were required on the Annual Reports.</p> <p>Summary of evidence to support findings: Policy interview with the PREA Coordinator, confirmation of where data is stored and review of the annual reports on the website provided the auditor with sufficient evidence to support a finding of compliance.</p>
--	---

115.401	Frequency and scope of audits
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	This agency has numerous operations. Those that are mandated by PREA are audited individually, one per year. The auditor was provided access to all area of the facility, and to any documentation requested to confirm compliance with the standards. Posters were placed announcing the audit. One letter was received. Photographic evidence of these posting was provided to the auditor.

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	The previous PREA Audit report from 2020 is located on the agency website.

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

	that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	
115.13 (a)	Supervision and monitoring	
	Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into	yes

	consideration: Any applicable State or local laws, regulations, or standards?	
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors?	yes
115.13 (b)	Supervision and monitoring	
	In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.)	na
115.13 (c)	Supervision and monitoring	
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan?	yes
115.13 (d)	Supervision and monitoring	
	Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment?	yes
	Is this policy and practice implemented for night shifts as well as day shifts?	yes
	Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility?	yes

115.14 (a)	Youthful inmates	
	Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.14 (b)	Youthful inmates	
	In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.14 (c)	Youthful inmates	
	Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.15 (a)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?	yes
115.15 (b)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.)	na
	Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the	na

	facility does not have female inmates.)	
115.15 (c)	Limits to cross-gender viewing and searches	
	Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?	yes
	Does the facility document all cross-gender pat-down searches of female inmates (N/A if the facility does not have female inmates)?	na
115.15 (d)	Limits to cross-gender viewing and searches	
	Does the facility have policies that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility have procedures that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit?	yes
115.15 (e)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status?	yes
	If an inmate's genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner?	yes
115.15 (f)	Limits to cross-gender viewing and searches	
	Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes
	Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes

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

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

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

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

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

	Has the agency documented its efforts to provide SAFEs or SANEs?	yes
115.21 (d)	Evidence protocol and forensic medical examinations	
	Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?	yes
	If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency always makes a victim advocate from a rape crisis center available to victims.)	na
	Has the agency documented its efforts to secure services from rape crisis centers?	yes
115.21 (e)	Evidence protocol and forensic medical examinations	
	As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews?	yes
	As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?	yes
115.21 (f)	Evidence protocol and forensic medical examinations	
	If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.)	na
115.21 (h)	Evidence protocol and forensic medical examinations	
	If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency always makes a victim advocate from a rape crisis center available to victims.)	na
115.22 (a)	Policies to ensure referrals of allegations for investigations	

	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse?	yes
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment?	yes
115.22 (b)	Policies to ensure referrals of allegations for investigations	
	Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior?	yes
	Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?	yes
	Does the agency document all such referrals?	yes
115.22 (c)	Policies to ensure referrals of allegations for investigations	
	If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).)	yes
115.31 (a)	Employee training	
	Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?	yes
	Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?	yes

	Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims?	yes
	Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse?	yes
	Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?	yes
115.31 (b)	Employee training	
	Is such training tailored to the gender of the inmates at the employee's facility?	yes
	Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa?	yes
115.31 (c)	Employee training	
	Have all current employees who may have contact with inmates received such training?	yes
	Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures?	yes
	In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies?	yes
115.31 (d)	Employee training	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes
115.32 (a)	Volunteer and contractor training	

	Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes
115.32 (b)	Volunteer and contractor training	
	Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)?	yes
115.32 (c)	Volunteer and contractor training	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes
115.33 (a)	Inmate education	
	During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes
115.33 (b)	Inmate education	
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents?	yes
115.33 (c)	Inmate education	
	Have all inmates received the comprehensive education referenced in 115.33(b)?	yes

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

	Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	
	Does this specialized training include sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.34 (c)	Specialized training: Investigations	
	Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.35 (a)	Specialized training: Medical and mental health care	
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or	yes

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

	screening instrument?	
115.41 (d)	Screening for risk of victimization and abusiveness	
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10)	yes

	Whether the inmate is detained solely for civil immigration purposes?	
115.41 (e)	Screening for risk of victimization and abusiveness	
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior acts of sexual abuse?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior convictions for violent offenses?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: history of prior institutional violence or sexual abuse?	yes
115.41 (f)	Screening for risk of victimization and abusiveness	
	Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening?	yes
115.41 (g)	Screening for risk of victimization and abusiveness	
	Does the facility reassess an inmate's risk level when warranted due to a referral?	yes
	Does the facility reassess an inmate's risk level when warranted due to a request?	yes
	Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse?	yes
	Does the facility reassess an inmate's risk level when warranted due to receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness?	yes
115.41 (h)	Screening for risk of victimization and abusiveness	
	Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section?	yes
115.41 (i)	Screening for risk of victimization and abusiveness	
	Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive	yes

	information is not exploited to the inmate's detriment by staff or other inmates?	
115.42 (a)	Use of screening information	
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments?	yes
115.42 (b)	Use of screening information	
	Does the agency make individualized determinations about how to ensure the safety of each inmate?	yes
115.42 (c)	Use of screening information	
	When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)?	yes
	When making housing or other program assignments for transgender or intersex inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would	yes

	present management or security problems?	
115.42 (d)	Use of screening information	
	Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate?	yes
115.42 (e)	Use of screening information	
	Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments?	yes
115.42 (f)	Use of screening information	
	Are transgender and intersex inmates given the opportunity to shower separately from other inmates?	yes
115.42 (g)	Use of screening information	
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing	yes

	solely for the placement of LGBT or I inmates pursuant to a consent degree, legal settlement, or legal judgement.)	
115.43 (a)	Protective Custody	
	Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers?	yes
	If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment?	yes
115.43 (b)	Protective Custody	
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible?	yes
	If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
115.43 (c)	Protective Custody	

	Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged?	yes
	Does such an assignment not ordinarily exceed a period of 30 days?	yes
115.43 (d) Protective Custody		
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The basis for the facility's concern for the inmate's safety?	yes
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged?	yes
115.43 (e) Protective Custody		
	In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS?	yes
115.51 (a) Inmate reporting		
	Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?	yes
115.51 (b) Inmate reporting		
	Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?	yes
	Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the inmate to remain	yes

	anonymous upon request?	
	Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility never houses inmates detained solely for civil immigration purposes.)	yes
115.51 (c)	Inmate reporting	
	Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Does staff promptly document any verbal reports of sexual abuse and sexual harassment?	yes
115.51 (d)	Inmate reporting	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?	yes
115.52 (a)	Exhaustion of administrative remedies	
	Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse.	no
115.52 (b)	Exhaustion of administrative remedies	
	Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)	yes
	Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.)	yes
115.52 (c)	Exhaustion of administrative remedies	
	Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from	yes

	this standard.)	
	Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	yes
115.52 (d)	Exhaustion of administrative remedies	
	Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)	yes
	If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)	yes
	At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)	yes
115.52 (e)	Exhaustion of administrative remedies	
	Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Are those third parties also permitted to file such requests on behalf of inmates? (If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.)	yes
	If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)	yes
115.52 (f)	Exhaustion of administrative remedies	

	Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)	yes
	Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
	Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
115.52 (g)	Exhaustion of administrative remedies	
	If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.)	yes
115.53 (a)	Inmate access to outside confidential support services	
	Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations?	yes
	Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers,	yes

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

	abuse or sexual harassment or retaliation?	
115.61 (b)	Staff and agency reporting duties	
	Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions?	yes
115.61 (c)	Staff and agency reporting duties	
	Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section?	yes
	Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services?	yes
115.61 (d)	Staff and agency reporting duties	
	If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws?	yes
115.61 (e)	Staff and agency reporting duties	
	Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators?	yes
115.62 (a)	Agency protection duties	
	When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate?	yes
115.63 (a)	Reporting to other confinement facilities	
	Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred?	yes
115.63 (b)	Reporting to other confinement facilities	
	Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?	yes

115.63 (c)	Reporting to other confinement facilities	
	Does the agency document that it has provided such notification?	yes
115.63 (d)	Reporting to other confinement facilities	
	Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?	yes
115.64 (a)	Staff first responder duties	
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes
115.64 (b)	Staff first responder duties	
	If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff?	yes
115.65 (a)	Coordinated response	
	Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in	yes

	response to an incident of sexual abuse?	
115.66 (a)	Preservation of ability to protect inmates from contact with abusers	
	Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes
115.67 (a)	Agency protection against retaliation	
	Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff?	yes
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes
115.67 (b)	Agency protection against retaliation	
	Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations?	yes
115.67 (c)	Agency protection against retaliation	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of	yes

	sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff?	yes
	Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?	yes
115.67 (d)	Agency protection against retaliation	
	In the case of inmates, does such monitoring also include periodic status checks?	yes
115.67 (e)	Agency protection against retaliation	
	If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?	yes
115.68 (a)	Post-allegation protective custody	
	Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43?	yes
115.71 (a)	Criminal and administrative agency investigations	
	When the agency conducts its own investigations into allegations	yes

	of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	
	Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
115.71 (b)	Criminal and administrative agency investigations	
	Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34?	yes
115.71 (c)	Criminal and administrative agency investigations	
	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
	Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
	Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes
115.71 (d)	Criminal and administrative agency investigations	
	When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?	yes
115.71 (e)	Criminal and administrative agency investigations	
	Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes
115.71 (f)	Criminal and administrative agency investigations	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes

	Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?	yes
115.71 (g)	Criminal and administrative agency investigations	
	Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?	yes
115.71 (h)	Criminal and administrative agency investigations	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
115.71 (i)	Criminal and administrative agency investigations	
	Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	yes
115.71 (j)	Criminal and administrative agency investigations	
	Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?	yes
115.71 (l)	Criminal and administrative agency investigations	
	When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).)	na
115.72 (a)	Evidentiary standard for administrative investigations	
	Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?	yes
115.73 (a)	Reporting to inmates	
	Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	yes

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

	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?	
115.73 (e)	Reporting to inmates	
	Does the agency document all such notifications or attempted notifications?	yes
115.76 (a)	Disciplinary sanctions for staff	
	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes
115.76 (b)	Disciplinary sanctions for staff	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes
115.76 (c)	Disciplinary sanctions for staff	
	Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories?	yes
115.76 (d)	Disciplinary sanctions for staff	
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?	yes
115.77 (a)	Corrective action for contractors and volunteers	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes

	Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?	yes
115.77 (b)	Corrective action for contractors and volunteers	
	In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates?	yes
115.78 (a)	Disciplinary sanctions for inmates	
	Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process?	yes
115.78 (b)	Disciplinary sanctions for inmates	
	Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories?	yes
115.78 (c)	Disciplinary sanctions for inmates	
	When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior?	yes
115.78 (d)	Disciplinary sanctions for inmates	
	If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits?	yes
115.78 (e)	Disciplinary sanctions for inmates	
	Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact?	yes
115.78 (f)	Disciplinary sanctions for inmates	
	For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish	yes

	evidence sufficient to substantiate the allegation?	
115.78 (g)	Disciplinary sanctions for inmates	
	If the agency prohibits all sexual activity between inmates, does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.)	na
115.81 (a)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison).	na
115.81 (b)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)	na
115.81 (c)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a jail).	yes
115.81 (d)	Medical and mental health screenings; history of sexual abuse	
	Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?	yes
115.81 (e)	Medical and mental health screenings; history of sexual abuse	
	Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior	yes

	sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	
115.82 (a)	Access to emergency medical and mental health services	
	Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?	yes
115.82 (b)	Access to emergency medical and mental health services	
	If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62?	yes
	Do security staff first responders immediately notify the appropriate medical and mental health practitioners?	yes
115.82 (c)	Access to emergency medical and mental health services	
	Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate?	yes
115.82 (d)	Access to emergency medical and mental health services	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
115.83 (a)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?	yes
115.83 (b)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody?	yes
115.83 (c)	Ongoing medical and mental health care for sexual abuse	

	victims and abusers	
	Does the facility provide such victims with medical and mental health services consistent with the community level of care?	yes
115.83 (d)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	na
115.83 (e)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	na
115.83 (f)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes
115.83 (g)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
115.83 (h)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)	na

115.86 (a)	Sexual abuse incident reviews	
	Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded?	yes
115.86 (b)	Sexual abuse incident reviews	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes
115.86 (c)	Sexual abuse incident reviews	
	Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?	yes
115.86 (d)	Sexual abuse incident reviews	
	Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?	yes
	Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility?	yes
	Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?	yes
	Does the review team: Assess the adequacy of staffing levels in that area during different shifts?	yes
	Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?	yes
	Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?	yes
115.86 (e)	Sexual abuse incident reviews	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes

115.87 (a)	Data collection	
	Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions?	yes
115.87 (b)	Data collection	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes
115.87 (c)	Data collection	
	Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice?	yes
115.87 (d)	Data collection	
	Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?	yes
115.87 (e)	Data collection	
	Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.)	na
115.87 (f)	Data collection	
	Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)	yes
115.88 (a)	Data review for corrective action	
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?	yes
	Does the agency review data collected and aggregated pursuant	yes

	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?	
115.88 (b)	Data review for corrective action	
	Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse?	yes
115.88 (c)	Data review for corrective action	
	Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means?	yes
115.88 (d)	Data review for corrective action	
	Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility?	yes
115.89 (a)	Data storage, publication, and destruction	
	Does the agency ensure that data collected pursuant to § 115.87 are securely retained?	yes
115.89 (b)	Data storage, publication, and destruction	
	Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means?	yes
115.89 (c)	Data storage, publication, and destruction	
	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes
115.89 (d)	Data storage, publication, and destruction	
	Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise?	yes
115.401 (a)	Frequency and scope of audits	

	During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.)	yes
115.401 (b)	Frequency and scope of audits	
	Is this the first year of the current audit cycle? (Note: a "no" response does not impact overall compliance with this standard.)	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
115.401 (h)	Frequency and scope of audits	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes
115.401 (i)	Frequency and scope of audits	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes
115.401 (m)	Frequency and scope of audits	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes
115.401 (n)	Frequency and scope of audits	
	Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes
115.403	Audit contents and findings	

(f)		
	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