

## Prison Rape Elimination Act (PREA) Audit Report Adult Prisons & Jails

Interim       Final

**Date of Report**    9/1/18

### Auditor Information

<b>Name:</b> Dorothy Xanos	<b>Email:</b> dorothe.y.xanos@truecorebehavioral.com
<b>Company Name:</b> TrueCore Behavioral Solutions, LLC	
<b>Mailing Address:</b> P.O. Box 4068	<b>City, State, Zip:</b> Deerfield, Florida 33442
<b>Telephone:</b> (813) 918-1088	<b>Date of Facility Visit:</b> 9/04/18 – 9/06/18

### Agency Information

<b>Name of Agency:</b> Virginia Department of Corrections		<b>Governing Authority or Parent Agency (If Applicable):</b> State of Virginia	
<b>Physical Address:</b> 6900 Atmore Drive		<b>City, State, Zip:</b> Richmond, VA 23225	
<b>Mailing Address:</b> P. O. Box 26963		<b>City, State, Zip:</b> Richmond, VA 23261	
<b>Telephone:</b> (804) 674-3119		<b>Is Agency accredited by any organization?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>The Agency Is:</b>		<input type="checkbox"/> Military	<input type="checkbox"/> Private for Profit
<input type="checkbox"/> Municipal	<input type="checkbox"/> County	<input checked="" type="checkbox"/> State	<input type="checkbox"/> Federal
<b>Agency mission:</b> Virginia Department of Corrections mission is to enhance the quality of life in the Commonwealth by improving public safety. They accomplish this through reintegration of sentenced men and women in their custody and care by providing supervision and control, effective programs and re-entry services in safe environments which foster positive change and growth consistent with research based evidence, fiscal responsibility and constitutional standards.			
<b>Agency Website with PREA Information:</b> <a href="http://www.vadoc.virginia.gov">www.vadoc.virginia.gov</a>			

### Agency Chief Executive Officer

<b>Name:</b> Harold Clarke	<b>Title:</b> Director
<b>Email:</b> Harold.Clarke@vadoc.virginia.gov	<b>Telephone:</b> (804) 887-8081

### Agency-Wide PREA Coordinator

<b>Name:</b> Rose Durbin	<b>Title:</b> PREA/ADA Supervisor
<b>Email:</b> Rose.Durbin@vadoc.virginia.gov	<b>Telephone:</b> (804) 887-7921
<b>PREA Coordinator Reports to:</b> Maria Vargo	<b>Number of Compliance Managers who report to the PREA Coordinator</b> 3 Regional PREA/ADA Analyst – 40 Compliance Managers report to PREA Analyst

### Facility Information

<b>Name of Facility:</b>	Red Onion State Prison		
<b>Physical Address:</b>	10800 H. Jack Rose Highway, Pound, Virginia 24631		
<b>Mailing Address (if different than above):</b>	PO Box 970, Pound, Virginia 24279		
<b>Telephone Number:</b>	(276) 796-7510		
<b>The Facility Is:</b>	<input type="checkbox"/> Military	<input type="checkbox"/> Private for profit	<input type="checkbox"/> Private not for profit
<input type="checkbox"/> Municipal	<input type="checkbox"/> County	<input checked="" type="checkbox"/> State	<input type="checkbox"/> Federal
<b>Facility Type:</b>	<input type="checkbox"/> Jail	<input checked="" type="checkbox"/> Prison	

**Facility Mission:** The mission of Red Onion State Prison is to help the Commonwealth of Virginia to be a safer place to live and work by providing rehabilitation and reentry services to high security level offenders. Offenders begin the process of step down from long term restrictive housing by meeting treatment, behavior and reentry goals. Once the goals are met, offenders are moved to progressively lower security level facilities in our communities. In doing the step down program we are helping to create lasting safety not only for our prisons but all the communities throughout the Commonwealth establishing a true Healing Environment.

**Facility Website with PREA Information:** [www.vadoc.virginia.gov](http://www.vadoc.virginia.gov)

### Warden/Superintendent

<b>Name:</b> Jeff Kiser	<b>Title:</b> Warden
<b>Email:</b> Jeffrey.Kiser@vadoc.virginia.gov	<b>Telephone:</b> (276) 796-3536

### Facility PREA Compliance Manager

<b>Name:</b> Jessica King	<b>Title:</b> Institutional Operations Manager
<b>Email:</b> Jessica.King@vadoc.virginia.gov	<b>Telephone:</b> (276) 796-3522

### Facility Health Service Administrator

<b>Name:</b> Jonna Bledsoe	<b>Title:</b> RNCB
<b>Email:</b> Jonna.Bledsoe@vadoc.virginia.gov	<b>Telephone:</b> (276) 796-3561

### Facility Characteristics

<b>Designated Facility Capacity:</b> 957		<b>Current Population of Facility:</b> 783	
<b>Number of inmates admitted to facility during the past 12 months</b>			307
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 30 days or more:			307
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 72 hours or more:			370
Number of inmates on date of audit who were admitted to facility prior to August 20, 2012:			155
<b>Age Range of Population:</b>	<b>Youthful Inmates Under 18:</b> NA	<b>Adults:</b> 19-71	
<b>Are youthful inmates housed separately from the adult population?</b>		<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> NA
Number of youthful inmates housed at this facility during the past 12 months:			NA
Average length of stay or time under supervision:			NA
Facility security level/inmate custody levels:			Level 5 - 6 - S - PC
Number of staff currently employed by the facility who may have contact with inmates:			459
Number of staff hired by the facility during the past 12 months who may have contact with inmates:			96
Number of contracts in the past 12 months for services with contractors who may have contact with inmates:			5
<b>Physical Plant</b>			
<b>Number of Buildings:</b> 10 & 2 Towers		<b>Number of Single Cell Housing Units:</b> 15	
<b>Number of Multiple Occupancy Cell Housing Units:</b>		9	
<b>Number of Open Bay/Dorm Housing Units:</b>		0	
<b>Number of Segregation Cells (Administrative and Disciplinary):</b>		244	
<b>Description of any video or electronic monitoring technology (including any relevant information about where cameras are placed, where the control room is, retention of video, etc.):</b>			
Red Onion State Prison currently uses the new Max-Pro System. This system replaced the Rapid Eye System previously used by the facility. The Max-Pro system is strategically placed to view all offender movement and used to eliminate blind spots. Max recordings for the Max Pro system are set by the manufactures requirements. There are over 450 cameras located throughout the facility.			
<b>Medical</b>			
<b>Type of Medical Facility:</b>		24 hours medical department nursing staff & medical bed observation unit	
Forensic sexual assault medical exams are conducted at:		Red Onion State Prison	
<b>Other</b>			
Number of volunteers and individual contractors, who may have contact with inmates, currently authorized to enter the facility:			128
Number of investigators the agency currently employs to investigate allegations of sexual abuse:			1 Investigator, 3 Intel Officers

# Audit Findings

## Audit Narrative

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

The PREA audit of the Red Onion State Prison (ROSP) was conducted on September 4-6, 2018 by Dorothy Xanos, US DOJ Dual Certified PREA Auditor. The audit begins with the notification of the on-site audit that was posted by July 26, 2018, six weeks prior to the date of the on-site audit. The facility's last PREA audit was on September 22, 2015. The posting of the notices were verified during the tour and verified by photographs and a list received on the USB flash drive from the VADOC PREA/ADA Analyst. The photographs and list indicated notices were posted in various locations throughout the facility including the visitation area, medical area, dining areas, receiving area, laundry area and all four (4) building pods/housing. This auditor did not receive any communication from the staff or the inmates as a result of the posted notices. The Pre-Audit Questionnaire, policies, procedures, and supporting documentation for all forty-three (43) standards were received by August 7, 2018. The documentation was uploaded to a USB flash drive and it was organized, highlighted and easy to navigate, however the information in regards to the Pre-Audit Questionnaire and supporting documentation did not sufficiently address seven (7) standards. The supporting documentation for the seven (7) standards was provided to this auditor during the on-site and after the on-site visit to the facility.

A conference call was conducted prior to the site visit with the Warden, Assistant Warden, Institutional Operations Manager/PREA Compliance Manager, VADOC PREA/ADA Supervisor, and VADOC Regional PREA/ADA Analyst to review the schedule and discuss the information to be sent to this auditor prior to the site visit. The VADOC Regional PREA/ADA Analyst sent the documentation to this auditor prior to arrival to the facility. Also a number of supporting documents were provided during the on-site visit to address the deficiencies and are summarized in this report under the related standards.

The on-site audit was conducted on September 4-6, 2018. An entrance briefing was conducted with VADOC Regional PREA/ADA Analyst, Warden, Assistant Warden, Institutional Operations Manager/PREA Compliance Manager, Major, Captain, Facility Investigator, and Chief of Housing and Programs. During the entrance briefing, it was explained the audit process and a tentative schedule for three (3) days to include conducting interviews with the staff and inmates and reviewing the documentation. A complete guided tour of the entire facility was conducted including the gate house that includes a check point where everyone entering into the facility undergoes security clearance and an administrative/program building. The administrative building is comprised of administration offices, training offices and classroom, mail room offices, visitation areas for contact and non-contact visits, medical area and human resources office. The program support/industries building had administrative offices, education and vocational area, classrooms, law library, library, offender personal property, receiving unit and institutional laundry. The other buildings consisted of kitchen and dining areas, chaplain office, gymnasium, staff dining area, four (4) building pods/housing with six (6) housing units each, two (2) guard towers and canine kennels. During the tour, inmates were observed to be under constant supervision of the staff while involved in various activities. The facility was clean and well maintained. Notification of the PREA audit was posted in all locations throughout the facility as well as

postings informing inmates of the telephone numbers to call against sexual abuse and harassment and to call the victim advocate. Also during the tour, this auditor reviewed the ADO unit log books that contained PREA related documentation (female announcements entering in the housing units), tested the hotline (#55), the test call was located in the VADOC PREA inbox and an email was generated with the voice message to the VADOC PREA/ADA Supervisor. This information was provided to the auditor within less than two (2) hours of the test call.

Cameras and video surveillance system enhance their capabilities to assist in monitoring blind spots and the review of incidents. There were no cameras installed in the inmate rooms or shower/toileting area so inmates are not seen on the surveillance system while showering or toileting, but can be viewed by male staff as they supervise the shower area. During the tour, it was observed that all handicap showers in the housing units did not allow for privacy. All the handicap showers were modified during the on-site visit and this auditor was provided with documentation (pictures) confirming the corrections had been completed.

During the three (3) day on-site visit, there were a total of seven hundred and sixty-six (766) inmates in the facility. Thirty-six (36) inmates were randomly selected from twenty-four (24) housing units with an inmate list provided by the Institutional Operations Manager/PREA Compliance Manager for the interview process. Ten (10) of the thirty-six (36) inmates refused to participate. Seven (7) of the thirty-six (36) inmates randomly selected were identified from the required list of targeted inmate interviews. There were not fifteen (15) inmates who met the identified categories as targeted inmates. However, the nine (9) that were identified are as follows: (2) inmates who identified as Lesbian, Gay or Bi-sexual; (3) inmate who identified as Transgender or Intersex; (2) inmates who is Limited English Proficient (LEP); (1) cognitive disability and (1) physical disability (Blind, Deaf or Hard of Hearing). The facility does not house youthful inmates and did not have any other inmates identified in the other required categories i.e. restricted housing for high risk of sexual victimization, who reported sexual abuse, and who reported sexual victimization during risk screening.

Inmate interviews indicated they were well informed of their right to be free from sexual abuse and harassment and how to report sexual abuse and harassment using several ways of communication such as trusted staff, administrative staff, the hot line and the grievance process. The community victims' advocacy service and telephone number is available to the inmates located in the housing units. There is evidence of VADOC obtaining a Memorandum of Understanding with the Virginia Sexual & Domestic Violence Action Alliance since May 1, 2013. The last contract extension is dated April 19, 2018 for the extension of services from May 1, 2018 through April 30, 2019. VSDV Action Alliance agrees to provide a statewide hotline, provide free confidential crisis intervention and emotional support services related to sexual abuse or assault for VADOC victims each month who are calling the toll-free telephone number. Also, this auditor contacted the representative from the Virginia Sexual & Domestic Violence Action Alliance via telephone prior to the on-site visit and confirmed they provide emotional support services to inmates.

Thirty-six (36) staff were formally interviewed including (16) staff from both shifts (supervisory and floor staff), (3) medical and mental health staff, (1) first responder, (1) staff supervising restrictive housing, (2) volunteers and contractor, Warden, Institutional Operations Manager/PREA Compliance Manager & retaliation monitor, (2) upper level management, SAFE/SANE staff, human resources, facility investigator, SIU investigator, (3) risk screening and intake staff, non-medical staff/cross gender and incident review team staff were interviewed during the three (3) days of the on-site visit and several days after the on-site visit. Additionally, interviews were conducted via telephone with the VADOC Director, VADOC PREA/ADA Supervisor and VADOC Agency Contract representative prior to the on-

site visit. Overall, the interviews revealed the staff is knowledgeable of the PREA standards and were able to articulate their responsibilities and their mandated duty to report.

At the end of the third day, an exit briefing with a summary of the findings was conducted with the VADOC Regional PREA/ADA Analyst, Warden, Assistant Warden, Institutional Operations Manager/PREA Compliance Manager, Major, and Chief of Housing and Programs. At the exit debriefing, it was discussed additional documentation was required for six (6) standards and it was determined this information would be sent to this auditor within the next three (3) weeks to be in compliance with all the PREA standards. The requested information was sent to this auditor by the VADOC Regional PREA/ADA Analyst prior to the submission of this report. This auditor reviewed all requested information and this facility is in full compliance with the PREA Standards.

## Facility Characteristics

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

Red Onion State Prison (Red Onion SP) is considered a Level V, VI & S security correctional center located in Wise County, Pound, Virginia, on 378 acres of land governed by the Virginia Department of Correctional Services (VADOC). The facility was originally built in 1998 with a designed capacity of 1010 male inmates. In August of 1998, the facility began to receive inmates with varied security levels. Red Onion SP is accredited through the American Correctional Association (ACA).

The prison's physical plant is comprised of ten (10) buildings and two (2) patrol towers surrounded by a perimeter security fence with razor wire. The gate house includes a check point where everyone entering into the facility undergoes security clearance and an administrative/program building. The administrative building has a lobby and is comprised of administration offices, training offices and classroom, mail room offices, visitation areas for contact and non-contact visits, human resources office, medical area with a waiting room, nine bed observation area with two isolation cells, and human resources office. The program support/industries building had administrative offices, education and vocational area, education offices, classrooms, complete library and law library, offender personal property, receiving unit and institutional laundry. The other buildings consisted of kitchen area including dry storage, walk-in cooler/freezer area, spice room, and two (2) dining halls, chaplain office, large gymnasium, staff dining area, four (4) building pods/housing with six (6) housing units each, warehouse/maintenance and canine kennels.

Each pod/housing contains six (6) housing units and administrative offices. The housing units consist of: General Population Security Level 5; Restrictive Housing Security Level 5; Positive Behavior Unit SL 5; Restrictive Housing Orientation for Security Level S; Long Term Security Level Segregation; Protective Custody Security Level 3; SIP/SAM Security Level 6 (Part of Step Down); Special Management Reentry Security Level 6 (Part of Step Down); Restrictive Housing For SL 6 Bottom Tier and Top Tier Intensive Management Reentry Security Level 6 (Part of Step Down); Intensive Management Phase I Security Level 6 (Part of Step Down); Step Down Phase I And II Security Level 6 (Part of Step Down) and Intensive Management Closed Pod Phase II (Part of Step Down). Each pod/housing contains a day room, kiosk and telephones, barber area, correctional tables/chairs, and

shower area. All the handicap showers in the housing units did not allow for privacy. All the identified handicap showers were modified during the on-site visit and this auditor was provided with documentation (pictures) confirming the corrections had been completed. PREA information was posted in the housing units including the victim advocate information and the facility information. There are six (6) outdoor recreation yards equipped with basketball, another secure area with exercise equipment and a walking. Recreation is by housing unit and posted schedules which are rotational. There is a large indoor gymnasium, as well areas within each housing unit for leisure activities. The restricted housing units' recreation is accomplished by the use of individual recreation cages and security yards located directly off the restricted housing dayrooms.

Red Onion State Prison (Red Onion SP) is staffed with four hundred and fifty-nine (459) full-time and part-time employees including medical, mental health staff, education staff and various groups of volunteers providing religious services to inmates. The staff consisted of: Warden, Assistant Warden; Chief of Housing and Programs; Institutional Operations Manager; Institutional Program Manager; (4) Unit Managers; Corrections Major; (4) Corrections Captains; (15) Corrections Lieutenants; (28) Corrections Sergeant; (218) Corrections Officers Senior; (12) Corrections Officers Senior - Canine (20) Corrections Officers; Cognitive Counselor; (11) Casework Counselor; Corrections Recreation Supervisor; (29) Medical and Mental Health Staff; (4) Adult Education & Special Education Teachers; Custodial Maintenance & Sanitation Teacher; Instructional Assistant; (55) other staff administrative, food service, maintenance, warehouse, and (49) vacancies.

The medical staff both full-time and part-time providing services at the facility consisted of: Physician II; Nurse Practitioner; Registered Nurse Supervisor Sr.; Registered Nurse Supervisor; (8) Registered Nurses; (2) Corrections Nurse Technicians; (9) Nurse Tech (Registry – LPN); Dentist; Dental Assistant and (3) Office Service Specialists. The licensed nurses provide nursing services on-site twenty-four (24) hours a day, seven (7) days a week and an on-call physician 24/7. A physician is at the facility weekly to provide medical services for the inmates. All inmates are seen by a physician upon arrival to the facility. Additionally, all nurses are supervised by an on-site registered nurse supervisor who is responsible for coordination of the medical services. The medical staff provides medical care to include: completing the initial intake assessment, routine and additional lab work as ordered, STD testing and treatment as indicated, updating immunization records, seasonal flu vaccinations, dietary services and referrals, administration of medications/treatments as prescribed, assessments of inmate injuries and treatment as required, medical assessments and monitoring with any restraint or segregation, assessments of somatic health complaints with treatment as indicated, develop treatment plans and provide medical discharge plans.

Dental services are provided five (5) days a week at the facility consisting of dental care, cleaning, education, and treatment fillings to extractions. All inmates are seen by the dental staff at least annually for a wellness check. Also, an optometrist provides services at the facility on a monthly basis. Tele-Med is coordinated with the Medical College of Virginia. Mental health services are provided by a Psychology Associate Sr. and three (3) Psychology Associates on a daily basis. A contract Psychiatrist makes regular visits to the facility to assess inmates that may be in need of psychotropic medications. There is a licensed mental health staff on call 24 hours a day, 7 days a week to deal with any crisis that may arise. The mental health staff is available for crisis intervention and mental health programming. Mental health staff's focus is to teach inmates the basic domestic violence and anger management issues and dynamics and provide inmates with an interaction form in which to examine behaviors and feelings, learn positive and effective means of coping anger stress symptoms management through art therapy, horticulture and music conflict and relationships. Treatment recommendations are based on clinically assessed risk and need. Other general population inmates may access services on an as needed basis.

Academic and vocational education is provided at the facility by the Department of Correctional Education (DCE). The education department has adult education teachers, special-education teacher, custodial maintenance and sanitation teacher and instructional assistant. In 2013, the facility opened a school with several security enhancements built into the design, thereby permitting high security level inmates the ability to attend classes. The school consists of four (4) classrooms, library, and law library. Each classroom contains a Smart Board to assist the teachers with presentations and allows the instructors to hook up to a computer in the classroom. The images from the computer are displayed on the board through a digital projector. Inmates are provided education through the Adult Education program which includes Adult Educational (AE) instruction for the GED test, Adult Basic Education (ABE), English Language Learners (ELL) and special education. Also there is currently a certified vocational program in custodial maintenance. Upon completion of all required competencies, the inmate is awarded a state recognized certificate for vocational training. The goal of the program is to provide properly trained crews to help maintain the facility.

Inmates have a variety of opportunities for employment at the facility based on the inmate's level of risk to staff and the general public as well as institutional needs. These consist of: the basic categories (locations) and sub-categories (skilled, semi-skilled and un-skilled) such as: kitchen workers, laundry workers, barbers, education aids, recreation assistance, building and grounds maintenance workers, janitorial workers, law library assistants, canine kennel cleaning, and housecleaning.

Red Onion SP programs allow inmates the opportunity to participate in group and individual activities that promote positive attitudinal and behavioral changes. Treatment programs enhance their knowledge and skills, enabling them to return to productive lives as a law abiding citizens. A variety of programs are offered through counseling, psychology, and volunteer services. Unit Team staff are involved in many roles at the facility. Initially, a counselor conducts an interview of each newly assigned inmate to assess his basic developmental needs. Each inmate is evaluated in the following area: behavioral and emotional problems, alcohol/drug abuse, educational status, vocational/work status, and family environment. A treatment plan is developed specific to each inmate's need by the counselor. This plan is based on his COMPAS assessment, is monitored and amended to meet the needs of the inmate at his annual review.

The facility seeks to create an environment that promotes personal growth and reduces criminogenic characteristics. Listed below are some of the programs:

- Challenge Series
- Anger Management: Anger Management provides communication skills and teaches stress management and provides more effective/healthier ways to deal with anger.
- Thinking for a Change: Thinking for a Change is an integrated, cognitive behavioral change program for inmates including cognitive restructuring, social skills development, and development of problem solving skills.
- Ready to work, Rethinking Incarceration (Self Help Program), Substance Abuse (Matrix Model), Resources for Successful Living, and Preventing Recidivism by Educating for Parole Success (PREPS).

Religious services are offered at the facility and inmates have the opportunity to participate in practices of their religious faith. Those inmates in restricted housing units are offered religious services over closed circuit television broadcast where services are recorded and played back on a scheduled basis.



## Summary of Audit Findings

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

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

**Number of Standards Exceeded:** 2 (115.11, 115.31)

**Number of Standards Met:** 41

**Number of Standards Not Met:** 0

**Summary of Corrective Action (if any)** NA

## PREVENTION PLANNING

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

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

#### 115.11 (a)

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

#### 115.11 (b)

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

oversee agency efforts to comply with the PREA standards in all of its facilities?  
 Yes  No

### 115.11 (c)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 and OP 135.2 (Rules of Conduct Governing Employees Relationships with Offenders) effective November 1, 2016 outlines how each facility implements its approach to preventing, detecting and responding to all approaches of sexual abuse and harassment, and will not tolerate any fraternization or sexual misconduct including the definitions of prohibited behaviors as well as sanctions for staff, contractors, volunteers and inmates who had violated those prohibitions. Additionally, the operating procedure provided comprehensive guidelines and a training foundation for implementing each facility's approach to include the zero tolerance towards reducing and preventing sexual abuse, sexual harassment, and sexual misconduct of inmates. The operating procedures reflect the facility's specification of how they will respond to sexual allegations and the notification procedures followed for reports of sexual allegations. VADOC's PREA Coordinator sent a memo dated August 1, 2012 to all facilities to designate a PREA Compliance Manager to coordinate the facility's efforts to comply with the PREA standards. Both the agency's and the facility's organizational chart including the employee work profiles supports the requirement of this standard. Also, during the on-site visit to the facility, this auditor observed a posting called "PREA News" that was issued by the VADOC's PREA Office. This auditor was advised that this is another way of disseminating the PREA information to the Wardens and all of their staff.

VADOC has a designated PREA Coordinator, her title is PREA/ADA Supervisor and she reports directly to the Corrections Operations Administrator. An interview with the PREA/ADA Supervisor confirmed she works statewide to implement the PREA Standards and indicated she has sufficient time and authority to develop, implement and oversee the agency's efforts toward PREA and ADA compliance of forty (40) facilities with the support of the executive administration. The PREA/ADA Supervisor not only manages the PREA activities but is responsible for the American with Disabilities Act (ADA) activities. Her position serves as a supervisor of the PREA/ADA Unit. Also, during her interview, she indicated there are three (3) Regional PREA/ADA Analysts that report to her and are responsible for their PREA Compliance Managers in their regions. The PREA/ADA Supervisor's entire team meets twice a year to discuss issues and she maintains contact with the regional staff and the forty (40) PREA Compliance Managers through telephone or email throughout the year.

The Regional PREA/ADA Analyst for Red Onion State Prison is responsible for coordinating her facility/regional comprehensive PREA response including technical and administrative guidance, creation of supporting policies and practices, interpretation relative to PREA implementation, design and modification of training, programming, investigation and analysis, ensuring proper reporting, trend evaluation and provision of recommendations for improvement and compliance. The Institutional Operations Manager is designated as Red Onion State Prison's PREA Compliance Manager who also indicated in her interview that she has sufficient time to oversee and coordinate the facility's PREA compliance efforts and perform other duties as assigned.

Based on the randomly selected and specialized staff and inmate interviews, the extensive staff training, the resources available to the facilities, the establishment of regional staff, it is evident, the executive administration has taken the PREA Standards to another level and it is reflected in their commitment to protecting the inmates in their care throughout the State of Virginia. Also, during the tour of the facility, the observation of posters, "PREA News", reviews of staff and inmate handbooks, training curriculums confirmed the facility's commitment and dedication to create a PREA compliant culture. The facility has PREA reference binders that are located in housing units of the facility that contain the reporting process and forms for the facility staff in the event of an incident. Overall, this auditor has determined the agency and the facility have substantially exceeded the requirements of this standard based on the above information.

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

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

#### **115.12 (a)**

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

#### **115.12 (b)**

- Does any new contract or contract renewal signed on or after August 20, 2012 provide for

agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates OR the response to 115.12(a)-1 is "NO".)  Yes  No  NA

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 and OP 260.1 (Procurement of Goods and Services) effective December 1, 2016 describes the contractor's obligations to adopt and comply with the PREA Standards and for the agency (VADOC) to conduct contract monitoring to ensure the contractor is complying with the PREA Standards. Interviews with the VADOC PREA Coordinator and a regional analyst confirmed the contracted private prison (VADOC Lawrenceville Correctional Center) is monitored on a quarterly basis to ensure compliance with the PREA standards. A review of the contracted documentation indicated the contractor's obligations to adopt and comply with the PREA Standards. Also, a memorandum dated March 1, 2018 confirmed that the facility does not contract with other entities for inmate confinement. Therefore, based on the review of the agency policy and procedures, observations and information obtained through staff interviews, and review of documentation, the facility has demonstrated compliance with this standard.

## Standard 115.13: Supervision and monitoring

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

#### 115.13 (a)

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

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

### 115.13 (b)

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

### 115.13 (c)

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

### 115.13 (d)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 401.1 (Development and Maintenance of Post Orders) effective September 1, 2016 identified the requirement of unannounced rounds to be conducted by an individual ranked as a Lieutenant or higher and conduct these unannounced rounds intermittently during the month. These unannounced rounds must be conducted during both day and night shifts. Supervisors are prohibited from notifying staff of unannounced rounds. Staff assigned to any post is prohibited from alerting other employees that a Supervisor is conducting rounds to identify and deter sexual abuse and sexual harassment. Also, Supervisors of the opposite gender shall announce their presence when entering an inmate housing unit to conduct an unannounced round and document this announcement in the post logbook.

VADOC Operating Procedure (OP) 401.2 (Security Staffing) effective January 1, 2017 contained the required information identifying each facility must develop and document a staffing plan to provide for departmental adequate staffing levels to ensure the safety and custody of offenders/inmates against sexual abuse or sexual harassment, physical plant, video monitoring, and addressed all eleven (11) categories as identified per the standard. The facility must document and justify all deviations from the staffing plan. An annual review of the existing staffing plan and all post audits are required to be completed by January 31 of each calendar year or more frequently as needed. This review shall assess, determine, and document whether adjustments are needed to the facility's established staffing plan, the facility's deployment of video monitoring systems and other monitoring technologies and the resources the facility has available to commit to ensure adherence to the staffing plan. Comprehensive written explanations for why a facility is not staffing to plan or staffing to post audits are required to be provided to the Regional Operations Chief for review and forwarded to the Regional PREA/ADA Analyst.

VADOC Operating Procedure (OP) 401.3 (Administrative Duty Coverage) amended July 21, 2016 requires the facility's assigned Administrative Duty Officer (ADO) to conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment, and requires these to be conducted intermittently during the month and can be scheduled as part of the 24 hour clock. This information is documented in their ADO logbook.

The Warden's memorandum dated January 22, 2018, indicated a review was conducted to determine if the current staffing plan was sufficient to meet the requirements of the standard. The last Post Audit approved on April 7, 2017 reflects three hundred and fifty-seven (357) full time security staff positions and since this Post Audit no additional positions were needed to provide adequate oversight for day-to-day supervision. This facility is mandated to fill vacancies. Also to assist the security staff, the higher level positions (Warden, Assistant Warden, Chief of Housing and Program, Institutional Operations Manager, Institutional Program Manager, Major and Unit Managers) conduct unannounced rounds on all shifts and document the information on the weekly duty sheet and housing logbooks. The facility's staffing plan deviations identified in the Post Audit as the most common reasons are as follows: Call-ins; Staff attending additional Department mandated training; Time adjustments for staff that attended mandatory trainings on days off; Staff scheduled off for accumulated leave time and Staff on short term disability.

The Warden's interview and documentation confirmed he is responsible to conduct an annual review of the Post Audit to ensure all areas were addressed including components such as the facility's physical plant, composition of the inmate population, number and placement of supervisory staff, programming schedules, video monitoring, training, to name a few. He conducts daily reviews of the Daily Duty Roster for deviations of the Post Audit, as well as making regular rounds and unannounced rounds. The Post Audit deviations are handled through involuntary overtime, voluntary overtime, or closing of "non-essential" posts. The Institution Operations Manager/PCM and higher level staff interviews

indicated that unannounced rounds are conducted on a daily basis on all shifts in all areas of the facility to observe staff and inmate interactions, isolated areas, and deter staff from sexual abuse and sexual harassment. The unannounced rounds are documented in the weekly duty sheet and housing unit logbooks. Also, the assigned ADO conducts unannounced rounds throughout the entire facility's physical plant and documents this information in the ADO logbooks.

During the facility tour, this auditor observed and reviewed the ADO logbooks and housing unit logbooks, where unannounced rounds were documented including the individuals signature, date and time. Also, a review of the samples provided by the facility of random dates and random housing unit's showed that there is a minimum of one (1) unannounced round conducted monthly by upper or middle management staff; however the majority show unannounced rounds conducted daily. In addition, during the facility tour, there was one (1) area (medical) identified as a having blind spot. The area was corrected during the on-site visit and this auditor was provided with documentation (pictures) confirming the correction had been completed.

Therefore, based on the review of the agency policy and procedures, observations and information obtained through staff interviews, and review of documentation, the facility has demonstrated compliance with this standard.

## Standard 115.14: Youthful inmates

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

#### 115.14 (a)

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

#### 115.14 (b)

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

#### 115.14 (c)

- Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates [inmates <18 years old].)  Yes  No  NA



- Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates [inmates <18 years old].)  Yes  No  NA
- Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates [inmates <18 years old].)  Yes  No  NA

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 and OP 425.4 (Management of Bed and Cell Assignment) amended January 16, 2018 identified the requirement that a youthful inmate shall not be placed in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters. Direct supervision by facility staff is required at all times when a youthful inmate and an adult offender has sight, sound, or physical contact with one another. VADOC provides specialized housing arrangements for youthful inmates to meet the requirements of this standard. Exigent circumstances may require removal to a special housing unit or restrictive housing unit at those institutions operating under the restrictive housing program.

Red Onion SP Warden's written memorandum dated June 1, 2017 states the facility does not house any offenders under the age of eighteen. Interviews with the Warden and the facility's PCM confirmed that youthful offenders are not housed at this facility. Based on the review of the agency policy and procedures, observations and information obtained through staff interviews, and review of documentation, the facility has demonstrated compliance with this standard.

## Standard 115.15: Limits to cross-gender viewing and searches

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

#### 115.15 (a)

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

#### 115.15 (b)

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

#### 115.15 (c)

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

#### 115.15 (d)

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

#### 115.15 (e)

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

#### 115.15 (f)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 350.2 (Training and Development) effective May 4, 2016 requires cross gender frisk searches of transgender and intersex offenders will be conducted in a professional and respectful manner and in the least intrusive manner consistent with security needs.

Operating Procedure (OP) 401.1 (Development and Maintenance of Post Orders) effective September 1, 2016 requires staff of the opposite gender shall announce their presence when entering inmate/offender housing units and document this announcement in the housing unit logbook.

Operating Procedure (OP) 401.2 (Security Staffing) effective January 1, 2017 requires that inmates/offenders shall be permitted 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 incident to routine cell checks. Also requires that opposite gender staff shall announce their presence when entering an inmate/offender housing unit and must document the announcement in the housing logbook.

Operating Procedure (OP) 445.1 (Employee, Visitor and Offender Searches) effective November 1, 2017 requires VADOC to train all staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex offenders, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. A transgender or intersex offender shall not be searched or physically examined for the sole purpose of determining the offender's genital status. If genital status is unknown, it allows for determination through inmate/offender conversations, review of medical records, or if necessary, by learning that information as a part of a broader medical examination conducted in private by a medical practitioner. Transgender and intersex offenders

expressing a preference regarding the sex of the correctional staff conducting the strip search should request consideration of their preference in writing to the facility's Treatment Team for review. Also, requires female correctional staff to conduct all frisk searches of transgender and intersex offenders unless exigent circumstances are present and documentable.

Operating Procedure (OP) 720.2 (Medical Screening, Classification and Levels of Care) amended June 29, 2016 requires if a transgender or intersex offender shall not be searched or physically examined for the sole purpose of determining the offender's genital status. If genital status is unknown, it allows for determination through inmate/offender interviews, review of medical records, or if necessary, by learning that information as a part of a broader medical examination conducted in private by a medical practitioner.

Operating Procedure (OP) 801.1 (Facility Physical Plant and Sanitation) effective December 1, 2015 requires that facility procedures and practices enable inmate/offenders 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.

Random staff interviews indicated that staff of the opposite gender entering the housing units would consistently announce themselves, however inmates confirmed the staff of the opposite gender did not consistently announce themselves. During the facility tour, this auditor observed and reviewed the housing unit logbooks, female staff's announcements were documented including the individuals signature, date and time.

A review of the training documentation (curriculum and staff rosters) and staff interviews confirmed the annual training on pat down searches, cross-gender pat searches and searches of transgender and intersex inmates are conducted in a respectful and professional manner and prohibiting cross-gender strip or cross-gender visual body cavity searches of inmates. All staff interviews were able to describe what an exigent circumstance would be and were knowledgeable of the procedures for securing authorization to conduct such a search as well as the requirements for justifying and documenting those searches.

Random staff and inmate interviews confirmed inmates are able to shower, perform bodily functions and change clothing without non-medical staff of the opposite gender viewing them. Staff interviews could identify the VADOC policy on prohibiting staff from searching or physically examining a transgender or intersex inmate for the purpose of determining that inmate's genital status. During the facility tour, it was observed that the handicap showers in eleven (11) housing units did not allow for privacy. This was corrected immediately during the on-site visit and this auditor was provided with documentation (pictures) confirming the corrections had been completed.

There has been no cross-gender pat down searches, cross-gender strip or cross-gender visual body cavity searches of inmates conducted at the facility in the past twelve (12) months. Also, there have been no exigent circumstances of cross-gender pat down, strip or visual body cavity searches of inmates conducted at the facility in the past twelve (12) months.

After the on-site visit, all staff were re-trained on when entering the housing units, the opposite gender should always announce themselves. The Regional PREA/ADA Analyst sent the appropriate supplemental documentation to this auditor demonstrating corrective actions had been taken with this standard prior to the submission of this report.

Based on the review of the agency policy and procedures, observations and information obtained through staff and inmate interviews, review of documentation, and the follow-up documentation, the facility has demonstrated compliance with this standard.

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

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

#### 115.16 (a)

- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing?  Yes  No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are blind or have low vision?  Yes  No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have intellectual disabilities?  Yes  No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have psychiatric disabilities?  Yes  No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have speech disabilities?  Yes  No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Other (if "other," please explain in overall determination notes)?  Yes  No
- Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing?  Yes  No
- Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?  Yes  No

- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have intellectual disabilities?  Yes  No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills?  Yes  No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Are blind or have low vision?  Yes  No

#### 115.16 (b)

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

#### 115.16 (c)

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

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 contained procedures to be taken to ensure inmates with disabilities or who are limited English proficient have an equal opportunity to participate in or are provided meaningful access to all aspects of the facility's efforts to prevent, protect and respond to sexual abuse and sexual harassment. Efforts shall include the use of interpreters, written material, or other formats or methods that ensure effective communication with offenders disabilities, including offenders who have intellectual disabilities, limited reading skills, who are blind or have low vision, deaf, or are Limited English Proficient. Also, the policy prohibits any facility to rely on inmate interpreters, inmate readers or any kind of inmate assistants except in limited circumstances when an extended delay in obtaining interpreter's services could compromise an inmates' safety the performance of first-responder duties or the investigation of the inmate's allegations.

VADOC's PREA/ADA Supervisor is responsible for the ADA coordination in all facilities. The facility's security and treatment staff provide the PREA education at intake and during orientation. Random staff interviews indicated the PREA education is provided in a manner to ensure the inmate comprehends the material and it is read during the intake process. Also, there is a video that is shown during orientation in both English and Spanish. VADOC created a PREA brochure for the purposes of educating inmates which includes information on suspicious behavior, reporting, prevention strategies, making false claims, sexual misconduct definitions, and retaliation. This brochure is available in English, Spanish and Braille. VADOC through the services of their Enterprises division at Fluvanna Correctional Center for Women has created the PREA information in Braille and it is available to any facility. During the tour, this auditor observed the PREA postings throughout the facility in English and Spanish, including the #55 access posted above the phones was in Spanish in all the locations.

The staff training documentation, brochure, handbook and the inmate PREA orientation contained information on providing appropriate explanations regarding PREA to inmates based upon their individual needs. VADOC has entered into a contract with Purple Communications, Inc. (sign language translation & video remote interpreting services) and Stratus Audio, LLC (language interpretation services) to provide services. Random staff interviews indicated minimal knowledge of the outside agencies providing services to the facility but indicated they would not rely on the use of inmate assistants in relation to reporting allegations of sexual abuse or sexual harassment except in limited circumstances.

An interview with one (1) inmate who had a physical disability (deaf) indicated his knowledge of the PREA information but he requested for additional medical assistance. Also, two (2) inmates interviewed with limited English proficiency indicated their knowledge of the PREA information, however one (1) of the inmates requested for additional education on services provided at the facility. In the past twelve (12) months, the facility did not have any instances of inmate interpreters or readers being used for reporting allegations of sexual abuse or sexual harassment.

After the on-site visit, all staff were re-trained on interpreter services provided at the facility and the process on how to obtain these services. Also, the "Offender Orientation Handbook" was updated to reflect the information in Spanish on how to obtain emotional support services. All housing unit postings of the emotional support services information were updated to reflect both English and Spanish. Additional medical assistance was provided to the inmate with the physical disability and the other inmate was provided additional education in Spanish on services at the facility. The Regional PREA/ADA Analyst sent the appropriate supplemental documentation to this auditor demonstrating corrective actions had been taken with this standard prior to the submission of this report.

Based on the review of the agency policy and procedures, observations and information obtained through staff and inmate interviews, review of documentation, and the follow-up documentation, the facility has demonstrated compliance with this standard.

## Standard 115.17: Hiring and promotion decisions

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

#### 115.17 (a)

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

#### 115.17 (b)

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

#### 115.17 (c)

- Before hiring new employees, who may have contact with inmates, does the agency: perform a criminal background records check?  Yes  No



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

#### 115.17 (d)

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

#### 115.17 (e)

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

#### 115.17 (f)

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

#### 115.17 (g)

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

#### 115.17 (h)

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

#### Auditor Overall Compliance Determination

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

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

### **Instructions for Overall Compliance Determination Narrative**

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 040.1 (Litigation) effective November 1, 2015 requires an employee who has been charged or convicted with a criminal offense or found liable in a civil or disciplinary proceeding to have engaged or attempted to engage in sexual activity by force (overt or implied threat of force, coercion, or if the victim did not consent or was unable to consent) shall inform their organizations unit head immediate if received during normal working hours or the next working day if received during non-working hours. All notifications shall be documented on a Criminal Offense/Moving Traffic Violation Notification. Failure to report or material omissions regarding charges convictions of sexual abuse or sexual harassment in an institutional setting, sexual activity by force or coercion (or if the victim could not or did not consent) in the community, or charged or found liable in a civil or administrative proceeding for sexual activity by force shall be grounds for termination.

Operating Procedure (OP) 057.1 (Personnel Records) effective January 1, 2016 requires the information on substantiated allegations of sexual abuse or sexual harassment involving a former employee shall be furnished to any institutional employer for whom which the employee has applied to work provided the request is written.

Operating Procedure (OP) 102.2 (Recruitment, Selection and Appointment) amended July 6, 2016 states that the VADOC shall not hire or promote anyone for a position that may have offender contact who has been engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; 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 civilly or administratively adjudicates to have engaged in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse. VADOC shall consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with incarcerated offenders. VADOC must ask all applicants and employees who may have contact with offenders directly about previous misconduct noted above in written applications or interviews for hiring or promotions.

Operating Procedure (OP) 102.3 (Background Investigation Program) amended November 10, 2016 requires that a criminal background shall be conducted before hiring new employees who may have contact with offenders, and will 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 allegations of sexual abuse. Requires that a criminal background records check is completed prior to enlisting services of any contractor who may have contact with offenders and a

criminal background records check is completed at least every five (5) years for current employees and contractors, and annually for sensitive specialist assignments. The Human Resources Officer for each organizational unit shall ensure criminal background records checks are conducted and documented as required. The Human Resource Officer shall document in the Access Employee Database that the criminal records check (VCIN) was conducted.

Operating Procedure (OP) 135.1 (Standards of Conduct) amended November 29, 2016 states that material omissions regarding convictions or charges of sexual abuse or sexual harassment in an institutional setting, sexual activity by force or coercion (or if the victim could not or did not consent), civil or administrative adjudication for sexual activity by force shall be grounds for termination.

Operating Procedure (OP) 145.2 (Employee Performance Management) amended September 15, 2014 requires each employee to complete Section I of the Employee Self-Assessment to document a response to the following questions annually: Have you ever engaged or attempted to engage in sexual abuse in an institutional setting; for example, prison, jail or juvenile facility? Have you been convicted of engaging or attempting to engage in sexual activity in the community where there was use of force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse? Have you been civilly or administratively adjudicated for engaging in sexual activity in the community where there was use of force (as described above)? This form and the employee's signature is a reminder that there is a continuing affirmative duty to disclose any such misconduct.

Operating Procedure (OP) 260.1 (Procurement of Goods and Services) effective December 1, 2016 states VADOC shall not hire any contractor that may have offender contact who has been engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; 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 civilly or administratively adjudicated to have engaged in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse. VADOC shall consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with incarcerated offenders.

An interview with the facility's Human Resource Officer confirmed the process on the facility performing the criminal background checks [Virginia Criminal Information Network (VCIN)], considering the pertinent civil or administrative adjudications for all newly hired employees who may have contact with offenders, all employees who are considered for promotion and every five (5) years. They also conduct the same checks for contractors. He advised that a database is utilized to ensure background checks are conducted every five (5) years. Employment applications and background applications contain the three (3) questions regarding sexual abuse or sexual activity in an institutional setting, community, or if the staff has been civilly or administratively adjudicated for the same, as well as an annual requirement to disclose at evaluation time. Also, the three (3) questions are asked during the interview process.

There is an affirmative duty to disclose any arrests or previous misconduct by all employees at hire and anytime there is a law enforcement contact. A sample review of staff's, volunteer's, and contractor's HR files had documentation on staff completing varied forms containing the questions regarding past misconduct that are completed during the hiring process. Once an individual is approved for hire, the new employee begins the training/orientation process and is provided with a VADOC Employee Handbook. Also, the review HR files and the data base confirmed that background checks had been conducted within the past five (5) years on all employees. Two (2) contractors did not receive a background check within the past five (5) years. There is a background approval/disapproval form that

is completed on an employee with a questionable background that the Warden reviews and approves. Any requests from other institutions typically contain salary, dates of employment and position held.

After the on-site visit, both contractors completed the background screening and there were no negative results. The Regional PREA/ADA Analyst sent the appropriate supplemental documentation to this auditor demonstrating corrective actions had been taken with this standard prior to the submission of this report.

Based on the review of the agency policy and procedures, observations and information obtained through staff and inmate interviews, review of documentation, and the follow-up documentation, the facility has demonstrated compliance with this standard. Also, the agency requires all staff to perform self-assessments as part of the annual employee performance review and specifically requiring a continuing affirmative duty to disclose sexual misconduct.

## Standard 115.18: Upgrades to facilities and technologies

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

#### 115.18 (a)

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

#### 115.18 (b)

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

### Auditor Overall Compliance Determination

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

## Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 801.1 (Facility Physical Plant and Sanitation) effective December 1, 2015 requires the effect of the facility's design, acquisition, expansion, or modification on the facility's ability to protect the inmate/offender from sexual abuse shall be taken into consideration when designing or acquiring any new facility and in planning any substantial expansion or modification to an existing facility. Also the requirement of new installations or updates to existing video monitoring systems, electronic surveillance systems or other monitoring technologies, the facility shall take into consideration how such technology may enhance their ability to protect inmates/offenders from sexual abuse.

An interview with the Warden and documentation review indicated there had been modifications to the facility within the past twelve (12) months, specifically the housing units. New shower partitions were placed in every shower area located in all the housing units. Also, a new camera network was installed to enhance supervision in areas frequented by inmates since the last PREA audit. The existing cameras were upgraded to Max Pro. During the tour, the video surveillance system in the control room area was observed. This will enhance their capabilities to assist in monitoring blind spots and the review of incidents. Additionally, this enables the staff to monitor inmates more efficiently throughout the physical plant of the facility. The administrative staff is continually evaluating the electronic surveillance system and video monitoring.

Based on the review of the agency policy and procedures, observations and information obtained through the interview and documentation, the facility has demonstrated compliance with this standard.

## RESPONSIVE PLANNING

### Standard 115.21: Evidence protocol and forensic medical examinations

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

#### 115.21 (a)

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

#### 115.21 (b)

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

#### 115.21 (c)

- Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate?  Yes  No
- Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?  Yes  No
- If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?  Yes  No
- Has the agency documented its efforts to provide SAFEs or SANEs?  Yes  No

#### 115.21 (d)

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

#### 115.21 (e)

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

#### 115.21 (f)

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

#### 115.21 (g)

- Auditor is not required to audit this provision.

#### 115.21 (h)

- If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? [N/A if agency attempts to make a victim advocate from a rape crisis center available to victims per 115.21(d) above.]  Yes  No  NA

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 030.4 (Special Investigations Unit) amended November 29, 2016 identifies that the Special Investigations Unit (SIU) has established a uniform evidence protocol which maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. The established protocol is developmentally appropriate for youth and is based on or similar to other comprehensive and authoritative protocols developed after 2011. If requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interview. And requires the victim's consent, forensic evidence will be collected by specially trained professional medical practitioners using a kit approved by the appropriate authority (PERK/Physical Evidence Recovery Kit recommended). Although it is recommended that a PERK kit is collected within 72 hours it should be used beyond that time whenever there is a possibility of evidence remaining.

Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 requires a victim advocate, qualified agency staff member, or qualified community-based organization staff member to accompany and support the victim through the forensic medical examination process and investigatory interviews, and shall provide emotional support, crisis intervention, information, and referrals.

Operating Procedure (OP) 720.7 (Emergency Medical Equipment and Care) effective October 1, 2016 requires a history be taken by a health care professional who will conduct a forensic medical examination to document the extent of physical injury. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. There will be no financial cost to the offender for this examination. Also requires, when requested by the victim, a victim advocate, qualified agency staff member, or qualified community-based organization staff member to accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information and referrals. A qualified VADOC Mental Health/counseling staff member or qualified community-based staff member includes 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.

Operating Procedure (OP) 730.2 (Mental Health Services: Screening, Assessment and Classification) amended May 13, 2016 requires attempts to provide a victim advocate from a rape crisis center to a victim of sexual abuse. If a rape crisis center is not available to provide victim advocate services, VADOC shall make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member.

There is evidence of VADOC obtaining a Memorandum of Understanding with the Virginia Sexual & Domestic Violence Action Alliance since May 1, 2013. The last contract extension is dated April 19, 2018 for the extension of services from May 1, 2018 through April 30, 2019. VSDV Action Alliance agrees to provide a statewide hotline, provide free confidential crisis intervention and emotional support services related to sexual abuse or assault for VADOC victims each month who are calling the toll-free telephone number. VSDV Action Alliance agrees to conduct appropriate background screening on call handlers. The facility maintains a rotation schedule for on-call community-based advocates and their contact phone numbers located in the Central, Eastern and Western regions. The schedule dates back to January of 2016 till the present time. The Virginia Forensic Nurse Examiners Program list provides the agency with a list of facilities that conduct SANE services throughout the State of Virginia. Red Onion SP has an MOU with Blue Ridge Medical Management Corporation to provide a SANE nurse at the facility to conduct the forensic examination and at no financial cost to the victim. An interview with one (1) of the SANE nurses confirmed she is responsible to conduct the forensic examination at the facility and she is available 24/7.

An interview with a representative from the VSDV Action Alliance confirmed that statewide services are provided to inmates for hotline reporting for sexual assaults, victim advocate and confidential emotional support services. Interviews with the correctional and medical staff were knowledgeable of the procedures to secure and obtain usable physical evidence when sexual abuse is alleged. Also, the medical staff interviews confirmed the use of forensic nurses in the event of an alleged sexual abuse occurrence.

The facility has available the VADOC PREA pamphlet "Sexual Assault Awareness and Prevention" and identifies for the inmates to call or write. Documentation and an interview with the Warden confirmed VADOC Special Investigation Unit (SIU) conducts the criminal investigations of allegations of sexual abuse and sexual harassment. In the past 12 months, there has been no allegation where a victim



required a forensic medical examination at the facility. Also, an interview with the SANE nurse confirmed she had not conducted any inmate forensic medical examinations at the facility.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the facility has demonstrated compliance with this standard.

## Standard 115.22: Policies to ensure referrals of allegations for investigations

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

#### 115.22 (a)

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

#### 115.22 (b)

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

#### 115.22 (c)

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

#### 115.22 (d)

- Auditor is not required to audit this provision.

#### 115.22 (e)

- Auditor is not required to audit this provision.

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 030.4 (Special Investigations Unit) amended November 29, 2016 requires the Facility Unit Head shall ensure that an administrative and/or criminal investigation is completed for all allegations of sexual abuse or sexual harassment. Unless it is quickly and definitively determined that the allegation is unfounded, allegations of sexual abuse or sexual harassment shall be referred for investigation to the Special Investigations Unit (SIU) who has the legal authority to conduct criminal investigations, including allegations of sexual abuse or sexual harassment. Requires that all investigators shall receive the general PREA training provided to all employees, and specialized training in conducting sexual abuse investigations in confinement settings that includes techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and criteria and evidence required to substantiated a case for administrative action or prosecution referral. Requires that the Special Investigations Unit (SIU) is authorized to conduct administrative and/or criminal investigations into allegations of sexual abuse or sexual harassment in VADOC facilities. Special Investigations Unit Investigators are designed with the same power as a law-enforcement officer in the investigation of criminal behavior affecting the operations of VADOC.

Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 requires an administrative or criminal investigation conducted in accordance with PREA standards shall be completed for all allegations of sexual abuse and sexual harassment. The initial investigation may be conducted by the facility investigator. Unless it is quickly and definitively determined that the allegation is unfounded, allegations of sexual abuse or sexual harassment shall be referred for investigation to the VADOC Special Investigations Unit (SIU). The Special Investigations Unit (SIU) shall conduct investigations into criminal behavior, procedural or administrative violation, or employee misconduct affecting the operation of the Department. The SIU Chief shall review the nature of all allegations received to determine if an investigation is warranted.

All staff are required to report all allegations, knowledge and suspicions of sexual abuse, sexual harassment, retaliation, staff neglect and/or violations of responsibilities that may have contributed to an incident or retaliation to their supervisor or ADO. The ADO notifies the administration. Staff interviews reflected and confirmed their knowledge on the reporting, referral process and policy's requirements but did not know the agency who conducts the administrative and criminal investigation in response to an allegation of sexual abuse and sexual harassment.

Interviews with the Warden, Institution Operations Manager/PREA Compliance Manager, a Facility Investigator and SIU Investigator confirmed that the agency ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse or sexual harassment. Also, any internal investigation that identifies criminal activity or involves a staff member would be immediately referred to the Special Investigations Unit (SIU). The assigned SIU investigator works directly with local law enforcement and the facility investigator would act in a liaison position. The SIU investigator informs the Warden on the progress of a sexual abuse investigation as well as the VADOC PREA Coordinator and Regional PREA/ADA Analyst.

The PREA policy can be found on the Virginia state's website and information can be found in their PREA pamphlet "Sexual Assault Awareness and Prevention" that is available in English and Spanish. Red Onion State Prison reported sixty-eight (68) allegations of sexual abuse and sexual harassment resulting in a criminal investigation and/or an administrative investigation in the past twelve (12) months. A review of the reports indicated (2) were verbally reported to staff, (2) was an emergency grievance, (3) grievance, (3) written statement (anonymous or informally), (1) informal, (1) email, (1) third party, (2) unknown and (53) were reported through the hotline (#55). Five (5) allegations received a criminal investigation and the other sixty-three (63) received administrative investigations. Sixty-five (65) criminal and administrative investigations resulted in Unsubstantiated or Unfounded findings and the other three (3) investigations resulted in Substantiated findings by the investigators. Red Onion SP's Institutional Operation Manager/PREA Compliance Manager tracks all the investigations at the facility.

After the on-site visit, all staff were re-trained on who conducts the administrative and criminal investigations in response to an allegation of sexual abuse and sexual harassment. The Regional PREA/ADA Analyst sent the appropriate supplemental documentation to this auditor demonstrating corrective actions had been taken with this standard prior to the submission of this report.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews, review of documentation, and the follow-up documentation, the facility has demonstrated compliance with this standard.

## TRAINING AND EDUCATION

### Standard 115.31: Employee training

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

#### 115.31 (a)

- Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment?  Yes  No
- Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?  Yes  No
- Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment  Yes  No

- Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment?  Yes  No
- Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?  Yes  No
- Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims?  Yes  No
- Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse?  Yes  No
- Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates?  Yes  No
- Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates?  Yes  No
- Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?  Yes  No

#### 115.31 (b)

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

#### 115.31 (c)

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

#### 115.31 (d)

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

## Auditor Overall Compliance Determination

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

## Instructions for Overall Compliance Determination Narrative

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A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 102.6 (Staff Orientation) effective November 1, 2016 requires an in-depth PREA Training upon initially becoming an employee (entry level training) as well as refresher training annually. All the PREA training provided to employees statewide contains all ten (10) topics consistent with this standard's requirements. Employees will receive additional training, to include gender diversity, if the employee is reassigned from a facility that houses only male offenders to a facility that houses only female offenders, or vice versa. Employees are required to document that they understand the training and this shall be through employee signature or electronic verification.

Operating Procedure (OP) 350.2 (Training and Development) amended May 4, 2016 requires employees to complete annual in-service training on current VADOC sexual abuse and sexual harassment policies and procedures and all ten (10) topics consistent with this standard's requirements. The employees will receive additional training, to include gender diversity, if the employee is reassigned from a facility that houses only male offenders to a facility that houses only female offenders or vice versa. Also, security staff receives training on conduct/ethics, security, safety, fire, medical, and emergency procedures and the supervision of offenders including training on the current the VADOC sexual abuse and sexual harassment policies and procedures.

A review of the staff training documentation including staff training rosters, curriculum, lesson plans, checklists, staff exams and staff interviews confirmed staff receives PREA training during initial pre-service training and during refresher in-service training. All employees are trained as new hires regardless of their previous experience. All new employees sign the "PREA Training Acknowledgement Form" indicating they received the training and understand their responsibilities for all the different training modules and tested upon completion of the initial PREA training. Additionally, all staff are required to complete an annual in-service PREA training and sign the "PREA Training Acknowledgement Form" indicating they received the training and understand their responsibilities for all the different training modules and tested upon completion of the PREA training.

Staff interviews confirmed receiving annual in-service training, their comprehension of the PREA training and their obligation to report any allegation of the sexual abuse and/or sexual harassment. At the facility, it was evident through documentation, interviews and observation of the day-to-day operations that the staff is trained continually about the PREA standards during shift briefings and the completion of various on-line trainings.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and the review of detailed documentation during the on-site visit and facility tour, the facility has demonstrated exceeding this standard. The agency requires all staff to receive formal PREA training annually.

## Standard 115.32: Volunteer and contractor training

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

#### 115.32 (a)

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

#### 115.32 (b)

- Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)?  Yes  No

#### 115.32 (c)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 027.1 (Volunteer Program) amended September 15, 2015 requires volunteers who will have no offender

contact other than under close direct supervision of a corrections employee to a trained volunteer should be provided the Rules for Volunteers, A Guide to Maintaining Appropriate Boundaries with Offenders, and a Receipt and understanding of these materials will be documented by the volunteer's signature on the Rules for Volunteers. Training will include a briefing on security procedures, privacy laws, chain of command, basic knowledge of criminal behavior, and other related topics, as pertinent and applicable. Also, requires the Volunteer Coordinator shall ensure that all volunteers who have contact with offenders have been trained on their responsibilities under the sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 requires that all contracts and volunteers who have contact (or could have contact) with offenders shall be trained on their responsibilities to prevent, detect, monitor and report allegations and incidents of sexual abuse and sexual harassment of offenders and probationers. The level and type of training provided shall be based on the services they provide and the level of contact they have with offenders, but all volunteers, interns and contractors who have contact with offenders shall be notified of the agency's zero tolerance policy regarding sexual abuse and sexual harassment and be informed how to report such incidents. At a minimum, such person should be provided with a copy of the brochure "A Guide to Maintaining Appropriate Boundaries with Offenders".

Operating Procedure (OP) 102.6 (Staff Orientation) effective November 1, 2016 and 350.2 (Training and Development) amended May 4, 2016 requires that all volunteers and contractors who have contact with offenders have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detention, and response policies and procedures. Long-term, full-time contract staff with offender contact shall comply with the same orientation and training as equivalent VADOC employees.

All volunteers, interns and contractors training consists of a power point presentation that includes: policies, PREA definitions, reporting requirements and other required procedures, A Guide to Maintaining Appropriate Boundaries with Offenders and sign the "PREA and VADOC" form upon completion of the PREA training they received. The brochure was reviewed for content and addresses the zero-tolerance policy, identifies the levels of contact with offenders, duty to report information, red flag information and prevention tips. Also, the facility's Chaplain tracks the volunteers from various religious groups who had completed the orientation training which includes the PREA education. The facility reports over fifty (50) volunteers and five (5) contractors who may have access to offenders.

A review of randomly selected individual volunteer and contractor files contained an acknowledgement that the volunteer and/or contractor completed and understood their requirement for confidentiality and their duty to report any incidents of sexual abuse and/or sexual harassment. Interviews with a volunteer and a contractor confirmed their knowledge of the required PREA training and VADOC's zero tolerance of any form of sexual activity at the facility as well as their duty to report sexual abuse or sexual harassment.

Based on the review of the agency policy and procedures, observations and information obtained through the volunteer and contractor interviews and documentation, the facility has demonstrated compliance with this standard.

## **Standard 115.33: Inmate education**

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

### 115.33 (a)

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

### 115.33 (b)

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

### 115.33 (c)

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

### 115.33 (d)

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



### 115.33 (e)

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

### 115.33 (f)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 requires when an offender enters a VADOC facility from a jail, the offender shall receive the initial PREA training immediately upon intake that consists of Preventing Sexual Abuse & Sexual Assault, Section 1 of PREA video "PREA: What You Need to Know" and a copy of the "Sexual Assault Awareness and Prevention" brochure. The facilities are required to provide the PREA information for Limited English Proficient offenders, and those with disabilities such as limited reading skills, deaf or visually impaired. Within 10 days of arrival, the offender shall receive a comprehensive PREA training, utilizing the "Preventing Sexual Abuse & Sexual Assault" including use of the videos PREA: "What You Need to Know" and "Breaking the Silence of Offender Sexual Abuse". The offender shall document receiving the Sexual Assault Awareness and Prevention brochure and both of the Preventing Sexual Abuse and Sexual Assault Trainings (Intake and Comprehensive) by signing the Acknowledgement of Preventing Sexual Abuse and Sexual Assault Training (available in Spanish). The signed Acknowledgement will be uploaded as an external document in VACORIS (agency computer-based operating system), identified as a Special Entry Note.

Operating Procedure (OP) 810.2 (Transfer Offender Receiving and Orientation) amended January 22, 2018 requires that inmates transferred from one facility to another will be provided a copy of the "Sexual Assault Awareness and Prevention" brochure that includes the Sexual Assault Hotline number. If there is no record of having received the comprehensive PREA education in the offender's record, the offender will then be provided PREA training as described for a new intake. Each facility shall ensure

that key information is continuously and readily available or visible to offenders through posters, offender handbooks, or other written formats.

During the facility tour, this auditor tested the hotline (#55), the test call was located in the VADOC PREA inbox and an email was generated with the voice message to the VADOC PREA/ADA Supervisor. This information was provided to the auditor within less than two (2) hours of the test call. Also, during the telephone testing, two (2) of the telephones in one (1) the housing units (A-6) were inoperable. This was corrected during the on-site visit and the documentation was provided to this auditor by the Regional PREA/ADA Analyst.

The "Sexual Assault Awareness and Prevention" brochure was reviewed for content and contains the reporting information as follows: What is PREA?, Suspicious Behavior, Reporting, Prevention, Sexual Misconduct, Making False Claims, Retaliation, and additional information (hotline, email emotional support services and third party reporting to the VADOC PREA Office). The Red Onion SP Offender Orientation Manual contained the PREA education that is reviewed during the orientation process. The manual contains specific information on the reporting process, the brochure information, and the grievance process (informal complaints, regular and emergency). This information is provided in English, Spanish and Braille.

Interviews with the case management staff confirmed inmates receive appropriate education information regarding safety, their rights to be free from sexual abuse, sexual harassment, retaliation, reporting and the agency's response to allegations upon arrival and again within several days. Upon arrival, the inmate will process through security, medical, mental health, and eventually meets with case management staff to conduct the intake PREA education. The inmates are provided with the PREA brochure, narrative of the information being verbally presented is on how to report allegations and how to access emotional support services. Orientation is provided within several days including a video that is available in English, Spanish and contains closed caption capability. Inmates sign an "Acknowledgement of Preventing Sexual Abuse and Sexual Assault" during both the intake and the orientation process to verify the observation of the video and attending the orientation.

Documentation of inmate's signatures were reviewed and confirmed during inmate interviews. Also, a review was conducted of the inmate PREA education forms and the information was provided as per policy of the PREA education being provided at intake (first day) and orientation within several days exceeding the ten (10) day requirement. Some inmate interviews stated they received this information the same day they arrived at the facility, identified the receipt of the pamphlet, and observed the video within several days after arriving to the facility. PREA postings were observed during the facility tour in the housing units, common areas and inmates identified the postings as another source of information for them.

After the on-site visit, the case management staff were re-trained on how to provide PREA education to inmates during intake and throughout the inmates stay at the facility. The Regional PREA/ADA Analyst sent the appropriate supplemental documentation to this auditor demonstrating corrective actions had been taken with this standard prior to the submission of this report.

Based on the review of the agency policy and procedures, observations and information obtained through staff and inmate interviews, review of documentation, and the follow-up documentation, the facility has demonstrated compliance with this standard.

## Standard 115.34: Specialized training: Investigations

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

### 115.34 (a)

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

### 115.34 (b)

- Does this specialized training include techniques for interviewing sexual abuse victims? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).]  Yes  No  NA
- Does this specialized training include proper use of Miranda and Garrity warnings? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).]  Yes  No  NA
- Does this specialized training include sexual abuse evidence collection in confinement settings? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).]  Yes  No  NA
- Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).]  Yes  No  NA

### 115.34 (c)

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

### 115.34 (d)

- Auditor is not required to audit this provision.

### Auditor Overall Compliance Determination

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

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

### **Instructions for Overall Compliance Determination Narrative**

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 030.4 (Special Investigations Unit) amended November 29, 2016 and OP 350.2 (Training and Development) amended May 4, 2016 requires that PREA Investigators shall complete general PREA Training that is provided to all employees and specialized training in conducting sexual abuse investigations in confinement settings. The required training includes: 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 or prosecution referral. The facility's PREA Compliance Manager is required to maintain documentation of their facility investigator's completed specialized training.

Documentation confirmed that specialized training for investigators is a two and one-half day training conducted by VADOC with several modules covering required topics as per the standard. The training material provided to the investigators is from the Moss Group in collaboration with the National PREA Resource Center and National Institute of Corrections (NIC). VADOC has multiple investigators within the Special Investigations Unit. Documentation (certificates), interviews with a SIU Investigator and a facility investigator confirmed they completed the required specialized investigator training as well as the annual PREA education. Both investigators indicated the specialized investigation training consisted of interviewing techniques, Miranda warnings, Garrity warnings, sexual abuse evidence collection, and the criteria and evidence to substantiated a case for administrative or prosecution referral. At the facility level, the assigned investigator will conduct an initial inquiry into the alleged allegation of sexual abuse or sexual harassment, subsequently conduct an administrative investigation and when necessary refer the information to the Special Investigations Unit (SIU) for further investigation for the determination of criminal charges.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews, and review of documentation, the facility has demonstrated compliance with this standard.

## **Standard 115.35: Specialized training: Medical and mental health care**

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

### 115.35 (a)

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

### 115.35 (b)

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

### 115.35 (c)

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

### 115.35 (d)

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

### Auditor Overall Compliance Determination

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

## Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 102.6 (Staff Orientation) effective November 1, 2016 requires medical and mental health care practitioners shall receive the training mandated for employees or for contractors and volunteers depending on the practitioner's status in VADOC.

Operating Procedure (OP) 350.2 (Training and Development) amended May 4, 2016 requires non-security staff, medical and mental health care practitioners to receive training mandated for employees or contractors and volunteers depending upon the practitioner's status with VADOC, is required for medical and mental health care practitioners.

Operating Procedure (OP) 701.1 (Health Services Administration) amended July 1, 2016 requires that all full and part-time medical and mental health staff who work regularly in VADOC facilities receives specialized training in: How to detect and assess for signs of sexual abuse and sexual harassment; How to preserve physical evidence of sexual abuse; How to respond effectively and professionally to victims of sexual abuse and sexual harassment and How and to whom to report allegations or suspicions of sexual abuse and sexual harassment. Requires full-time health care professionals complete an annual 40-hour continuing education that includes: Response to emergency health-related situations within a 4-hour minute response time; Recognition of signs and symptom and knowledge of action required in potential emergency situations; Administration of basic first aid; Methods of obtaining assistance; signs and symptoms of mental illness, violent behavior and acute chemical intoxication and withdrawal and Procedures for patient transfers to appropriate medical facilities to health care providers.

Operating Procedure (OP) 720.7 (Emergency Medical Equipment and Care) effective October 1, 2016 requires that all healthcare providers shall be trained in appropriate response to allegations of sexual abuse and appropriate procedures to preserve relevant evidence.

The documentation review contained the training certificates (NIC) completed by all thirty-two (32) of the medical and mental health staff. Also, all medical and mental health staff participated in annual PREA training provided by VADOC. The medical staff at the facility does not conduct forensic examinations. Interviews with two (2) medical and a mental health staff confirmed their understanding of the requirement to complete the specialized training, verified completing the on-line course with NIC and participating in the annual basic PREA training. Also, the medical and mental health staff interviews confirmed they had received the appropriate training in detecting/assessing for signs of sexual abuse and sexual harassment; preservation of physical evidence of sexual abuse; responding effectively and professionally to victims of sexual abuse and sexual harassment, and how and to whom to report allegations or suspicious of sexual abuse or sexual harassment.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews, and review of documentation, the facility has demonstrated compliance with this standard.

## SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

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

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

#### 115.41 (a)

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

#### 115.41 (b)

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

#### 115.41 (c)

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

#### 115.41 (d)

- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability?  Yes  No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate?  Yes  No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate?  Yes  No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated?  Yes  No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent?  Yes  No

- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child?  Yes  No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)?  Yes  No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization?  Yes  No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability?  Yes  No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes?  Yes  No

#### 115.41 (e)

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

#### 115.41 (f)

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

#### 115.41 (g)

- Does the facility reassess an inmate's risk level when warranted due to a: Referral?  Yes  No
- Does the facility reassess an inmate's risk level when warranted due to a: Request?  Yes  No



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

#### 115.41 (h)

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

#### 115.41 (i)

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

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 730.2 (Mental Health Services: Screening, Assessment and Classification) amended May 13, 2016 requires all offenders upon intake at Reception and Classification Centers shall receive a mental health screening by a health-trained staff or qualified health care personnel. Transfers into VADOC institutions shall receive a "Mental Health Appraisal" by a qualified mental health professional (QMHP) within 14 days, and includes a review of sexual abuse victimization and predatory behavior. And an offender's risk level to be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the offender's risk of sexual victimization or abusiveness.

Operating Procedure (OP) 810.1 (Offender Reception and Classification) and OP 810.2 (Transferred Offender Receiving and Orientation) amended January 22, 2018 requires a counselor or other non-clerical reception center staff shall assess all offenders during reception for their risk of being sexually abused by other offenders or sexually abusive toward other offenders. The assessment shall be

completed and approved within 72 hours of arrival at the facility. Reception center staff will interview and evaluate all incoming offenders for High Risk Sexual Aggressor (HRSA) and/or High Risk Sexual Victim (HRSV) tendencies utilizing the results of the Classification Assessment in VACORIS (agency computer-based operating system) and available offender records. In order to ensure that sensitive information is not exploited to the offender's detriment by staff or other offenders, responses to "Classification Assessment" questions regarding an offender's risk of sexual victimization and abusiveness shall only be disseminated in accordance with this operating procedure. Notifications for offenders that score as a High Risk Sexual Victim (HRSV) and/or High Risk Sexual Aggressor (HRSA), the person completing the "Classification Assessment" shall immediately notify the facility Senior QMHP for follow-up in accordance with VADOC Operating Procedures.

Operating Procedure (OP) 861.1 (Offender Discipline, Institutions) amended July 25, 2016 requires an offender convicted of sexual assault and any offender victims should be referred to their counselor for reassessment of the offender's risk of sexual victimization or abusiveness. At the discretion of the Hearing Officer, a conviction of offenses may also warrant referral.

Inmate interviews and a review of the offender database information sheets from June 2017 – June 2018 confirmed the screening was conducted as required per VADOC policy and procedure. Also, the screenings were conducted within twenty-four (24) hours of arrival to the facility. Staff interviews confirmed that an initial screening is conducted within twenty-four (24) hours of the offender's arrival. Also, the staff conducts reviews prior to an inmate's arrival to obtain information in the VACORIS system, pre-sentencing reports, health issues, classification assessments and past criminal behavior. The screening that is conducted includes any disabilities, age, physical build, current and previous incarcerations, personal history, violent offenses, LGBTI status, mental illness, prior victimization and assaultive behaviors. Those inmates who score vulnerable to victim or sexually aggressive are included into their alert system, as well as receiving further assessments, as identified. Inmates reporting prior victimization, according to staff, are referred immediately for a follow-up with medical or mental health staff. These referrals to medical or mental health staff are documented. Offenders are reassessed at a minimum of fourteen (14) days and throughout their stay at the facility. The facility's policies limit staff access to this information on a "need to know basis". Access to information is available only to the Warden, Assistant Warden, facility PCM, Unit Managers, Major, QMHP's, medical staff, and counselors.

Although there has been four (4) transgender or intersex inmates admitted to the facility within the past twelve (12) months, staff interviews confirmed consideration is given for the inmate's own views of their safety in placement and programming assignments.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the facility has demonstrated compliance with this standard.

## **Standard 115.42: Use of screening information**

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

#### **115.42 (a)**

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

#### 115.42 (b)

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

#### 115.42 (c)

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

#### 115.42 (d)

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

#### 115.42 (e)

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

#### 115.42 (f)

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

#### 115.42 (g)

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

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 requires VADOC to use information from the "Classification Assessment" to make housing, bed, work, education, and program assignments with

the goal to keep separate those at high risk of being sexually victimized from those at high risk of being sexually abusive. VADOC requires individual determination about how to ensure the safety of each offender. Requires specialized decisions to provide specific individual accommodations to transgender or intersex offenders and offenders diagnosed by Mental Health staff with Gender Dysphoria shall be made by the Gender Dysphoria Committee. In deciding whether to assign a transgender or intersex offender to a facility for male or female offenders, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the offender's health and safety, and whether the placement would present management or security problems.

Placement and programming assignments for each transgender or intersex offender shall be reassessed at least twice each year to review any threats to safety experienced by the offender. The Institutional Program Manager (IPM) or designated staff for facilities without an IPM shall pull the Facility Offender Alert custom report from VACORIS (agency computer-based operating system) in the months of January and July in order to complete a six (6) month reassessment of housing and programs for all transgender and intersex offenders. This review shall be documented in VACORIS. The staff member must meet with the offender to discuss their program and housing needs and to ensure their current assignments are still appropriate. VADOC prohibits the placement of LGBTI offenders in dedicated facilities, units, or wings solely on the basis of such identification or status. The IPM or designated staff shall refer the offender to QMHP for follow-up, as needed.

Operating Procedure (OP) 425.4 (Management of Bed and Cell Assignments) amended January 16, 2018 requires institutional staff to use information from the "Classification Assessment" to make housing, bed, work, education, and program assignments with the goal to keep separate those at high risk of being sexually victimized from those at high risk of being sexually abusive. VADOC requires housing and bed assignments for transgender or intersex offender shall be made on a case-by-case basis and shall take into consideration whether a placement would ensure the offenders health and safety and whether the placement would present management or security problems. A six (6) month reassessment of the "Classification Assessment" is required for all transgender and intersex offenders. VADOC prohibits the placement of LGBTI offenders in dedicated housing units or wings solely on the basis of such identification or status.

Operating Procedure (OP) 730.2 (Mental Health Services: Screening, Assessment and Classification) amended May 13, 2016 requires mental health staff to complete a six (6) month follow-up reassessments for offenders determined by the Classification Assessment as High Risk for Sexual Aggression (HRSA) and as High Risk for Sexual Victimization (HRSV). VADOC requires that the Qualified Mental Health Professional (QMHP) will provide relevant results of the screening to the classification office for determination of housing and programming services whether the placement would present management or security problems. Also, the QMHP is required to provide relevant information to the Classification Office on whether to assign a transgender or intersex offender to a facility for male or female offenders, and in making other housing and programming assignments.

Operating Procedure (OP) 810.1 (Offender Reception and Classification) and OP 810.2 (Transferred Offender Receiving and Orientation) amended January 22, 2018 requires a counselor or other non-clerical reception center staff shall assess all offenders during reception for their risk of being sexually abused by other offenders or sexually abusive toward other offenders. The assessment shall be completed and approved within 72 hours of arrival at the facility. Reception center staff will interview and evaluate all incoming offenders for High Risk Sexual Aggressor (HRSA) and/or High Risk Sexual Victim (HRSV) tendencies utilizing the results of the Classification Assessment in VACORIS (agency computer-based operating system) and available offender records. Requires that the information from

the "Classification Assessment" be utilized to make housing, bed, work, education and program assignments and requires a six (6) month review of the "Classification Assessment" for transgender and intersex offenders. In order to ensure that sensitive information is not exploited to the offender's detriment by staff or other offenders, responses to "Classification Assessment" questions regarding an offender's risk of sexual victimization and abusiveness shall only be disseminated in accordance with this operating procedure. Notifications for offenders that score as a High Risk Sexual Victim (HRSV) and/or High Risk Sexual Aggressor (HRSA), the person completing the "Classification Assessment" shall immediately notify the facility Senior QMHP for follow-up in accordance with VADOC Operating Procedures. A six (6) month follow-up alert will be placed in VACORIS for transgender or intersex offenders and requires the staff to document their perception of whether or not an offender appears to be gender nonconforming.

Operating Procedure (OP) 830.5 (Transfers, Facility Reassignments) amended August 19, 2016 requires the facility to make an individualized determination about how to ensure the safety of each offender when assigning an offender to the Protective Custody Unit. VADOC requires on a case-by-case assessment when placing a transgender or intersex offender to the Protective Custody Unit and requires the offenders own views with respect to their own safety shall be given serious consideration.

Operating Procedure (OP) 841.2 (Offender Work Programs) amended October 26, 2016 requires the facility to review the "Classification Assessment" ensuring that those offenders at high risk of being sexually victimized are separated from those at high risk of being sexually abusive.

Red Onion SP's Institutional Operations Manager/PREA Compliance Manager and the staff interviews described how information from the "Classification Assessment" precludes gay, bi-sexual, transgender and intersex inmates being placed in a particular housing unit, beds or other assignments based solely on their identification or status. In addition, they described the screening and assessment process and how that information, along with information derived from medical and mental health screening and assessments, records reviews, database checks, conversations and observations, is used to determine an inmate's appropriate placement, housing and bed assignments, as well as work, education, and program assignments with the goal of keeping all inmates safe and free from sexual abuse. The "Classification Assessment" information is reviewed within fourteen (14) to twenty-one (21) days, if there is an incident of sexual abuse, upon request, or if there is receipt of additional information that an inmate is at risk of sexual victimization or abusiveness. Also, staff indicated an inmate's perception of risk is addressed and provision will be made on a case-by-case basis for showering changes.

Documentation review confirmed the risk assessment occurred within twenty-one (21) days and the inmate received the rescreening as required. The facility does not have a designated housing unit for gay, bisexual, transgender or intersex inmates. Inmates interviewed who identified as transgender or intersex reported that there were no concerns regarding their placement, that there is not a special unit just for LGBTI offenders, that they were asked about their safety, and they could request to shower separately. There are four (4) building pods/housing with six (6) housing units each containing a day room, correctional tables/chairs, telephones and kiosks, shower area, and single cells with double bunk beds. All housing units had bulletin boards and posters with PREA information, postings and other facility information.

Based on the review of the agency policy and procedures, observations and information obtained through staff and inmate interviews and review of documentation, the facility has demonstrated compliance with this standard.

## Standard 115.43: Protective Custody

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

#### 115.43 (a)

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

#### 115.43 (b)

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

#### 115.43 (c)

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

#### 115.43 (d)

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

#### 115.43 (e)

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

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 425.4 (Management of Bed and Cell Assignments) amended January 16, 2018 requires institutional staff who identify offenders as high risk of sexual victimization or offenders alleged to have suffered sexual abuse should not normally be placed in segregation without their consent unless it has been determined that there is no available alternative means of separation from likely abusers. Placement in segregation must clearly document on the "Special Housing Status Review" report, the basis for the concern for the offender's safety and the reason why no alternative means of separation can be arranged. Requires that involuntary assignment to segregation shall only be long enough for alternative means of separation from likely abusers can be arranged, but no longer than thirty (30) days. Requires offenders placed in segregation shall have access to programs, privileges, education, and work opportunities to the extent possible while ensuring their safety. Any restrictions of programs, privileges, education and work opportunity, the duration of the limitation and the reasons for the limitation will be documented on the "Special Housing: Denial of Activity or Service" form.



Operating Procedure (OP) 810.1 (Offender Reception and Classification) and OP 810.2 (Transferred Offender Receiving and Orientation) amended January 22, 2018 requires that offenders identified as high risk for sexual victimization shall not be placed in Special Housing without their consent unless as an assessment of all available alternatives has been completed, and it has been determined by the Qualified Mental Health Professional (QMHP), in consultation with the Shift Commander and Regional PREA/ADA Analyst, that there is no available alternative means of separation from likely abusers. An assessment is completed immediately or within 24 hours. Requires the documentation to include the basis for the facility's concern for the offender's safety and the reason why no alternative means of separation can be arranged.

Operating Procedure (OP) 830.5 (Transfers, Facility Reassignments) amended August 19, 2016 requires that offenders identified as high risk of sexual victimization or offenders alleged to have suffered sexual abuse should not normally be placed in segregation without their consent unless it has been determined that there is no available alternative means of separation from likely abusers. Placement in segregation must clearly document on the "Institutional Classification Authority Hearing" report the basis for the concern for the offender's safety and the reason why no alternative means of separation can be arranged. Requires that involuntary assignment to segregation shall only be long enough for alternative means of separation from likely abusers can be arranged, but no longer than thirty (30) days. Notification to the Regional PREA/ADA Analyst is required of this assignment and kept informed of any changes in the offender's status.

Additionally, any placement of an inmate in involuntary segregated housing and any type of restrictions is documented on the "Sexual Abuse/Sexual Harassment Available Alternatives Assessment" form. Red Onion SP Warden's written memorandum dated June 19, 2018 stated that they have had no offenders identified as high risk of victimization requiring placement in restricted housing in the past year. He did report that a transgender or intersex offender may be placed in segregated housing overnight in order to assess housing, but that it had not occurred. A staff interview who works in segregated housing confirmed he had not witnessed any inmate placed in involuntary segregated housing. Also, he indicated if an inmate is placed in involuntary segregated housing for their own protection he would have access to programs, privileges, education and work only if there is no safety concern. This information would be documented and reviewed. He confirmed every thirty (30) days if an inmate is placed in involuntary segregated housing, a meeting is held with counselors, unit manager, the Major and Institutional Operations Manager/PREA Compliance Manager. No inmate interview that made an allegation or reported a prior victimization was placed in involuntary segregated housing. This was confirmed through the investigation files.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews, and review of documentation, the facility has demonstrated compliance with this standard.

## REPORTING

### Standard 115.51: Inmate reporting

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

#### 115.51 (a)

- Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment?  Yes  No
- Does the agency provide multiple internal ways for inmates to privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment?  Yes  No
- Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?  Yes  No

#### 115.51 (b)

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

#### 115.51 (c)

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

#### 115.51 (d)

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

#### Auditor Overall Compliance Determination

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

## Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 038.1 (Reporting Serious or Unusual Incidents) amended November 20, 2017 requires that staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document verbal reports as an "Internal Incident Report" with PREA checked in the description field.

Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 requires that offenders shall have the opportunity to report sexual abuse and sexual harassment, retaliation by other offenders or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents to any employee, and will not be required to report only to the immediate point-of-contact line officer. Requires that offenders may report abuse to any employee, including chaplains, medical, mental health or counseling staff, security staff or administrators, by informing the employee in any manner available, e.g. verbally, through the offender telephone system (Sexual Assault Hotline #55), or in writing using the Offender request or Informal Complaint form. An offender who is sexually assaulted shall immediately notify staff that a sexual assault has occurred. Staff is required to accept reports made verbally, in writing, anonymously, and from third parties. Requires an offender method of reporting must include reporting to an outside public or private entity or office that is not part of the agency and is able to receive and immediately forward offender reports of sexual abuse and sexual harassment to agency officials, allowing the offender to remain anonymous upon request. VADOC is required to provide a method for staff to privately report sexual abuse and sexual harassment of offenders.

Operating Procedure (OP) 801.6 (Offender Services) amended November 17, 2015 requires an "Offender Request" is one (1) internal way for an inmate to report sexual abuse or sexual harassment and this is provided during the orientation process. The staff shall accept any report of PREA related issues submitted and immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment to the facility Unit Head and facility PREA Compliance Manager.

Operating Procedure (OP) 803.3 (Offender Telephone Service) effective December 1, 2016 requires that telephones shall have the ability to dial the PREA/Sexual Abuse Hotline at #55.

Operating Procedure (OP) 866.1 (Offender Grievance Procedure) amended November 17, 2016 requires that staff shall accept any report of sexual abuse or sexual harassment made through the "Informal Complaint" system or the "Offender Grievance" and/or "Emergency Grievance" procedures and immediately notify the facility Unit Head, PREA Compliance Manager and the Regional PREA/ADA Analyst.

During the facility tour, this auditor tested the hotline (#55), the test call was located in the VADOC PREA inbox and an email was generated with the voice message to the VADOC PREA/ADA Supervisor. This information was provided to the auditor within less than two (2) hours of the test call. This auditor's test of the inmate phone system confirms the facility access for inmate reports of sexual abuse and sexual harassment to VADOC and facility officials.

Red Onion SP has multiple ways for inmate reporting of sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Also, during the orientation process inmates are advised that they can tell any staff member, including contractors or volunteers, who are trained and required to report all allegations of sexual abuse or sexual harassment and in writing through the "Informal Complaint" system or the "Formal Grievance" procedure. Externally, inmates can contact VSDV Action Alliance through the use of the #55, option 2 and who can receive calls alleging sexual abuse and sexual harassment. This information is forwarded to the VADOC PREA/ADA Supervisor and will maintain confidentiality if so requested by the inmate. Information regarding reporting through VSDV Action Alliance is provided to the inmates upon intake. There is evidence of VADOC obtaining a Memorandum of Understanding with the Virginia Sexual & Domestic Violence Action Alliance to provide victim advocate services and confidential emotional support services to inmates who are victims of sexual abuse. An interview with a representative from the VSDV Action Alliance confirmed that statewide services are provided to inmates for hotline reporting for sexual assaults, victim advocate and confidential emotional support services.

Staff interviews confirmed they will accept allegations of sexual abuse or sexual harassment verbally, in writing, anonymously, and from third parties and report to their supervisor/ADO. In addition, the staff is provided information for reporting sexual abuse or sexual harassment in a confidential manner through a separate phone number that is outside of the facility. Inmate interviews indicated they were familiar with how to report sexual abuse or sexual harassment, the information was provided during intake, and the information is posted in the facility to remind them of how to report.

While touring the entire facility, it was observed in the living areas postings of the PREA information (posters), PREA/Sexual Abuse Hotline number posted near telephones and other facility information. The victim advocate information postings were limited. Reporting procedures are provided to inmates through VADOC PREA pamphlet entitled "Preventing Sexual Abuse & Sexual Assault" and power point/video presentation. A review of the allegations of sexual abuse and sexual harassment in the past twelve (12) months indicated the facility has established various methods of reporting including the external entity, VSDV Action Alliance. A review of the reports indicated (2) were verbally reported to staff, (2) was an emergency grievance, (3) grievance, (3) written statement (anonymous or informally), (1) informal, (1) email, (1) third party, (2) unknown and (53) were reported through the hotline (#55). Five (5) allegations received a criminal investigation and the other sixty-three (63) received administrative investigations.

Based on the review of the agency policy and procedures, observations and information obtained through staff and inmate interviews, and review of documentation, the facility has demonstrated compliance with this standard.

## **Standard 115.52: Exhaustion of administrative remedies**

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

#### **115.52 (a)**

- Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of

explicit policy, the agency does not have an administrative remedies process to address sexual abuse.  Yes  No  NA

#### 115.52 (b)

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

#### 115.52 (c)

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

#### 115.52 (d)

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

#### 115.52 (e)

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

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

#### 115.52 (f)

- Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)  Yes  No  NA
- After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.)  Yes  No  NA
- After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.)  Yes  No  NA
- After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)  Yes  No  NA
- Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)  Yes  No  NA
- Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)  Yes  No  NA
- Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)  Yes  No  NA

#### 115.52 (g)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 allows an offender to submit a grievance regarding an allegation of sexual abuse with no time limit. This allows for third parties, including fellow offenders, staff members, family members, attorneys, and outside advocates, to assist offenders in filing requests for administrative remedies relating to allegations of sexual abuse, and permitted to file such requests on behalf of offenders. If an offender declines to have the request processed, the facility will document the offenders' decision.

Operating Procedure (OP) 861.1 (Offender Discipline, Institutions) amended July 25, 2016 reaffirms that reports of sexual abuse and an offender grievance made in good faith do not fall under the offender discipline system, such a report shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

Operating Procedure (OP) 866.1 (Offender Grievance Procedure) amended November 17, 2016 requires each facility will have a Grievance Coordinator and a designated alternate to ensure procedural compliance. Allows offenders to submit an allegation of sexual abuse through a grievance without first submitting to the staff member who is the subject of the complaint, is not referred to the staff member who is the subject of the complaint, and will not be the respondent of a grievance. Requires the facility to respond within twenty (20) days to grievances alleging sexual abuse. At the facility level, staff has thirty (30) calendar days to provide a response. At the Regional Level which is Level II, the time limit is twenty (20) calendar days. Requires all grievances alleging sexual abuse must not exceed 70 days. Requires that the expiration of a time frame (to include any authorized continuances) at any stage of the process shall be considered a denial and shall qualify the grievance for appeal to the next level of review. Requires Emergency Grievances alleging imminent sexual abuse requires automatic forwarding to the Administrative Duty Officer or Shift commander who must respond within 8 hours.

Both the initial response and final agency decision shall document the institution's determination whether the offender is in substantial risk of imminent sexual abuse and the action taken in response to the Emergency Grievance. An offender is not required to use the informal complaint process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. There is no time limit on when an offender may submit a grievance regarding an allegation of sexual abuse.

An interview with staff confirmed the inmates receive an explanation on how to use the grievance process to report allegations of abuse and has administrative procedures/appeal process for dealing with inmate's grievances regarding sexual abuse or sexual harassment during orientation and they are provided with an Offender Orientation Handbook. Inmates may place a written complaint (grievance) in the institutional mailbox located in various locations of the facility that is checked daily. Inmate interviews confirmed there is a grievance process relating to sexual abuse or sexual harassment complaints at the facility. Red Onion SP had four (4) emergency grievances and six (6) other grievances in the past twelve (12) months related to sexual abuse or sexual harassment complaints.

Based on the review of the agency policy and procedures, observations and information obtained through staff and inmate interviews and review of documentation, the facility has demonstrated compliance with this standard.

## **Standard 115.53: Inmate access to outside confidential support services**

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

### **115.53 (a)**

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

### **115.53 (b)**

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

### **115.53 (c)**

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



## Auditor Overall Compliance Determination

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

## Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 requires the facilities provide to offenders outside confidential support services and the facility to provide reasonable communication between offenders, these organizations and agency, in as confidential a manner as possible. The facility shall inform offenders prior to giving them access, of the extent to which such communication will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. VADOC requires that each facility maintains a Memorandum of Understanding with Action Alliance, a provider who is able to provide offenders with access to confidential emotional support services related to sexual abuse.

There is evidence of VADOC obtaining a Memorandum of Understanding with the Virginia Sexual & Domestic Violence Action Alliance since May 1, 2013. The last contract extension is dated April 19, 2018 for the extension of services from May 1, 2018 through April 30, 2019. VSDV Action Alliance agrees to provide a statewide hotline, provide free confidential crisis intervention and emotional support services related to sexual abuse or assault for VADOC victims each month who are calling the toll-free telephone number. VSDV Action Alliance agrees to conduct appropriate background screening on call handlers. During the facility tour, this auditor tested the hotline (#55), the test call was located in the VADOC PREA inbox and an email was generated with the voice message to the VADOC PREA/ADA Supervisor. This information was provided to the auditor within less than two (2) hours of the test call.

The facility has available the VADOC PREA pamphlet "Sexual Assault Awareness and Prevention" and identifies for the inmates to call or write. As stated earlier in this report, the brochure and the Red Onion State Prison Offender Orientation Manual contained the PREA education that is reviewed during the orientation process which includes the inmate's access to VSDV Action Alliance through the inmate phone system, #55 and option 2. There have been several calls from inmates to VSDV Action Alliance in the past twelve (12) months. However, staff and inmate interviews revealed limited knowledge of how to access VSDV Action Alliance (outside services).

After the on-site visit, all staff were re-trained on who provides free confidential emotional support services (VSDV Action Alliance) and to provide additional education to future inmates on outside advocate services during their orientation process. All the housing units had posted above the

telephones, the outside advocate to access free emotional support information (#55 and option 2 and their address) both in English and Spanish. The Regional PREA/ADA Analyst sent the appropriate supplemental documentation to this auditor demonstrating corrective actions had been taken with this standard prior to the submission of this report.

Based on the review of the agency policy and procedures, observations and information obtained through staff and inmate interviews, review of documentation and the follow-up documentation, the facility has demonstrated compliance with this standard.

## Standard 115.54: Third-party reporting

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

#### 115.54 (a)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 requires the Department to provide contact information on how to report sexual abuse and sexual harassment on behalf of an offender on its' website.

Staff and investigator interviews confirmed they receive allegations of sexual abuse or sexual harassment from third party reporters and that these are reported to investigators as if an inmate made the allegation. Third party assistance includes 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. VADOC's website provides the public with information regarding third-party reporting of sexual abuse or sexual harassment on behalf of an inmate. This auditor viewed the website and confirmed the information regarding third-party reporting. Also, VADOC offers opportunities for third-party reporting via the "Third Party Reporting Form" on their website and the reporting form can be submitted via mail, receive email or confidential hotline support. Inmate interviews confirmed their awareness of reporting sexual abuse or harassment to others outside of the facility. The visitation area contained the Visitor/Offender brochure that includes VADOC's website and how to report sexual abuse.

Based on the review of the agency policy and procedures, observations and information obtained through staff and inmate interviews and review of documentation, the facility has demonstrated compliance with this standard.

## OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT

### Standard 115.61: Staff and agency reporting duties

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

#### 115.61 (a)

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

#### 115.61 (b)

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

#### 115.61 (c)

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

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

#### 115.61 (d)

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

#### 115.61 (e)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 030.4 (Special Investigation Unit) amended November 29, 2016 requires that all allegations of sexual abuse and sexual harassment, regardless of how the information is received, is to be reported to the facility designated investigator who will conduct an initial investigation and immediately notify the Regional PREA/ADA Analyst of the allegation.

Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 requires that all employees, volunteers, and contractors shall immediately report to their supervisor or the officer in charge any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in the facility, retaliation against offenders or staff who reported such an incident, and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Information related to a sexual abuse report shall not be released to anyone other than to the extent necessary, as specific in the procedures, to make treatment, investigation, and other security and management decisions. If an offender is under the age of 18, aged, incapacitated, or offenders who are receiving services from a VADOC Licensed Mental Health Program, the Organizational Unit Head or Administrative Duty Officer in their absence, is required to immediately report any alleged abuse to the local Department of Social Services.

Operating Procedure (OP) 720.2 (Medical Screening, Classification and Levels of Care) amended June 29, 2016 requires that all offenders shall be informed of the medical and mental health practitioner's duty to report any knowledge, suspicion, or information regarding an incident of sexual abuse and the limitations of confidentiality prior to conducting a screening, appraisal, or examination.

Operating Procedure (OP) 720.7 (Emergency Medical Equipment and Care) effective October 1, 2016 requires that at the initiation of services, both medical and mental health practitioners are required to report sexual abuse to the Facility Unit Head or Administrative Duty Officer to assure separation of the victim from their assailant and the practitioner is required to inform offenders of the duty to report and the limitations of confidentiality.

Operating Procedure (OP) 730.2 (Mental Health Services: Screening, Assessment and Classification) amended May 13, 2016 requires that the Qualified Mental Health Professional (QMHP) notify the Facility Unit Head of any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in the facility, retaliation against offenders or staff who reported such an incident, and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. At the initiation of services, before beginning the Sexual Assault Assessment, the QMHP will advise the offender of the practitioner's duty to report and the limitations of confidentiality.

Operating Procedure (OP) 801.6 (Offender Services) amended November 17, 2015 requires information to a sexual abuse report shall not be revealed to anyone other than to the extent necessary, as specific in the procedures, to make treatment, investigation, and other security and management decisions. VADAC has identified the reporting process for all staff employed, contracted or who volunteer to immediately report any knowledge, suspicion or information they receive regarding sexual abuse and sexual harassment, retaliation against inmates or staff who report any incidents or any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. All facility staff are mandated reporters and receive information on clear steps on how to report sexual abuse and to maintain confidentiality through the facility's protocol and/or training.

Random staff interviews including medical and mental health staff confirmed the requirement to report any knowledge, suspicion or information of sexual abuse or sexual harassment and have received this training annually during in-service. The staff would complete an incident report with the details of any incidents that would occur in the facility in compliance with this standard and they are prohibited from sharing information with anyone who is not part of the investigation or reporting process. Interviews with medical and mental health staff confirmed their responsibility to inform inmates their duty to report and limitations of confidentiality. Both the Warden and Institutional Operations Manager/PREA Compliance Manager indicated that all alleged sexual abuse or sexual harassment reports, regardless of where the information came from, is reported immediately to the facility investigator. A review of sixty-eight (68) allegations of sexual abuse and sexual harassment revealed that the investigation began immediately upon receipt of the information.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the facility has demonstrated compliance with this standard.

## **Standard 115.62: Agency protection duties**

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

## 115.62 (a)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 indicated the requirement of the facility to take immediate action if staff learn that an offender is at risk of imminent sexual abuse.

Operating Procedure (OP) 425.4 (Management of Bed and Cell Assignment) amended January 16, 2018 requires that offenders who are at risk of imminent sexual abuse will be referred to a Qualified Mental Health Professional (QMHP) who will consult with the Warden or designee to recommend immediate action to protect the offender.

Operating Procedure (OP) 730.2 (Mental Health Services: Screening, Assessment and Classification) amended May 13, 2016 requires that offenders who are at risk of imminent sexual abuse will be referred to a Qualified Mental Health Professional (QMHP) who will consult with the Warden or designee to recommend housing recommendations to protect the offender.

Documentation and interviews with the Warden and other randomly selected staff were able to articulate, without hesitation, the expectations and requirements of VADOC Policies and PREA Standards, upon becoming aware that an inmate may be subject to a substantial risk of imminent sexual abuse. Staff interviews indicated if an inmate was in danger of sexual abuse or at substantial risk of imminent sexual abuse, they would act immediately to ensure the safety of the inmate, separate from the alleged perpetrator and contact their immediate supervisor. Also, the inmate would be referred for mental health services. The Warden's interview and documentation confirmed there had been no incidents that involved an immediate action to protect an inmate that was a substantial risk of imminent sexual abuse in the past twelve (12) months at the facility.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews, and review of documentation, the facility has demonstrated compliance with this standard.

## Standard 115.63: Reporting to other confinement facilities

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

#### 115.63 (a)

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

#### 115.63 (b)

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

#### 115.63 (c)

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

#### 115.63 (d)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 030.4 (Special Investigations Unit) amended November 29, 2016 indicated the requirement that any allegations received from another facility that an offender was sexually abused while confined at that facility, it shall be investigated in accordance with PREA standards.

Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 requires that an allegation made whereby an offender was sexually abused at another facility is required to be reported to the facility where the alleged sexual abuse occurred, that the notification will be made within 72 hours, and shall be documented. Requires that any receipt of an allegation of sexual abuse from another facility that occurred while confined in that facility, the Warden or designee shall ensure an investigation is completed.

The Warden's interview and the documentation confirmed there had been two (2) incidents reported that an inmate had been abused or harassed while confined at another facility during the past twelve (12) months. Both incidents were investigated and unfounded by SIU. Interviews with VADOC's Director and Warden indicated the Special Investigations Unit (SIU) would be notified by both the facility receiving the allegation and the facility where the allegation took place as per policy. The SIU would respond to the facility where the inmate is located to conduct an interview. This system would ensure that all allegations are reported.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the facility has demonstrated compliance with this standard.

## Standard 115.64: Staff first responder duties

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

#### 115.64 (a)

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

#### 115.64 (b)



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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 030.4 (Special Investigations Unit) amended November 29, 2016; OP 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 and (OP) 075.1 (Emergency Operation Plan) amended June 14, 2016 indicated the requirement of the first responding staff is to separate the offender, protect any physical evidence by requesting that the victim does not destroy evidence (through washing, brushing teeth, changing clothing, urinating, defecating, smoking, drinking or eating, protect any physical evidence by ensuring the alleged perpetrator does not destroy evidence (through washing, brushing teeth, changing clothing, urinating, defecating, smoking, drinking or eating), and secure the crime scene. Requires that a victim shall be taken to medical staff as soon as possible or if no medical or mental health are on staff, shall ensure they are notified. Requires a first responder who is not a security staff shall request the victim not to destroy evidence and to notify a security staff.

Interviews with the staff and a first responder interview validated their technical knowledge of actions to be taken upon learning that an inmate was sexually abused and provided the action steps identified in the VADOC policies and procedures of their responsibilities as first responders and aware of why they do these duties. Also, they identified a card that is attached to their badge with the same information as a reminder of the policy. A review of the training files confirmed that all staff receives information on how to respond to an allegation of sexual abuse in accordance with the VADOC policy and procedure as stated above.

There has been no staff responding as first responders to any incident of sexual abuse during the past twelve (12) months. A documentation review of all the allegations contained the "Internal Incident Report" the staff completed. The Warden's memorandum dated 8/1/18 indicated none of the allegations were made at the time of the alleged incidents occurred and therefore no "Sexual Assault Response Checklists" were completed.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the facility has demonstrated compliance with this standard.

## Standard 115.65: Coordinated response

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

#### 115.65 (a)

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

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 indicated the requirement that each facility shall develop a written institutional plan (Coordinated Response Plan) to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

Operating Procedure (OP) 075.1 (Emergency Operation Plan) amended June 14, 2016 requires the use of the Sexual Assault Response Checklist to guide initial coordinated response to an incident of sexual abuse, among first responders, medical and mental health practitioners, investigators, and facility leadership.

Interviews with the Warden and staff confirmed their technical knowledgeable of their duties to coordinate actions taken in response to an incident of sexual abuse among staff first responders, administration, executive staff, contacting medical and mental health and outside emotional support sources. Red Onion SP's PREA Management/Response Plan was reviewed, signed on March 23, 2017 and includes a step-by-step instruction guide on security search/evidence collection, document

preparedness and review, and notification of first responder, administration responsibility, medical and mental health staff, PREA Compliance Manager, investigator and other pertinent staff. The plan was found to be site specific and every housing unit has a binder with this information. Also, documentation review of the allegations contained the "Internal Incident Report" and the "Sexual Assault Response Checklist" the staff completed and contained the specific names and contact telephone numbers for an immediate response and in compliance with the facility plan.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the facility has demonstrated compliance with this standard.

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

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

#### 115.66 (a)

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

#### 115.66 (b)

- Auditor is not required to audit this provision.

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

The facility provided a memo, dated April 22, 2013, which states “In accordance with the Code of Virginia, collective bargaining is prohibited. Per 40.1-57.2, “no state, county, municipal, or like governmental officer, agent or governing body is vested with or possesses any authority to recognize any labor union or other employee association as a bargaining agency of any public officers or employees, or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment or service.” This was confirmed with the VADOC PREA/ADA Supervisor that collective bargaining is not utilized in the Department. Based on the information discovered in the Code of Virginia and interview with the VADOC PREA/ADA Supervisor, the auditor has determined the facility meets the requirements of the standard.

## Standard 115.67: Agency protection against retaliation

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

#### 115.67 (a)

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

#### 115.67 (b)

- Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations?  Yes  No

#### 115.67 (c)

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of residents or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?  Yes  No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?  Yes  No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?  Yes  No

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports?  Yes  No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes?  Yes  No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes?  Yes  No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff?  Yes  No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff?  Yes  No
- Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?  Yes  No

#### 115.67 (d)

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

#### 115.67 (e)

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

#### 115.67 (f)

- Auditor is not required to audit this provision.

#### Auditor Overall Compliance Determination

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

## Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 indicated the requirement that all persons who report or cooperate in an investigation of sexual abuse or sexual harassment shall be protected from retaliation by other offenders and staff. Requires multiple protections such as housing changes or transfers for offenders victims or abusers, removal of the alleged staff or offender abusers from contact with victims, and emotional support services for offenders or staff who fear retaliation are available. Requires monitoring for a minimum of ninety (90) days, with periodic status checks, and provides protections for any other individual who cooperates with an investigation.

Operating Procedure (OP) 135.2 (Rules of Conduct Governing Employees Relationships with Offenders) effective November 1, 2016 requires protections from retaliation for offenders and staff who reports sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations.

Operating Procedure (OP) 145.5 (Employee Performance Management) amended September 15, 2014 requires that members of the Critical Incident Peer Support (CIPS) Team must be willing to respond to the emotional support needs for staff who fear retaliation for reporting or cooperating with investigations into sexual abuse or sexual harassment.

An interview with Institutional Operations Manager/PREA Compliance Manager confirmed she is responsible with overseeing the monitoring of the conduct or treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to determine if changes that may suggest possible retaliation exist. He utilizes a facility specific form (Offender Monitoring/Periodic Check Status) to document thirty (30), sixty (60) and ninety (90) day checks of victims, reporters, and others who express fear of retaliation. This form documents the date of the PREA allegation, the date of checks, informal complaint, grievance, disciplinary, staff visit to inmate, housing changes, and a section for comments such as continue monitoring or additional status checks.

Also, interviews with the Warden and Institutional Operations Manager/PREA Compliance Manager indicated that all alleged victims or reporters are met within twenty-four (24) hours, every two (2) weeks and after the first month every thirty (30) days thereafter. They monitor for changes in work assignments, education or vocational changes, inmate disciplinary reports, housing and program changes, negative performance reports as well as reassignments of staff. Documentation revealed retaliation checks are documented in the facility PREA Follow-up form, Offender Monitoring/Periodic Check Status form and CORIS. Documentation review confirmed there were six (6) inmates monitored for possible retaliation in the past twelve (12) months.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the facility has demonstrated compliance with this standard.

## Standard 115.68: Post-allegation protective custody

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

### 115.68 (a)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 425.4 (Management of Bed and Cell Assignment) amended January 16, 2018 indicated the requirement of all offenders identified as HRSV or an alleged victim of sexual abuse shall be checked to determine the need for continued separation from the general population and listed on the "Special Housing Status Review Report". Requires that HRSV or offenders alleged to have suffered sexual abuse shall not be placed in Special Housing without their consent unless as assessment of all available alternatives has been made, and a determination by the QMHP and in consultation with the Shift Commander and Regional PREA/ADA Analyst. A Sexual Abuse/Sexual Harassment Available Alternatives Assessment must be completed within two (2) hours by the Shift Commander prior to placement in Special Housing and the reason no alternative was available.

Operating Procedure (OP) 830.5 (Transfers, Facility Reassignments) amended August 19, 2016 requires that offenders identified as HRSV or offenders alleged to have suffered sexual abuse should not normally be placed in segregation without their consent unless it has been determined that there is no available alternative means of separation from likely abusers. The ICA must clearly document on the "Institutional Classification Authority Hearing" report the basis for the facility's concern for the offender's safety and the reason why no alternative means of separation can be arranged. This assignment to segregation/restrictive housing shall not ordinarily exceed a period of 30 days. Mental Health staff shall advise the ICA on whether the offender can be released to General Population or whether they must be assigned to Segregation/Restrictive Housing and/or transferred to the DOC Protective Custody Unit. The Regional PREA/ADA Analyst must be notified of this assignment and kept informed of any changes in the offender's status.

An interview with the Warden and a memorandum dated 6/19/18 confirmed there had been no inmates of alleged victims that were placed in Segregation/Restrictive Housing as a result of an allegation or as being identified as high risk for sexual victimization.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the facility has demonstrated compliance with this standard.

## INVESTIGATIONS

### Standard 115.71: Criminal and administrative agency investigations

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

##### 115.71 (a)

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

##### 115.71 (b)

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

##### 115.71 (c)

- Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?  Yes  No
- Do investigators interview alleged victims, suspected perpetrators, and witnesses?  Yes  No
- Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?  Yes  No

##### 115.71 (d)

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



#### 115.71 (e)

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

#### 115.71 (f)

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

#### 115.71 (g)

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

#### 115.71 (h)

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

#### 115.71 (i)

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

#### 115.71 (j)

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

#### 115.71 (k)

- Auditor is not required to audit this provision.

#### 115.71 (l)

- When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if

an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a.)  Yes  No  NA

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 030.4 (Special Investigations Unit) amended November 29, 2016 identifies the requirement that all investigators shall receive special training in sexual abuse investigations before conducting PREA investigations, and that all investigations of allegations of sexual abuse or sexual harassment shall be done promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. Requires the gathering and preserving of direct and circumstantial evidence, including physical and DNA evidence and electronic monitoring data, interviews, and reviews of prior complaints and reports of sexual abuse involving the suspected perpetrator. Requires consultation with prosecutors before conducting compelled interviews and prohibits the use of a polygraph examination or other truth-telling device as a condition for proceeding with an investigation. Requires the credibility of any person shall be assessed on an individual basis. Administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse. Requires both administrative and criminal investigations shall be documented in written reports that shall include a description of the physical and testimonial evidence, the reasoning behind credibility assessment, and the investigative facts and findings. Requires substantiated allegations of criminal conduct be referred for prosecution. Requires an investigation not stop should the alleged abuser or victim depart from the employment or control of the facility or agency.

Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 requires an administrative or criminal investigation be conducted in accordance with PREA standards. Requires each facility to cooperate with Special Investigations Unit (SIU) and shall remain informed as to the progress of the investigation. The report shall include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. Requires all case records associated with claims of sexual abuse or sexual harassment including all documentation be retained for as long as the alleged abuser is incarcerated or employed by the agency, plus five (5) years.

Documentation (certificates and curriculum) review, interviews with a SIU Investigator and a facility investigator confirmed they completed the required specialized investigator training as well as the annual PREA education. Both investigators indicated all allegations are investigated, regardless of how the information is initially obtained and both reported that investigations begin immediately upon notification. At the facility level, the assigned investigator will conduct an initial inquiry into the alleged allegation of sexual abuse or sexual harassment, to determine if criminal behavior is involved or a staff person is the alleged perpetrator, at which time the investigation would be referred to Special Investigations Unit (SIU). The facility investigator collects evidence and maintains the evidence as required. Both investigator interviews confirmed the credibility of the victim is based on evidence found, and that no polygraph examination or truth-telling device is a condition for proceeding with an investigation. Also, both investigators indicated an investigation does not cease until complete, regardless if the alleged perpetrator is released or terminates employment, or if the victim leaves the facility prior to the completion of the investigation. The facility investigator reported that he would play a support role if the investigation was conducted by SIU.

A review of the sixty-eight (68) investigation files of alleged staff's or inmates sexual abuse or sexual harassment that occurred in this facility in the past twelve (12) months contained the required information in accordance to VADOC policy and procedure. Also, there has been no substantiated allegations of conduct that appeared to be criminal and referred for prosecution in the past twelve (12) months.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the facility has demonstrated compliance with this standard.

## Standard 115.72: Evidentiary standard for administrative investigations

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

#### 115.72 (a)

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

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 135.1 (Standards of Conduct) amended November 29, 2016 and OP 135.2 (Rules of Conduct Governing Employees Relationships with Offenders) effective November 1, 2016 both state that a preponderance of the evidence will be adequate in determining whether allegations of sexual abuse or sexual harassment are substantiated.

Operating Procedure (OP) 861.1 (Offender Discipline, Institutions) amended July 25, 2016 states that a preponderance of evidence presented at a hearing shall be sufficient to support a finding of guilt.

Both interviews with a SIU Investigator and a facility investigator confirmed they investigate the allegation and indicate a standard of a preponderance of the evidence or a lower standard of proof for determining if allegations are substantiated, unsubstantiated or unfounded. Red Onion SP Warden's written memorandum dated June 19, 2018 states the facility has no standard higher than a preponderance of the evidence is utilized to determine whether the allegation of sexual abuse and sexual harassment is substantiated.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews, and review of documentation, the facility has demonstrated compliance with this standard.

## **Standard 115.73: Reporting to inmates**

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

#### **115.73 (a)**

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

#### **115.73 (b)**

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

#### **115.73 (c)**

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

- 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  No
- 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  No
- 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  No

#### 115.73 (d)

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

#### 115.73 (e)

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

#### 115.73 (f)

- Auditor is not required to audit this provision.

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 030.4 (Special Investigations Unit) amended November 29, 2016 indicated the requirement of the Special Investigation Unit to inform the Facility Unit Head of the outcome of an allegation and that the Facility Unit Head is to ensure notification is made to the offender.

Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 requires following an investigation, the offender will be informed as the outcome of the investigation. If the allegation was against a staff, the victim is to be notified of the outcome, whether the staff is no longer posted in the offender's unit or is employed at the facility, and whether the staff has been either indicted or convicted on a charge related to sexual abuse within the facility. If the allegation was against another offender, the victim is to be notified of the outcome and whether the offender has been indicted or convicted on a charge related to sexual abuse in the facility.

Interviews with both investigators and the Institutional Operations Manager/PREA Compliance Manager confirmed all investigation outcomes whether the allegation proves substantiated, unsubstantiated or unfounded following an investigation are completed by the Institution Operations Manager/PCM or the facility investigator and the documentation is maintained with the investigation. A sample review of thirteen (13) investigations that occurred in the past twelve (12) months contained a notification to the victim of the outcome of the investigation.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the facility has demonstrated compliance with this standard.

## DISCIPLINE

### Standard 115.76: Disciplinary sanctions for staff

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

#### 115.76 (a)

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

#### 115.76 (b)

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

#### 115.76 (c)

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

#### 115.76 (d)

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

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 135.1 (Standards of Conduct) amended November 29, 2016 required staff who are terminated or who resign in lieu of termination for a violation of the sexual abuse or sexual harassment policies shall be informed of the VADOC's reporting the employment action to any relevant licensing bodies and to law enforcement agencies, unless the activity was clearly not criminal. Requires that staff shall be subjected to the disciplinary sanctions up to and including termination for violation of VADOC sexual abuse or sexual harassment policies. Requires that termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse. Requires that violations of the VADOC policies relating to sexual misconduct or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

Operating Procedure (OP) 135.2 (Rules of Conduct Governing Employees Relationships with Offenders) effective November 1, 2016 requires that any sexual misconduct be treated as a Group III offense subject to disciplinary sanctions up to and including termination. Requires that termination be the presumptive disciplinary sanctions for employees who have engaged in sexual abuse. Requires that all terminations for violations of VADOC sexual abuse or sexual harassment policies or resignations by staff shall be reported to any relevant licensing bodies by the VADOC PREA/ADA Supervisor and to law enforcement agencies, unless the activity was clearly not criminal.

Interviews with the Warden, Human Resource Officer and documentation review confirmed there had been four (4) employees resigned in the past twelve (12) months for violation of the facility's sexual abuse or sexual harassment policies. All disciplinary sanctions/resignations are maintained in the employee's HR file in accordance with VADOC policy and procedures.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the facility has demonstrated compliance with this standard.

## Standard 115.77: Corrective action for contractors and volunteers

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

### 115.77 (a)

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

### 115.77 (b)

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

### Auditor Overall Compliance Determination

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



## Instructions for Overall Compliance Determination Narrative

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A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 027.1 (Volunteer Program) amended September 15, 2015 states grounds for dismissal may be as a result of failure to comply with VADOC procedures, state or federal laws, or unit rules. Requires that any volunteer who engages in sexual abuse shall be prohibited from contact with offenders and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to licensing bodies. Requires the facility to take appropriate remedial measures, and shall consider whether to prohibit further contact with offenders, in the case of any other violation of agency sexual abuse or sexual harassment policies by a volunteer.

Operating Procedure (OP) 135.2 (Rules of Conduct Governing Employees Relationships with Offenders) effective November 1, 2016 requires that any contractor or volunteer who engages in sexual abuse of offenders shall be prohibited from contact with offenders and shall be reported to any relevance licensing bodies by the VADOC PREA/ADA Supervisor, and to law enforcement agencies, unless the activity was clearly not criminal. Requires the facility to take appropriate remedial measures, and shall consider whether to prohibit further contact with offenders, in the case of any other violation of agency sexual abuse or sexual harassment policies by a volunteer or contractor.

Red Onion SP Warden's interview and his written memorandum dated June 19, 2018 confirmed there were no instances or reports whereby a volunteer or contractor was alleged to have violated the sexual abuse or sexual harassment VADOC policies and procedures in the past twelve (12) months.

Based on the review of the agency policy and procedures, observations and information obtained through the staff interview, and review of documentation, the facility has demonstrated compliance with this standard.

## Standard 115.78: Disciplinary sanctions for inmates

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

#### 115.78 (a)

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

#### 115.78 (b)

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

### 115.78 (c)

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

### 115.78 (d)

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

### 115.78 (e)

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

### 115.78 (f)

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

### 115.78 (g)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 requires an offender who makes a report of offender-on-offender sexual violence or employee sexual misconduct or harassment that is determined to be false, may be charged with a disciplinary offense if it is determined the report was made in bad faith following consultation with the Regional PREA/ADA Analyst. Offenders shall not be charged for reports of sexual abuse made in good faith, based upon a reasonable belief that the alleged conduct occurred. Such a report shall not constitute falsely reporting an incident or lying, even if an investigation does not establish sufficient evidence to substantiate the allegation.

Operating Procedure (OP) 820.2 (Re-Entry Planning) amended May 10, 2016 requires facilities that offer therapy, counseling, or other interventions designed to address and correct the underlying reasons or motivations for sexually abusive behavior shall determine if offenders who are found guilty of a disciplinary or criminal offense for sexual abuse are required to participate in such interventions as a condition of access to programming or other benefits. Offenders that do not comply with therapy, counseling, or other interventions should be charged with an offense in accordance with VADOC policies.

Operating Procedure (OP) 830.3 (Good Times Award) effective December 1, 2015 requires that offenders identified as HRSA that does not comply with therapy, counseling or other interventions designed to address and correct the underlying reasons or motivations for the abuse shall be charged with an offense in accordance with VADOC policies.

Operating Procedure (OP) 861.1 (Offender Discipline, Institutions) amended July 25, 2016 requires a finding of guilt will only be based on the preponderance of the evidence presented at the Discipline Hearing. Requires that offenders who violate offense 106 (sexual assault upon or making forcible sexual advances toward an offender or non-offender) shall be referred to their counselor for reassessment of the offender's risk of sexual victimization and abusiveness. Requires that offenders charged with offense 121 (False statements or charges against an employee) shall be handled with utmost caution and fairness to avoid hindering the offenders' right to file complaints against employees, and prior to a finding of guilt an impartial third party will deter if there are any facts that could substantiated the statement or charge. Requires that reports of sexual abuse and offender grievance made in good faith shall not constitute falsely reporting an incident or lying, even if there is not enough evidence to substantiate the allegation.

In determining the appropriate penalty, consideration shall be given to the nature and circumstances of the offense committed, the offender's disciplinary history, and the penalty imposed for comparable offenses committed by other offenders with similar histories. Requires that offenders charged with offense 206 (Lying or giving false information to an employee) excludes disciplinary action if the report was made in good faith and that such a report shall not constitute falsely reporting even if the evidence does not substantiated the allegation. Requires that offenders charged with offense 233 (making sexual advances, either physical, verbal in nature, or in writing towards an offender or non-offender without their consent) shall be offered therapy, counseling, or other interventions designed to address and correct the underlying reasons or motivations for sexually abusive behavior if the facility has these services available.

Documentation review revealed that there have been no administrative findings of guilt for inmate-on-inmate sexual abuse that have occurred at the facility in the past twelve (12) months that resulted in

disciplinary action. A review of sixty-eight (68) investigation reports did not find any substantiated outcomes of sexual abuse that resulted in disciplinary action taken towards the alleged perpetrator or an alleged victim when it was determined that the allegation was fabricated. An interview with the Warden indicated that inmates may also be referred for prosecution if the allegations were criminal.

Based on the review of the agency policy and procedures, observations and information obtained through the staff interview, and review of documentation, the facility has demonstrated compliance with this standard.

## MEDICAL AND MENTAL CARE

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

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

#### 115.81 (a)

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

#### 115.81 (b)

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

#### 115.81 (c)

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

#### 115.81 (d)

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

### 115.81 (e)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 425.4 (Management of Bed and Cell Assignment) amended January 16, 2018 requires 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.

Operating Procedure (OP) 701.3 (Health Records) effective February 1, 2016 requires medical and mental health practitioners shall obtain informed consent from offenders before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

Operating Procedure (OP) 730.2 (Mental Health Services: Screening, Assessment and Classification) amended May 13, 2016 requires in institutions, within fourteen (14) days of completion of the Classification Assessment, the QMHP will notify offenders identified as HRSA or HRSV of the availability of a follow-up meeting with a mental health practitioner and relevant available treatment and programming. Notification will be documented on the "Prison Rape Elimination Act (PREA) QMHP Follow-Up" form. Requires that 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, for the purposes of treatment plans, security and management decisions. Medical and mental health practitioners obtain informed consent (Consent for Release of Information or Consent for Release of Confidential Health and/or Mental Health Information) from offenders before reporting information about sexual victimization that did not occur in an institutional setting, unless the victim is under the age of 18.

During the interviews with the medical and mental health staff confirmed that although there were no disclosures while conducting risk assessments, all inmates were offered follow-up meetings with medical and mental health providers. Also, medical and mental health staff confirmed the referral process for offenders who report sexual victimization or are identified as being sexually abusive at intake is reported within fourteen (14) days. Medical and mental health staff identified the requirement for informed consent before reporting information about a sexual victimization that did not occur in an institutional setting. Interviews with both the Warden and Institutional Operations Manager/PREA Compliance Manager confirmed that inmates under the age of eighteen (18) are not housed at this facility. Documentation review confirmed medical and mental health staff conducts risk assessments during the initial intake process including informed consent disclosures. There were no inmates who disclosed prior victimization during their initial screening process within the past twelve (12) months.

Based on the review of the agency policy and procedures, observations and information obtained through the staff interview, and review of documentation, the facility has demonstrated compliance with this standard.

## **Standard 115.82: Access to emergency medical and mental health services**

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

#### **115.82 (a)**

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

#### **115.82 (b)**

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

#### **115.82 (c)**

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

#### **115.82 (d)**

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 and OP 075.1 (Emergency Operation Plan) amended June 14, 2016 if there are no qualified medical or mental health practitioners on duty at the time a report of sexual assault or sexual abuse is made, security staff first responders shall take preliminary steps to protect the victim and shall immediately notify the facilities designated medical and mental health practitioner.

Operating Procedure (OP) 720.4 (Co-Payment for Healthcare Services) amended November 2, 2016 requires that inmates are not to be assessed a co- payment charge for emergency and ongoing medical and mental health treatment services and care provided to offender victims of sexual abuse while incarcerated regardless of whether the victim names the abuser or cooperates with the any investigation arising out of the incident.

Operating Procedure (OP) 720.7 (Emergency Medical Equipment and Care) effective October 1, 2016 requires the timely and unimpeded access to emergency medical treatment and crisis intervention services for victims of sexual abuse. Requires that if not qualified medical and mental health practitioners are on duty at the time of the report, the first responders shall take immediately steps to protect the victim and shall notify the appropriate medical or mental health practitioner. Requires that victims of sexual abuse while incarcerated shall be offered timely information about and access to emergency contraception and sexually transmitted infections prophylaxis. Requires that treatment services are provided free of cost and regardless of whether the victim identifies the abuser or cooperates with an investigation.

Operating Procedure (OP) 730.2 (Mental Health Services: Screening, Assessment and Classification) amended May 13, 2016 requires the timely, and unimpeded access to emergency medical treatment and crisis intervention services for victims of sexual abuse.

Interviews with the medical and mental health staff confirmed that inmates (victims) of sexual abuse receive timely and unimpeded access to emergency medical treatment and crisis intervention services. The medical staff indicated that services begin immediately upon notification of a victim of sexual abuse from the Shift Commander or any other staff to contact the hospital and medical practitioner. The Shift Commander confirmed that all notifications would be completed to the appropriate individuals and to follow the medical staff's directive regarding any forensic examination. The staff (first responders) would follow the Coordinated Response Plan which includes notification to medical and mental health staff, as well as notification to the SANE nurse to conduct the forensic examination at the facility if the incident was reported in a timely manner that allowed for physical evidence collection.

Also, the medical staff's interviews indicated that a referral could be made to the hospital to begin any sexually transmitted infection prophylaxis treatment/services and orders for follow-up services. Mental health services would begin when the victim is available once the forensic examination has been completed by the SANE nurse. Mental health staff interviews indicated that they would see the victim no later than 24 hours of an incident and provide one-on-one counseling and make available outside emotional support services and follow-up care.

Interviews with the medical and mental health staff and a documentation review of the sixty-eight (68) investigation reports confirmed immediate referrals for follow-up medical and mental health services for both sexual abuse and sexual harassment allegations. Documentation in the reports indicated that services are provided immediately upon notification. In the past 12 months, there has been no allegation where a victim required a forensic medical examination at the facility. An interview with the SANE nurse confirmed she had not conducted any inmate forensic medical examinations at the facility.

Based on the review of the agency policy and procedures, observations and information obtained through the staff interview, and review of documentation, the facility has demonstrated compliance with this standard.

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

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

#### **115.83 (a)**

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

#### **115.83 (b)**

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

#### **115.83 (c)**



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

#### 115.83 (d)

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

#### 115.83 (e)

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

#### 115.83 (f)

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

#### 115.83 (g)

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

#### 115.83 (h)

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

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 720.4 (Co-Payment for Healthcare Services) amended November 2, 2016 requires that inmates are not to be assessed a co-payment charge for emergency and ongoing medical and mental health treatment services and care provided to offender victims of sexual abuse while incarcerated regardless of whether the victim names the abuser or cooperates with the any investigation arising out of the incident.

Operating Procedure (OP) 720.7 (Emergency Medical Equipment and Care) effective October 1, 2016 requires ongoing medical and mental health care for sexual abuse victims and abusers, including both evaluations and treatment. Requires, as appropriate, follow-up services, treatment plans and referrals. Requires services to be consistent with the community level of care. Requires pregnancy tests, as necessary, and timely access to all lawful pregnancy-related medical services. Requires offered tests for STD's as medically appropriate. Requires treatment services to be free of financial cost regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

Operating Procedure (OP) 730.2 (Mental Health Services: Screening, Assessment and Classification) amended May 13, 2016 requires ongoing medical and mental health care for sexual abuse victims and abusers. Requires medical and mental health evaluation and treatment. Requires, as appropriate, follow-up services, treatment plans and referrals. The facility is required to provide such victims with medical and mental health services consistent with the community level of care. All prisons are required to attempt to conduct a mental health evaluation of all known offender-on-offender abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

Interviews with the medical staff confirmed that victims are offered a sexual assault assessment, individual counseling, referral to the psychiatrist, medications as ordered by the physician, laboratory testing for STD and HIV and follow-up. The mental health staff interviews indicated their plan for services would include individual or group treatment, including trauma resolution and PTSD, as well as follow-up. Also, the mental health staff would conduct mental health evaluations of all known inmate-on-inmate abusers and offer treatment services within fourteen (14) days. Mental health staff also reported that all inmates receive a mental health evaluation during their few weeks at the facility.

There is a process in place to ensure staff track on-going medical and mental health services for victims who may have been sexually abused and medical staff track the follow-up medical visits. Mental health staff completes an evaluation (Mental Health Appraisal) and follow-up for mental health visits (Mental Health Monitoring Report). There has been one (1) investigation of alleged inmate's sexual abuse that occurred in this facility in the past twelve (12) months. The medical and mental health staff have a protocol in place to assist inmates upon discharge from the facility to continue services if needed.

Based on the review of the agency policy and procedures, observations and information obtained through the staff interviews and review of documentation, the facility has demonstrated compliance with this standard.

## **DATA COLLECTION AND REVIEW**

## Standard 115.86: Sexual abuse incident reviews

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

#### 115.86 (a)

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

#### 115.86 (b)

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

#### 115.86 (c)

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

#### 115.86 (d)

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

#### 115.86 (e)

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

## Auditor Overall Compliance Determination

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

## Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 038.1 (Reporting Serious or Unusual Incidents) amended November 20, 2017 requires incident reviews to be conducted at the conclusion of every sexual abuse investigation including where the allegation has been substantiated and unsubstantiated. Requires an After Action Report/Improvement Plan may serve as the Review of the Incident in critical incidents. Requires a review team to consist of at least two (2) DOC employees and one (1) Administrative Duty Officer who solicits input from line supervisors, investigators, and medical or mental health practitioners for all sexual abuse incident reviews. Requires the review shall be completed and submitted within seven (7) working day of the initial Incident Report. Requires causal factors, methodology, review of all documents, interviews of participants/witnesses, examination of any physical evidence, examination of the area where the incident allegedly occurred, review of relevant operating procedures/training manuals/equipment operating manuals, and the development of an action plan to limit further incidents. Requires a brief summary of the incident, analysis of the causal factors and contributing circumstances, actions to prevent future incidents and submission to the Regional Office for review. Requires submission of the final report to the Regional PREA/ADA Analyst.

Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 requires incident reviews to be conducted at the conclusion of every sexual abuse investigation including where the allegation has been substantiated and unsubstantiated. Requires submission to the Regional PREA/ADA Analyst within fourteen (14) days of the completion of the investigation or notification to the Regional PREA/ADA Analyst requesting an extension.

An interview with the Assistant Warden and documentation review of several investigation reports confirmed that a report (PREA Report of Incident Review) is prepared upon completion of sexual abuse incident reviews. The report would include: a need to change or improve practice; motivated or caused by group dynamic; physical barriers in the area; adequacy of staffing levels and adequate technology. The Incident Review Team consisted of the Warden, Assistant Warden, Institutional Operations Manager/PREA Compliance Manager; Major; Unit Manager, Medical and Mental Health Staff and Investigator. The facility has reported sixty-eight (68) investigations of criminal and/or administrative investigation of alleged sexual abuse or sexual harassment that occurred in this facility in the past twelve (12) months. Staff interviews confirmed their knowledge of the process and would document their review on the "PREA Report of Incident Review" form that captures all aspects of an incident.

Based on the review of the agency policy and procedures, observations and information obtained through the staff interviews, and review of documentation, the facility has demonstrated compliance with this standard.

## Standard 115.87: Data collection

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

#### 115.87 (a)

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

#### 115.87 (b)

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

#### 115.87 (c)

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

#### 115.87 (d)

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

#### 115.87 (e)

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

#### 115.87 (f)

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

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

**Does Not Meet Standard** (Requires Corrective Action)

### Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 requires that the VADOC shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. Requires annual aggregate of the sexual abuse data. Requires the collection of necessary data to respond to the DOJ – Survey of Sexual Violence. Requires that data will be collected from any private facility with which it contracts for the confinement of offenders. Requires the data be provided to the DOJ no later than June 30 of each year.

Documentation review of the 2014, 2015, 2016 and 2017 DOJ SSV-2 forms and VADOC annual reports revealed they were detailed, comprehensive and identified all state facilities within the Virginia Department of Correctional Services.

Based on the review of the agency policy and procedures, observations and information obtained through the review of documentation, the facility has demonstrated compliance with this standard.

### Standard 115.88: Data review for corrective action

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

##### 115.88 (a)

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

### 115.88 (b)

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

### 115.88 (c)

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

### 115.88 (d)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 requires the VADOC to collect and review data in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training by identifying problem areas, taking on-going corrective action and preparing an annual report of its findings for individual facilities and the agency as a whole. Requires the report to include comparison data and corrective actions from prior years. Requires the report is approved by the Director and made public. Allows the redaction of specific material and an indication of the material redacted.

Documentation review of the 2014, 2015, 2016 and 2017 VADOC annual reports contained the comparison data and corrective actions specific to VADOC facility and private facility as well as to the agency. The report was approved by both the VADOC PREA/ADA Supervisor and the VADOC Director.

An interview with the VADOC Director (Agency Head) found that VADOC utilizes Incident Report, Critical Incident Debriefing and an After Action Report to assist with identifying the lessons learned and to obtain information on facility specific corrective action. The VADOC PREA/ADA Supervisor reports that information is gathered and submitted to the public through an annual report that is available on the website, and includes comparison data and any facility modifications or agency policy changes. Also, she indicated the information is security retained and ongoing corrective action is tracked. Red Onion SP's Institutional Operations Manager/PREA Compliance Manager reports that all information collected from Incident Review is forwarded to the Regional PREA/ADA Analyst.

Based on the review of the agency policy and procedures, observations and information obtained through the staff interviews and review of documentation, the facility has demonstrated compliance with this standard.

## Standard 115.89: Data storage, publication, and destruction

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

#### 115.89 (a)

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

#### 115.89 (b)

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

#### 115.89 (c)

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

#### 115.89 (d)

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

### Auditor Overall Compliance Determination

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



## Instructions for Overall Compliance Determination Narrative

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

A review of the Virginia Department of Corrections (VADOC) Operating Procedure (OP) 038.3 [Prison Rape Elimination Act (PREA)] amended September 19, 2017 requires that the VADOC shall ensure that data collected of allegations of sexual abuse is securely retained, and makes information readily available to the public through an annual report on its website. Requires that before making the report public, the VADOC shall remove all personal identifies. Requires the VADOC to maintain this information for at least 10 years after the date of initial collection unless Federal, State or local law requires otherwise.

Also, the policy indicated the Department will complete an annual report. The annual report will contain identification of problem areas, each facility's corrective action, comparison of the current year's data and corrective actions with those from prior years and provides an assessment of progress in addressing sexual abuse. The aggregated sexual abuse data was reviewed and all personal identifiers are removed. The 2017 VADOC Annual PREA Assessment is posted on the VADOC Website and readily available for public review.

An interview with the VADOC PREA/ADA Supervisor reported that all information is securely maintained in a database where only the PREA Unit has access to this data. A review of the 2017 annual report confirmed there were no personal identifiers within the document.

Based on the review of the agency policy and procedures, observations and information obtained through the staff interview, and review of documentation, the facility has demonstrated compliance with this standard.

## AUDITING AND CORRECTIVE ACTION

### Standard 115.401: Frequency and scope of audits

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

#### 115.401 (a)

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

#### 115.401 (b)

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

#### 115.401 (h)

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

#### 115.401 (i)

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

#### 115.401 (m)

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

#### 115.401 (n)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

This auditor reviewed the Virginia Department of Corrections (VADOC) web page at <https://www.vadoc.virginia.gov> containing the thirty-eight (38) audit reports for PREA audits completed from 2014 through 2016. One third of each facility type operated by this Agency was completed during the first PREA review cycle in accordance with the standard. All thirty-eight (38) facilities have been scheduled for the second PREA review cycle. This facility is one (1) of the facilities scheduled for the second year of the second PREA review cycle. This auditor had access to the entire facility and was

able to conduct staff and inmate interviews in a private room and provided with documentation in accordance to the standard. Inmates were permitted to send confidential information or correspondence to this auditor, the same method as sending to their legal counsel. Posters (pre-audit notices) for communicating to the auditor were in all areas of the facility.

## Standard 115.403: Audit contents and findings

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

#### 115.403 (f)

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

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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This auditor reviewed the Virginia Department of Corrections (VADOC) web page at <https://www.vadoc.virginia.gov> containing the thirty-eight (38) PREA Final Reports that were audited for the previous three years and published within 90 days after the final report was issued by the auditor.

## AUDITOR CERTIFICATION

I certify that:

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

### Auditor Instructions:

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

Dorothy Xanos \_\_\_\_\_

October 13, 2018 \_\_\_\_\_

**Auditor Signature**

**Date**

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

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