

PREA Facility Audit Report: Final

Name of Facility: Rustburg Correctional Unit #9

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 11/29/2020

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input checked="" type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input checked="" type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input checked="" type="checkbox"/>
Auditor Full Name as Signed: Paul Perry	Date of Signature: 11/29/2020

AUDITOR INFORMATION	
Auditor name:	Perry, Paul
Email:	paul.perry@carolinedf.org
Start Date of On-Site Audit:	11/03/2020
End Date of On-Site Audit:	11/04/2020

FACILITY INFORMATION	
Facility name:	Rustburg Correctional Unit #9
Facility physical address:	479 Camp 9 Rd #9, Rustburg, Virginia - 24588
Facility Phone	
Facility mailing address:	

Primary Contact	
Name:	Kaye Lee
Email Address:	kaye.lee@vadoc.virginia.gov
Telephone Number:	(434)266-3046

Warden/Jail Administrator/Sheriff/Director	
Name:	Stephen Carter
Email Address:	stephen.carter@vadoc.virginia.gov
Telephone Number:	(434) 579-3385

Facility PREA Compliance Manager	
Name:	Kaye Lee
Email Address:	kaye.lee@vadoc.virginia.gov
Telephone Number:	O: (434) 266-3046

Facility Health Service Administrator On-site	
Name:	Katherine Smith
Email Address:	katherine.smith@vadoc.virginia.gov
Telephone Number:	(434) 266-3045

Facility Characteristics	
Designed facility capacity:	153
Current population of facility:	151
Average daily population for the past 12 months:	140
Has the facility been over capacity at any point in the past 12 months?	No
Which population(s) does the facility hold?	Males
Age range of population:	19-64
Facility security levels/inmate custody levels:	Level 1
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	50
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	1
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	18

AGENCY INFORMATION	
Name of agency:	Virginia Department of Corrections
Governing authority or parent agency (if applicable):	
Physical Address:	6900 Atmore Drive, Richmond, Virginia - 23225
Mailing Address:	P.O. Box 26963, Richmond, Virginia - 23261
Telephone number:	804-674-3000

Agency Chief Executive Officer Information:	
Name:	Harold Clarke
Email Address:	Harold.Clarke@vadoc.virginia.gov
Telephone Number:	804-887-8080

Agency-Wide PREA Coordinator Information			
Name:	Rose Durbin	Email Address:	rose.durbin@vadoc.virginia.gov

AUDIT FINDINGS

Narrative:

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

The Virginia Department of Corrections contracted with PREA Auditors of America, 14506 Lakeside View Way, Cypress, TX 77429 for Prison Rape Elimination Act audit services of the Rustburg Correctional Unit. The Auditor has been certified by the United States Department of Justice to conduct PREA audits of adult facilities. The purpose of this audit was to determine the Rustburg Correctional Unit's level of compliance with standards required by the Prison Rape Elimination Act of 2003. This is the third Prison Rape Elimination Act audit of the Virginia Department of Corrections' Rustburg Correctional Unit. The facility was last audited in August 2017.

The Auditor sent a notice by email to the agency's Regional PREA/ADA Analyst on September 18, 2020. The notice contained information and an address, informing offenders how to confidentially contact the Auditor prior to arriving on site. This notice was emailed in an English and Spanish version. The notice informed the offender population their communications to the Auditor's address would be treated as confidential correspondence by facility staff. The notice required an agency representative's name and date upon posting the notice in areas throughout the facility. While touring the facility the Auditor observed all notices were posted on September 25, 2020 in all offender housing units by a facility staff member. The Auditor received no correspondences from an offender before arriving at the facility. No offender specifically requested to speak with the Auditor during the onsite visit.

The Auditor received the Rustburg Correctional Unit's completed Pre-Audit Questionnaire through the Online Audit System (OAS). The Pre-Audit Questionnaire was completed and submitted to the OAS on September 24, 2020 by the Regional PREA/ADA Analyst. Once received, the Auditor began a pre-audit review of the material. The information sent by the regional analyst included; but was not limited to: annual reports, policies, procedures, organizational charts, forms, training materials, educational materials, staffing plan, population reports, Memorandums of Understanding, copies from offender medical and central records, employee records, contracts, and handbooks.

After the information was uploaded into the Online Audit System, the Auditor began communications with the Regional PREA/ADA Analyst through email and telephone. Prior to arriving on site, the Auditor asked questions and specifically requested additional information. Communications with the analyst occurred through email and telephone. The Regional PREA/ADA Analyst maintained communications with the Auditor and responded to the Auditor's questions, comments, and/or concerns in a timely manner. The Auditor maintained communications with the Regional PREA/ADA Analyst prior to arriving on site and after leaving the facility.

The Auditor discovered the agency has a Memorandum of Understanding with the Virginia Sexual and Domestic Violence Action Alliance (VSDVAA) for emotional support services for offender victims of sexual abuse. The Auditor familiarized himself with the Memorandum of Understanding and communicated through telephone with a victim advocate from the VSDVAA. Details of the telephone interview are provided in the applicable sections within this report.

The agency maintains an agreement to provide a SANE with the Ballad Health Russell County Hospital. Upon further review, the Auditor discovered forensic services for offender victims at the Rustburg Correctional Unit are performed by a Sexual Assault Nurse Examiner at the Lynchburg General Hospital (LGH). The Auditor contacted a Sexual Assault Nurse Examiner (SANE) with the LGH by telephone. The Auditor discussed the specifics of forensic services offered to offender victims of sexual abuse. The telephone interview provided an understanding of the level and scope of services provided to victims of sexual abuse. Details of the telephone interview are provided in the applicable sections of this report.

The Auditor conducted a review of the Virginia Department of Corrections website (<https://vadoc.virginia.gov/>). The website includes a link to access the agency's published Prison Rape Elimination Act information. The website includes the agency's zero-tolerance policy and investigative information, PREA audit reports, PREA reporting information, PREA handout, contact information and annual reports. The agency provides the public access to its Prison Rape Elimination Act policy.

The Auditor arrived at the Rustburg Correctional Unit the morning of November 4, 2020. A meeting with key personnel was held by the Auditor prior to beginning the onsite portion of the audit. The following personnel were in attendance:

- Acting Superintendent - Stephen Carter
- Regional PREA/ADA Analyst - Joseph Allotey
- PREA Compliance Manager - Kaye Lee

The Auditor introduced himself and explained the audit process with key staff. After the briefing, the Regional PREA/ADA Analyst and PREA Compliance Manager offered the Auditor a tour of the facility. Prior to conducting the facility tour the Auditor informed the group he will not be conducting informal interviews with staff or offenders. The Auditor chose not to conduct such interviews to mitigate the risk of COVID-19. After completion of the tour the Auditor was provided a private area to conduct interviews and review documentation.

Facility staff allowed the Auditor full access to all areas in the Rustburg Correctional Unit. The tour included visits to the administrative, property, visitation, classrooms, recreation yards, laundry, commissary, library, medical, kitchen and all offender housing units. During the tour the Auditor was observing for blind spots, opposite gender announcements, the overall level of supervision of the offender population, staff interactions with the population and camera placements within the facility. Observations were made of PREA posters and other PREA related materials posted throughout the facility.

While touring the facility the Auditor observed staff performing security rounds, interacting with the offender population, commissary operations, foodservice operations, offenders working in various areas and staff making opposite gender announcements. The Auditor observed offenders inside and outside of housing units. All offender restrooms and shower areas were observed to ensure offenders could utilize the restroom, change clothing and shower without staff of the opposite gender observing the offenders fully naked.

The Auditor conducted a review of supportive documentation provided by the Regional PREA/ADA Analyst. Supportive documentation provided by the analyst included, but was not limited to, policies and procedures, staffing plan, handbooks, brochures, training records, employee records, medical records, classification records and logbooks. Supportive documentation was reviewed to determine the facility's level of compliance in prevention, detection, and response to sexual abuse and sexual harassment, training and education, risk screening, reporting, investigations, offender discipline, medical and mental

health care, and data collection, review and reporting.

While on site the Auditor requested additional supportive records from the Regional PREA/ADA Analyst. The Auditor requested 20 offender records, all staff, contractor and volunteer training records and 8 randomly chosen HR records. All offender records requested by the Auditor coincided with the offenders chosen for interviews. The Auditor visited with day and night shifts during the audit.

Formal interviews were conducted with offenders. The facility provided a private office for the Auditor to conduct interviews. The office was not visible by camera, did not have audio monitoring capabilities and was located where staff and other offenders were unable to observe or overhear the information exchanged between the Auditor and offenders being interviewed. The auditor randomly chose 20 offenders for interviews. There were no offenders identified by the facility that met the criteria for targeted interviews. There were no offenders identified as transgender, gay, bisexual, non-English speaking, cognitive disability, mental disability, hearing or visually impaired, at high risk of sexual victimization, who reported an allegation, or who reported suffering sexual victimization in the community. During interviews the Auditor discovered one offender who previously suffered sexual abuse in the community and did not inform facility personnel. The Auditor chose 10 offenders from each facility housing unit. At the time of the audit there were no offenders housed in the segregated housing unit.

Formal interviews were conducted with staff. The Auditor conducted random formal interviews with 4 staff members and specialized interviews with 17 staff members. Specialized interviews were conducted with intake, classification, medical and mental health, investigator, intermediate and highlevel staff, segregation supervisor, retaliation monitor, incident review team, volunteer, contractor, Human Resources, and first responders. Formal staff interviews were conducted in a facility office.

The Auditor concluded the onsite portion of the audit on November 4, 2019 in an exit meeting with the following personnel in attendance:

- Acting Superintendent - Stephen Carter
- Regional PREA/ADA Analyst - Joseph Allotey
- PREA Compliance Manager - Kaye Lee

The Auditor informed the group the on-site portion of the audit was completed. The group was informed the Auditor needed to continue reviewing provided documentation after leaving the facility. Staff were informed the Auditor may request copies of additional documents within the coming weeks. The Auditor informed key personnel staff and offenders were receptive and respectful to the Auditor while on site. The Auditor discussed immediate findings with the group. The group was informed if recommendations are made by the Auditor they would be included in the final report. The Auditor let the group know that recommendations are as such and are not required by the facility. The facility's operations appeared well managed and the Auditor received no complaints from the offender population or staff. The group was informed the offender population spoke "highly" of the RCU personnel and had confidence in the staff's abilities to ensure their protection. Most offenders stated staff at the facility actually speak to them and try to help them with their problems.

On the first day of the audit there were 106 adult male offenders incarcerated at the Rustburg Correctional Unit.

AUDIT FINDINGS

Facility Characteristics:

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

The Rustburg Correctional Unit is located in Rustburg, Virginia. The facility is located in central Virginia and is an approximate 20 minute drive to the southeast from the Liberty University. The RCU encompasses 99 acres with the secure area occupying 5 acres. The facility was built in 1969 and houses level 1 adult male offenders. Offenders with a violent history or a history of a sex offense may not be assigned to the Rustburg Correctional Unit work camp. All offenders housed at the facility are assigned to employment either on or off site. The rated capacity of the Rustburg Correctional Unit is 153 offenders. The RCU has auxiliary buildings outside the secure perimeter of the facility. Auxiliary buildings include, maintenance, greenhouse, storage, farm shop, wood shop and waste water. The facility property joins the property of the Virginia Department of Transportation.

The secure perimeter is protected with a single fence that has razor wire for additional security. There is one building inside the secure perimeter of the facility. The building includes the facility's medical, commissary, kitchen, dining hall, offices, classrooms, library, laundry, dayroom, showers, sewing room, housing units and processing area. The administration building is located outside the perimeter fence. The facility's visitation room is located in the basement of the administration building. Access to the visitation room is controlled by staff. Offenders must travel through a fenced, secure pedestrian walkway from within the perimeter fence to enter the visitation room.

The Rustburg Correctional Unit has two offender housing units, housing unit A and housing unit B. There is an officer's station located outside of the housing units. The position of the officer's station allows visibility into both housing units. Each housing unit is open bay style and have both single and bunked beds. Offenders in each housing unit have access to a kiosk, microwave, ice machine, telephones and a toilet and sink area. The toilet and sink area is protected by a wall. The officer assigned to the units cannot observe directly into the toilet area from the officer's station. There are cameras that monitor offender activities in both housing units. Cameras do not view directly into the toilet areas. There are no showers inside the housing units. Showers are located in the basement and access is controlled by staff. The Auditor observed PREA materials posted inside each housing unit. Offenders have access to a video visitation unit located adjacent to housing units A and B.

The facility has a small restrictive housing unit adjacent to housing units A and B. There are 4 cells located in the restrictive housing unit. The facility has one camera located on the ceiling outside of each single cell. Each cell has a toilet and sink inside. The camera does not view the toilet area inside the cell. Offender access to showers is controlled by staff. Offenders in the restrictive housing unit shower in the facility's basement.

The area beneath the offender housing units is known as the "basement." The basement area includes the facility's kitchen, dining hall, laundry, commissary, sewing room, showers, restrooms, dayroom, library, and classrooms. Each housing unit has assigned times to access the basement on a daily basis. A security staff member is assigned to the basement. The shower and toilet areas in the basement have a glazed door for entry. Staff cannot observe directly into the shower area from the officer's station. While in the basement offenders have access to telephones, televisions, tables, chairs, and a variety of

games, such as foosball and pool tables.

The library is located in the rear of the basement. The library is large and has both leisure and law related materials. There is one computer in the library for offender access to electronic legal materials. There is a programs room in the rear of the basement. The facility has placed 5 beds in the programs classroom to house offenders suspected of or who are monitored for COVID-19. The basement has 3 classrooms, one computer, one Department of Education and one multipurpose classroom. There are cameras that monitor offender activity in the basement. No camera views into the toilet or shower areas. The Auditor observed PREA materials posted on the walls in the basement.

Upon arrival, offenders are processed into the facility in the basement's property room. The property room also serves as an area where offender commissary is distributed. Commissary is delivered to the facility by the Keefe Group from the Buckingham Correctional Center. RCU staff deliver commissary to the population. There is a laundry room next to the property/commissary area. The laundry room has 2 washers and 2 dryers. The facility employs offenders to wash clothes for the population. Offenders bring their clothes to the laundry room when they have access to the basement and pick it up after it is washed and dried. The facility employs offenders to work in the sewing room. Those offenders repair torn facility clothing.

There are PREA paintings on the wall in the facility's basement. The Regional PREA/ADA Analyst informed the Auditor the paintings were completed by facility offenders. The analyst explained the VADOC has started a competition within the DOC. Offenders in DOC facilities are painting sexual abuse related artwork. The artwork must be related to the prevention and response to sexual abuse and will be judged by agency personnel. The competition within the agency was started as a result of a female offender's request.

The facility's kitchen is located in the basement. There is a dining room with a serving line. Each housing unit eats separately at designated times. The facility's staff consume meals in the staff dining hall adjacent to the offender dining hall. The kitchen has a prep area, cook area, small tray washing area, bathroom with locking door, 2 walk-in refrigerators, a walk-in freezer and a dry storage room. The restroom remains locked and is controlled by staff. Any offender entering the walk-ins remains under staff supervision. There are cameras that monitor offenders working in the kitchen and eating in the dining hall. Food service is operated by agency personnel. There is one food service employee who works up to 22 offenders during the day.

The facility's medical area is located near the entrance of the building. Medical services are performed by agency personnel. There is one Health Services Administrator and one part time nurse employed at the facility. Mental Health Services are performed by Video TeleConferencing. There is a small exam room and medical supplies cabinets. The medical area does not have a pharmacy as offenders in the facility maintain Keep-on-person medications. Medical services in the facility are conducted Monday through Friday from 6:00 am to 2:30 pm. The Health Services Administrator remains on call while she is not at the facility. Correctional staff are certified in CPR and First Aid.

AUDIT FINDINGS

Summary of Audit Findings:

The OAS will automatically calculate the number of standards exceeded, number of standards met, and the number of standards not met based on the auditor's compliance determinations. If relevant, the auditor should provide the list of standards exceeded and/or the list of standards not met (e.g. Standards Exceeded: 115.xx, 115.xx..., Standards Not Met: 115.yy, 115.yy). Auditor Note: In general, no standards should be found to be "Not Applicable" or "NA." A compliance determination must be made for each standard. In rare instances where an auditor determines that a standard is not applicable, the auditor should select "Meets Standard" and include a comprehensive discussion as to why the standard is not applicable to the facility being audited.

Number of standards exceeded:	1
Number of standards met:	44
Number of standards not met:	0

The Auditor found the Virginia Department of Corrections has developed appropriate policies and procedures that aid in the prevention, detection and response to sexual abuse and sexual harassment. Those policies and procedures have been incorporated into the facility's training efforts. The Auditor found the facility's staff are well trained and retained information provided through the agency's training efforts. The Auditor formally interviewed staff and determined staff understands their responsibilities in the agency's policies and procedures regarding the prevention, detection and response towards acts of sexual abuse and sexual harassment. Staff understand their roles as first responders.

The Auditor determined the facility has been successful in developing a zero-tolerance culture towards all forms of sexual abuse and sexual harassment. The Auditor discovered the facility's command staff support its staff in the prevention, detection and response efforts. The command staff involve themselves in the day-to-day operations of the facility to keep abreast of current practices, assess current practices and make needed changes. The command staff appear to have a proactive approach towards compliance with the PREA standards to ensure the offender population, staff and the facility itself is protected from acts of sexual abuse and sexual harassment. Supervisors and command staff make unannounced rounds throughout all facility areas to deter sexual abuse and sexual harassment.

The facility's population was educated regarding the agency's prevention, detection and response efforts towards sexual abuse and sexual harassment. Each offender interviewed by the Auditor stated they were confident in staff's abilities to respond to incidents and felt staff would maintain confidentiality with sexual abuse related information. The Auditor determined the facility is providing written information and effective comprehensive education to each offender upon their intake and upon arriving at another facility. The facility provides readily available information to offenders by posting materials in housing units and other areas of the facility, through handouts and handbooks. The Auditor observed staff's interactions with the offender population while on site. All interactions were professional and appeared as if staff have developed appropriate working relationships with the population. The offenders interviewed by the Auditor felt safe in the facility. Offenders informed the Auditor staff at the RCU are "supportive."

The Auditor was provided a detailed tour of the Rustburg Correctional Unit and observed staff interacting professionally with the population. A review of files and other documents revealed facility personnel are documenting actions in accordance with the VADOC policies and procedures related to sexual abuse and sexual harassment. Formal interviews with offenders reveal they are confident in staff's abilities to

respond and protect them from acts of sexual abuse. Offenders informed the Auditor facility staff are professional and take incidents and threats of sexual abuse or sexual harassment seriously. Formal interviews with staff revealed they are knowledgeable in the policies and procedures to prevent, detect and respond to incidents of sexual abuse and sexual harassment.

Staff at the RCU are appropriately screening each offender upon arrival to determine their level of risk for abusiveness or victimization. The risk screening allows the facility's counselors to identify such offenders and ensure they are protected from sexual abuse when determining housing, programs, education and work opportunities. The facility is conducting a reassessment of each offender within 21 days of arrival, after an incident of sexual abuse, referral and/or upon receiving additional information that bears on the offender's level of risk.

The agency has trained its investigators to conduct sexual abuse and sexual harassment investigations in confinement settings. Investigators understand how to conduct appropriate investigations following an allegation of sexual abuse and sexual harassment. The facility's investigator understands the requirement to refer criminal acts of sexual abuse to the Special Investigations Unit for criminal investigation. Policy requires investigations be objective and are conducted promptly and thoroughly. Investigators are required to inform offenders of investigative determinations at the conclusion of each investigation. The facility conducts an incident review of all allegations, unless unfounded, within 30 days of the conclusion of the investigation.

The Auditor determined the Rustburg Correctional Unit meets all standards and recommended no formal corrective action period required to comply with any provision of the PREA standards. Both the facility and agency made corrective actions to comply with several elements of the PREA standards. Those corrections were made during the audit. Details of the corrective actions are included in the applicable sections of this report. The agency has appropriate policies, procedures and practices for the prevention planning, response planning, training and education, screening for risk of victimization and abusiveness, reporting, response following a report, investigations, discipline, medical and mental care, and data collection and review of sexual abuse and sexual harassment.

The Auditor determined the Rustburg Correctional Unit exceeds standard 115.11 Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator. The agency employs a PREA Coordinator and Regional PREA ADA/Analyst. Each agency facility appoints a PREA Compliance Manager. The Auditor determined the RCU has successfully created a zero-tolerance culture within the facility. The RCU staff takes sexual abuse prevention, detection and response seriously. The population understands the facility prohibits sexual abuse and sexual harassment. The command staff are proactive and maintain a zero-tolerance approach within the facility.

Standards

Auditor Overall Determination Definitions

- Exceeds Standard
(Substantially exceeds requirement of standard)
- Meets Standard
(substantial compliance; complies in all material ways with the stand for the relevant review period)
- Does Not Meet Standard
(requires corrective actions)

Auditor Discussion Instructions

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

115.11	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Department of Corrections has an established policy that the Department of Corrections has a zero tolerance for all forms of sexual abuse and sexual harassment. The policy strictly prohibits any fraternization and sexual misconduct by staff, contractors, or volunteers with offenders, or between offenders. The VADOC policy includes its prevention, detection, reporting and response strategies. The Prison Rape Elimination Act policy includes definitions of the following:</p> <ul style="list-style-type: none"> ● Abuse ● Carnal Knowledge ● Fraternization ● Rape ● Sexual Abuse ● Sexual Assault ● Sexual Harassment ● Sexual Misconduct ● Voyeurism <p>The Auditor observed the agency has included its approach towards prevention, detection and response towards incidents of sexual abuse and sexual harassment. The following, but not limited to, prevention, detection and response techniques were observed in the agency's Prison Rape Elimination Act policy:</p> <ul style="list-style-type: none"> ● Offender Training ● Employee and Volunteer Training ● Employee, Contractor and Volunteer Screening ● Offender Screening and Use of Screening Information ● Responsibilities for Offenders ● Responsibilities for Staff ● Written Institutional Response Plan ● First Responder Duties ● Investigations ● Reporting to Offenders ● Protections against Retaliation ● Management of Sexual Aggressors <p>The agency's policy stipulates the Director has designated a PREA/ADA Supervisor as the statewide PREA Coordinator to work in the office of the Chief of Corrections Operations with sufficient time and authority to develop, implement, and oversee DOC efforts to comply with the Prison Rape Elimination Act standards in all DOC facilities. The policy also dictates Regional PREA Analysts have been designated to oversee facility efforts and to direct facility PREA activities within their assigned region. Each Facility Unit Head has designated a PREA</p>

Compliance Manager with sufficient time and authority to coordinate the facility's efforts to comply with PREA standards.

The Rustburg Correctional Unit has designated the ACA/PREA/Hearing Officer responsible for duties of the PREA Compliance Manager. The ACA/PREA/Hearing Officer reports all PREA related information and compliance issues to the Regional PREA Analyst and Warden. The Regional PREA Analyst reports directly to the PREA/ADA supervisor. The Rustburg Correctional Unit is located in the Central Region.

Evidence Relied Upon:

Policy - 038.3 Prison Rape Elimination Act, pg. 3

Policy - 135.2, pg. 3

Inter Office Memorandum

VADOC Organizational Chart

RCU Organizational Chart

VADOC Work Description and Performance Plan - PREA/ADA Analyst

VADOC Work Description and Performance Plan - PREA/ADA Supervisor

VADOC Work Description and Performance Plan - ACA/PREA/Hearing Officer

Interviews with Staff

Interviews with Offenders

Analysis/Reasoning:

The Auditor conducted a review of the Virginia Department of Corrections' policies. The Auditor observed the agency policy includes the agency's prevention, detection and response approaches towards sexual abuse and sexual harassment of offenders. The policy includes definitions of abuse, carnal knowledge, fraternization, rape, sexual abuse, sexual assault, sexual harassment, sexual misconduct, and voyeurism. The agency's policy includes sanctions for those found to have violated the agency's sexual abuse and sexual harassment policies and procedures. The VADOC has a clear policy that states, "The DOC has a Zero Tolerance Policy that strictly prohibits any fraternization, sexual misconduct by staff, contractors, or volunteers with offenders, or between offenders [and] DOC has zero tolerance for offender-on-offender sexual harassment, assault, or abuse."

The Auditor reviewed the agency's organizational chart. The VADOC has an Organizational Chart that outlines the position of the PREA Coordinator and regional PREA/ADA Analyst. Each facility appoints a PREA Compliance Manager while the PREA/ADA Analyst works with PREA Compliance Managers and oversees PREA efforts in their assigned region. The Rustburg Correctional Unit appointed the ACA/PREA/Hearing Officer as the PREA Compliance Manager. The PREA Compliance Manager reports directly to the Superintendent and Regional PREA/ADA Analyst for PREA related issues or concerns. The Auditor discussed the ability to develop, implement and oversee agency PREA efforts with the Regional PREA/ADA Analyst. The PREA/ADA Analyst responded quickly to the Auditor's questions and requests

prior to, during and after the Auditor conducted the site visit. The PREA/ADA Analyst is knowledgeable about the facility and requirements of the Prison Rape Elimination Act.

The Auditor conducted a formal interview with the facility's PREA Compliance Manager (PCM). The PCM feels she has sufficient time and authority to oversee facility efforts to ensure compliance. The PCM makes routine rounds throughout the facility to check the facility's compliance. She reviews documents, educates staff, speaks to the population and participates in facility meetings to discuss the facility's compliance efforts. The Auditor observed the relationship between the current facility head and the PCM while onsite. It was apparent the PCM is comfortable reporting directly to the head of the facility.

The PREA Coordinator is employed at a level to enact change regarding PREA related compliance. The PREA Coordinator issued an Interoffice Memorandum in August 2012 to all Wardens and Superintendents. The memorandum stipulates each designate an institutional employee as the PREA Compliance Manager. The memorandum further explains the person named as the PREA Compliance Manager should have sufficient time to act as the contact person for the Regional PREA/ADA Analyst gathering information, prepping compliance documents or coordinating changes. The PREA Coordinator informed Wardens and Superintendents the core responsibilities of the PREA Compliance Manager is to coordinate the facility's PREA efforts in conjunction with the requirements of the PREA standards as directed by the Unit Head or designee. The Auditor observed the PREA Compliance Manager is responsible for:

- Maintaining necessary documentation of all PREA standard compliance efforts;
- Act as the primary facility contact for the PREA Analyst in coordinating compliance;
- Ensure compliance with all PREA relative departmental, ACA and/or governing authorities policies and procedures; and
- Provide regular feedback to the Unit Head and Regional PREA Analyst concerning policies, procedures, or practices that are not in compliance with the PREA standards.

A review of Work Description and Performance Plans reveal the agency has outlined PREA compliance related duties and responsibilities for the PREA Coordinator, Regional PREA/ADA Analysts, and PREA Compliance Managers. The plans specify the duties at each specific level and include the employee's immediate supervisor. The Auditor clearly established the chain of command allows each staff member in a PREA related role to take steps to improve and/or address PREA related compliance efforts and/or responses.

The Auditor conducted formal interviews with offenders. Interviews with offenders reveal they feel confident in staff's ability to respond to allegations of sexual abuse and sexual harassment. Offenders informed the Auditor facility staff are helpful to the population with their problems and concerns. The offender population was able to articulate information to the Auditor based on the agency's education efforts. The population interviewed stated they have seen the PREA video and was provided written information upon arrival. Many informed the Auditor they watched the video multiple times throughout their incarceration. Each offender was asked if he felt safe in the facility. Each offender interviewed stated they feel safe in the facility. The Auditor was informed offenders feel staff would maintain their personal information confidential. Most informed the Auditor they would report an allegation directly to a staff member if they were sexually abused or sexually harassed.

The Auditor conducted formal interviews with randomly selected staff. The Auditor determined the facility's staff were well educated and had retained the knowledge provided through agency training. Each staff member understood the agency's policies and procedures for preventing, detecting and responding to sexual abuse and sexual harassment. All RCU staff have been trained by the agency within the previous 12 months. Each staff member interviewed informed the Auditor they receive PREA training on an annual basis. Staff stated the annual in-service training includes a review of the agency's sexual abuse and sexual harassment policies and procedures.

The Rustburg Correctional Unit is currently without a Superintendent. The facility's Major is currently in the acting capacity. The Auditor interviewed the Major and other command staff members. Interviews revealed the command staff are supportive of subordinate staff. Command staff appear proactive towards the prevention, detection and response towards sexual abuse and sexual harassment. The Auditor was informed the facility has not had an allegation of sexual harassment or sexual abuse in "years." The RCU is a small facility in which subordinate staff feel comfortable conversing with and reporting to command staff. The command staff maintain an "open door" policy. The facility's command staff are required to conduct regular tours throughout the facility. Interviews with staff and a review of documents reveal command staff conduct more unannounced rounds than required by agency policy.

Conclusion:

The Auditor conducted a thorough review of the agency's policies, procedures, organizational charts, inneroffice memorandum, Employee Work Profiles and conducted interviews with staff and offenders. The Auditor determined the Virginia Department of Corrections has developed an appropriate zero-tolerance policy that includes its prevention, detection and response approaches towards allegations of sexual abuse and sexual harassment. The agency has designated appropriate staff members that have sufficient authority and effort to develop, implement and oversee agency efforts. The Rustburg Correctional Unit has successfully created a zero-tolerance culture in the facility. Though not required, the agency has employed several Regional PREA/ADA Analysts to supervise PREA compliance in an assigned region. The Auditor determined the VADOC exceeds the requirements of this standard.

115.12	Contracting with other entities for the confinement of inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The agency has a policy that requires all contracts for the confinement of VADOC offenders include in any new contract, or contract renewal the entity's obligation to adopt and comply with Prison Rape Elimination Act standards. The policy requires contracts include a provision for contract monitoring to ensure the contractor is complying with the Prison Rape Elimination Act standards. There is a provision in the agency's policy that allows the VADOC to enter into a contract with an entity that fails to comply with PREA standards only in emergency circumstances. In the event, the agency is required to document all reasonable failed attempts to find a private agency or other entity in compliance with the PREA standards.</p> <p>Evidence Relied Upon:</p> <p>Policy - 038.3 Prison Rape Elimination Act, pg. 4</p> <p>Policy - 260.1 Procurement of Goods and Services, pg. 10</p> <p>Contracts</p> <p>Contract Renewals</p> <p>Quarterly Facility Site Visits Report</p> <p>Lawrenceville Correctional Center Audit Report</p> <p>Analysis/Reasoning:</p> <p>The Virginia Department of Corrections contracts for confinement of its offenders with GEO Corrections & Detention, LLC. The GEO Group operates a private prison in Lawrenceville, Virginia. The prison is designed to hold up to 1,536 offenders for the Virginia Department of Corrections. The auditor reviewed the PREA Audit report of the Lawrenceville Correctional Center. The facility was last audited in November 2019. The Lawrenceville Correctional Center was found to have exceeded 9 standards and met the requirements of all additional standards.</p> <p>The Auditor reviewed the contract between the Virginia Department of Corrections and GEO Corrections & Detention, LLC. The Auditor reviewed the contract entered in March 2013 and all contract extensions and renewals since 2013. Each included provisions for the GEO Group to adopt and comply with the Prison Rape Elimination Act standards. The Auditor observed a provision in contracts that allows the VADOC to monitor GEO's compliance with PREA standards.</p> <p>The Eastern Regional PREA/ADA Analyst conducts quarterly site visits at the Lawrenceville Correctional Center to monitor for compliance with the Prison Rape Elimination Act standards. The analyst completes a report following the site visit. The Quarterly Facility Site Visit Report requires the analyst document findings related to each PREA standard. The Virginia</p>

Department of Corrections staffs a VADOC person onsite at the Lawrenceville Correctional Center. The VADOC staff member monitors the agency's contract with GEO. The Contract Monitor is empowered to address concerns with the GEO Group's compliance with the Prison Rape Elimination Act.

The Virginia Department of Corrections houses offenders in local and regional jails across the state. There is no written agreement between the facilities and the Virginia Department of Corrections. Virginia Code allows for the confinement of VADOC offenders in those facilities. Each facility confining VADOC offenders is required to adopt and comply with the Prison Rape Elimination Act of 2003.

Conclusion:

The Auditor reviewed agency policies, contracts, contract renewals with the GEO Group and the Lawrenceville Correctional Center's Audit Report. Agency contracts and renewals for the confinement of VADOC offenders include the requirements of this standard and require monitoring by agency personnel. The Auditor determined the Virginia Department of Corrections meets the requirements of this standard.

115.13	Supervision and monitoring
	<p data-bbox="252 170 896 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="252 248 523 282">Auditor Discussion</p> <p data-bbox="252 327 536 360">Auditor Discussion:</p> <p data-bbox="252 405 1471 607">The Virginia Department of Corrections has a policy that requires each facility in the agency make its best efforts to comply with a staffing plan that provides for adequate levels of staffing and video monitoring in an effort to protect offenders from sexual abuse. Agency policy requires the following considerations when determining staffing levels and video monitoring needs:</p> <ul data-bbox="300 674 1436 1178" style="list-style-type: none"> ● Generally accepted detention and correctional practices; ● Any judicial findings of inadequacy; ● Any findings of inadequacy from Federal investigative agencies; ● Any findings of inadequacy from internal or external oversight bodies; ● All components of the facility’s physical plant (including “blind-spots” or areas where staff or offenders may be isolated); ● The composition of the offender population; ● The number and placement of supervisory staff; ● Institutional programs occurring on a particular shift; ● Any applicable State or local laws, regulations, or standards; ● The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and ● Any other relevant factors. <p data-bbox="252 1223 1487 1592">Policy requires the Facility Head or designee review their existing staffing plan for the facility by January 31 of each year. When circumstances arise where the staffing plan is not complied with, the Facility Unit Head or designee must document and justify all deviations from the facility's staffing plan. If the annual review finds the facility is not staffed in accordance with the staffing plan, the facility is required to provide a comprehensive written explanation to the Regional Operations Chief and provide possible solutions to increase facility staffing levels. The comprehensive explanation must also be forwarded to the Regional PREA Analyst. The annual staffing plan review is conducted to assess, determine, and document whether adjustments are needed to:</p> <ul data-bbox="300 1659 1445 1861" style="list-style-type: none"> ● 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. <p data-bbox="252 1906 1481 2152">Agency policy requires facility Administrative Duty Officers (ADO) visit the facility at least once during the week of duty at a time other than the staff member's normal working hours and days. Policy requires the visits occur at different times and days so that over several weeks of duty, each ADO will have visited the facility during all shifts and on all days. The ADO is required to conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. The unannounced rounds are required to be made</p>

intermittently during the month and scheduled in a 24 hour period. ADOs are required to document the unannounced rounds in the ADO Logbook or the Facility Unit Head/ADO Rounds Report.

Agency policy prohibits any staff member from alerting other staff that a supervisor is conducting rounds to identify and deter sexual abuse and sexual harassment.

Evidence Relied Upon:

Policy - 401.2 Security Staffing, pg. 8

Policy - 401.3, pg. 4-5

Policy - 401.1 Development and Maintenance of Post Orders, pg. 4-5

RCU Post Audit

RCU Staffing Study

Daily Duty Rosters

PREA Logbook

Camera Check Log

Interviews with Staff

Interviews with Offenders

Observations

Analysis/Reasoning:

The Auditor reviewed the RCU Post Audit. The post audit is developed to ensure appropriate staffing levels are determined. The most recent post audit includes 37 full time security staff and 16 full time non-security staff. At the time of the audit the facility had 1 vacant security position and no vacant non-security positions. The staffing analysis was conducted in January 2020 and stipulates the analysis was conducted to review the RCU's staffing level and the resources available to ensure adherence to the plan. The review determined a need for an additional staff member to perform transportation duties. The staffing analysis determined the facility has several posts that are unable to meet staffing requirements due to vacancies, short term disabilities, vacations and mandatory training. The facility documented a need to add cameras in the Administration Building.

The Auditor determined the following staff to offender ratio based on the designed capacity of the facility and the authorized positions in the post audit:

- 1 staff member for every 3 offenders

The following denotes the staff to offender ratio utilizing the current number of offenders and current number of staff:

- 1 staff member for every 2 offenders

The Rustburg Correctional Unit's current security staff to current offender ratio is:

- 1 security staff member for every 3 offenders

The post audit reviewed by the Auditor includes provisions for administrative, support and security positions on all shifts in each facility area. The facility utilizes overtime through a draft procedure to ensure vacant positions are filled for each shift when needed. The facility's staffing level was maintained at 2% below capacity at the time of the audit.

The Rustburg Correctional Unit operates with two day and two night shifts. The duration of day and night shifts is 12 hours. The Shift Commander has the authority to utilize overtime and/or draft staff to fill vacant positions. In the event the facility receives an offender that identifies as transgender, intersex or gender dysphoria, the facility would make adjustments to its shifts to ensure a female staff member was available to conduct searches of those offenders who require a female to conduct the search. Transgender and intersex offenders can specify the gender of searching staff.

The Auditor reviewed a sampling of Daily Duty Rosters from the previous 12 months. Daily Duty Rosters are completed by each Shift Commander. The Auditor observed Shift Commanders are documenting daily staff vacancies on each shift and account for the vacancies. The Shift Commander documents staff working overtime to fill vacant positions. The Shift Commander notates the reason for staff vacancies in the leave code section of the Daily Duty Roster. The Auditor observed the Daily Duty Roster includes codes for the following vacancy reasons:

- Annual Leave
- Compensation Time
- Civil Work Related
- Education Leave
- Family/Personal Leave
- Military Leave
- Other
- Public Health Emergency Leave
- Recognition Leave
- School Assistance & Volunteer Services
- Sick Family Leave
- Sick Personal Leave
- Short Term Disability
- Training
- Workers Compensation
- Leave Without Pay

The Auditor reviewed the Rustburg Correctional Unit's annual staffing review. The review was conducted on January 24, 2020. The most current review was signed by the Superintendent and sent to the Central Regional Operations Chief, PREA Coordinator and the Regional PREA/ADA Analyst. The RCU's review includes considerations of the bulleted topics in the "Auditor Discussion" portion of this standard. The agency requires each facility conduct a

review of its staffing each year. The RCU's documented the following as the most common reasons for vacancies:

- Call-ins
- FMLA
- Staff training
- Annual Leave

The Auditor conducted a formal interview with the Acting Superintendent. The Auditor asked what considerations are made when determining appropriate levels of staffing for the facility. The Auditor was informed programming, work, education, video monitoring, facility practices, the number of offenders the facility has and resources that are available. The Acting Superintendent stated the post audit is reviewed every year by each DOC facility. When asked how the facility documents any daily non-compliance with the post audit, the Auditor was informed the Shift Commander documents the reasons on Daily Duty Rosters. The Auditor asked the Acting Superintendent who participates in the post audit review. The Auditor was informed department heads, PCM and the Regional PREA/ADA Analyst participates and a copy is sent to the PREA Coordinator for consideration.

Facility staff conduct a weekly check of all cameras in the facility. The Auditor reviewed the facility's Camera Check Log. The check log includes a list of all cameras in the facility. The staff member is required to physically observe the camera to ensure it is operational. The completer of the check log notates "yes" or "no" in the operational column. Any deficiencies are documented next to the specified camera. The log includes a column that requires the staff member notate the date of outage for any inoperable camera. The check log includes a "Notes" section and "Action Plan for Cameras Out" section. The Shift Commander or Operations Supervisor is required to sign and date the form.

The Auditor reviewed a sampling of RCU unannounced rounds documented in the PREA Logbook. The sampling covered each shift from from the previous 12 month preceeding the audit. Facility Lieutenants, Captain, Major and Superintendent each conduct unannounced rounds through all facility areas. Unannounced rounds are documented in the PREA Logbook by date and time. Each supervisor initials the logbook after including their name. The Auditor observed unannounced rounds are occurring on each shift at various times throughout the shift.

While touring the facility the Auditor observed staff making security rounds in housing units and support areas of the facility. Staff were present in all areas toured by the Auditor. Security personnel were observed interacting with the offender population. The Auditor observed camera placements throughout the facility. Cameras were placed to assist in the prevention, detection and response to incidents of sexual abuse. Facility areas that are not monitored by cameras are toured by security personnel. The Auditor observed supervisors making unannounced rounds throughout various facility areas, to include housing units.

The Auditor conducted formal interviews with staff and supervisors from various shifts. Staff were asked if supervisors conduct unannounced rounds throughout the facility. Each staff member stated supervisors do make unannounced rounds throughout the facility. Supervisors were asked if they were required to make unannounced rounds. The Auditor was informed they are required to make at least one unannounced round in all facility areas on each shift.

Each supervisor was asked how they prevent staff from alerting other staff when they are making unannounced rounds. The Auditor was informed supervisors do not conduct their rounds by any specific pattern. Supervisors stated they conduct their rounds at different times and do not take the same route when touring the facility. Each supervisor informed the Auditor they conduct more unannounced rounds than required as the facility is small in size. The Auditor was informed the agency's policy prevents staff from alerting other staff when supervisors are making unannounced rounds.

Each supervisor was asked what actions they take if discovering a staff member was alerting other staff when supervisors are conducting unannounced rounds. Supervisors informed the Auditor they would verbally counsel the staff member about the importance of the unannounced round on the first occurrence. Each was asked what they would do if they caught the person a second time. Supervisors stated they would recommend formal discipline for the staff member on the second occurrence. Each staff member interviewed was aware the VADOC has a policy prohibiting staff from alerting other staff members of supervisory rounds.

The Auditor conducted formal interviews with offenders. Offenders were asked if supervisors announce their presence when entering housing units. Offenders informed the Auditor female supervisors announce their presence as a female every time they enter housing units. Most offenders stated female announcements are made before the female arrives to the entrance of the housing unit. The Auditor observed PREA Logbooks include a notation of opposite gender announcements for female supervisors.

The facility was not under a consent decree, a judicial finding of inadequacy, or a finding of inadequacy from a federal, internal, or external oversight body at the time of the audit.

Conclusion:

The Auditor concluded the facility has an adequate staffing plan to ensure the protection of offenders from sexual abuse. The staffing plan is reviewed in accordance with this standard. The Auditor reviewed policies, procedures, post audit, staffing study, Daily Duty Rosters, Camera Check Log, PREA Logbook, interviewed staff and offenders and made observations to determine the facility meets the requirements of this standard.

115.14	Youthful inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The agency has a policy that requires youthful offenders will not be placed in a housing unit in which the offender will have sight, sound, or physical contact with any adult offender through use of a shared dayroom or other common space, shower area, or sleeping quarters. Policy requires direct supervision by institutional staff at all times when a youthful offender and an adult offender have sight, sound, or physical contact with one another. The agency assigns youthful offenders to a specialized unit to meet these requirements, unless the assignment would create a risk to the safe, secure, and orderly operation of the institution. Youthful offenders may be placed in a restrictive housing unit if exigent circumstances require such.</p> <p>Evidence Relied Upon:</p> <p>Policy - 425.4, pg. 4</p> <p>RCU Memorandum</p> <p>Population Reports</p> <p>Interviews with Staff</p> <p>Observations</p> <p>Analysis/Reasoning:</p> <p>The Auditor conducted formal interviews with staff. Staff informed the Auditor the Rustburg Correctional Unit does not house youthful offenders. Youthful offenders are identified during the offender's receiving process into the agency. All youthful offenders are transported to an agency facility designated to house youthful offenders. The Rustburg Correctional Unit has not been designated by the agency as a youthful offender facility. The Auditor asked staff if they have housed an offender under the age of 18 who had been certified as an adult. Staff were not aware of any offender housed as such.</p> <p>The Auditor conducted a formal interview with a staff member who supervises offenders in the segregated housing unit. The staff member was asked if a youthful offender receives programming, education, work and recreation opportunities while housed in segregation. The Auditor was informed the facility does offer programming, education and recreation opportunities in segregation but the facility does not house youthful offenders. The Auditor asked when the last time a youthful offender was housed in the facility. The staff member was unaware of a youthful offender ever being housed in the facility.</p> <p>While touring the facility the Auditor observed areas in which a youthful offender could be maintained out of sight and sound from adult offenders while awaiting transportation to a designated facility. The Auditor discussed the use of transfers to other facility's with the Acting Superintendent. The Acting Superintendent stated transfers to other facilities are not difficult to coordinate when their is a legitimate need to transfer.</p>

The Auditor reviewed a sampling of population reports from the previous 12 months. Population reports reveal the RCU has not housed a youthful offender during this audit period.

Conclusion:

The Auditor reviewed VADOC policies and procedures, population reports, interviewed staff and made observations and determined the facility meets the requirements of this standard.

115.15	Limits to cross-gender viewing and searches
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The VADOC has a policy that prohibits cross-gender strip searches and cross-gender visual body cavity searches except in exigent circumstances or when performed by a medical professional. When body cavity searches are performed by medical professionals at least one security staff member of the same sex as the offender is required to be present. Policy prohibits cross-gender pat-down searches of female offenders by male security staff except in exigent circumstances. Staff may not deny female offenders access to regularly available programming or other out of cell opportunities in order to comply with this standard. Before conducting any cross-gender search, approval must be obtained from the Shift Commander with notification to the Administrative Duty Officer and the Regional PREA Analyst. Policy requires searching staff to complete and submit an Internal Incident Report after conducting a cross-gender search of an offender. The VADOC permits female security staff to conduct cross-gender pat-down searches of male offenders. Policy requires all cross-gender searches be documented. Staff are required to conduct cross gender frisk 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.</p> <p>The VADOC policy requires facilities to allow offenders the opportunity to shower, perform bodily functions, and change clothing without nonmedical personnel of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Policy prohibits staff from conducting a cross-gender strip search of a transgender or intersex offender for the sole purpose of determining the offender's genital status. If staff cannot determine an offender's genital status, they are to determine by interviewing the offender, reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.</p> <p>Agency policy requires staff of the opposite gender announce their presence when entering an offender housing unit.</p> <p>Evidence Relied Upon:</p> <p>Policy - 445.1, pg. 16-18</p> <p>Policy - 801.1, pg. 3</p> <p>Policy - 401.2 Security Staffing, pg. 7</p> <p>Policy - 350.2, pg. 9</p> <p>Policy - 720.2, pg. 6</p> <p>Post Logbooks</p> <p>PREA Logbooks</p>

Shift Assignment Rosters

Training Curriculum

Training Records

Observations

Analysis/Reasoning:

The Rustburg Correctional Unit houses male offenders. The Auditor conducted a review of facility shift rosters. The facility maintains male and female staff. In the event the facility receives a transgender, intersex or gender dysphoria offender, the facility will adjust its shifts to ensure those offenders will be searched by a staff member of the same sex of the offender. The Auditor conducted formal interviews with offenders. Offenders were asked if they had been pat-searched or strip searched by a staff member of the opposite gender of the offender. Female staff are authorized to conduct pat-searches of male offenders. No offender interviewed had been strip searched by a female security officer. Offenders were asked if a female had been present during a strip search of a male offender. No male offender had seen a female present during a strip search.

Interviews with offenders reveal they can take a shower, change clothes and use the restroom without security staff of the opposite gender seeing their breast, buttocks or genitalia, unless incidental to a routine security round. The Auditor asked offenders if they had ever been fully naked in the presence of a female officer; none had been. Offenders informed the Auditor staff of the opposite gender always announce their presence when entering housing units. The Auditor conducted formal interviews with male and female staff members. Each staff member was asked if opposite gender announcements were being made in the housing units. Each staff member informed the Auditor opposite gender announcements are being made when entering any opposite gender housing unit. The Auditor observed each PREA Logbook includes documentation that opposite gender supervisors are announcing their presence when entering offender housing units. The Auditor observed opposite gender announcements documented in post logbooks.

The Auditor conducted a formal interview with an intake staff member. The intake staff member was asked how a transgender offender is strip searched or pat searched when arriving. The staff member stated if the transgender offender has a preference form that requires a female conduct the strip search, a female staff member would conduct the strip search and/or pat search. The intake staff member informed the Auditor the facility would know ahead of time if a transgender or intersex offender was being transferred to the RCU. Intake and randomly selected personnel were asked what they would do if they could not determine the genital status of an offender. The Auditor was informed they would review the offender's documents and notify medical personnel if a determination cannot be made.

The Auditor asked randomly selected staff how facility personnel conduct searches of transgender and intersex offenders. Staff informed the Auditor transgender and intersex offenders chose the sex of the staff member to conduct their search. Staff stated transgender and intersex offenders will have a preference form denoting the sex of the searching staff member. Staff were asked if they had been trained to conduct pat-searches of transgender and intersex offenders. Staff had been provided such training. Staff were asked if they would

conduct a strip search of an offender if they could not determine the offender's sex. Each staff member stated they would not conduct a strip-search of any offender for the sole purpose of determining the offender's sex. The Auditor was informed staff would contact medical personnel if they could not determine an offender's sex.

The Auditor reviewed the agency's In-service Trainer Outline and training attendance rosters. The outline includes procedures how to conduct searches of transgender and intersex offenders and how to communicate with those offenders professionally. Training attendance rosters reveal staff had attended an initial training to conduct searches, including cross-gender searches, and attended training annually thereafter. New employees receive the training during their initial orientation and in the agency's training academy. The Auditor reviewed the training records of all RCU staff members. Each had been provided the training.

The Auditor conducted a detailed tour of the facility and was granted access to all offender housing units and other support areas. The Auditor observed all shower and restroom areas in the facility. Showers in the facility are protected from view with a hazed door. Offenders have the ability to shower without security staff of the opposite gender seeing them fully naked. All toilet areas in offender housing units are protected from view by a wall. The Auditor observed opposite gender announcements being made during the facility tour.

The facility has not housed an offender who identifies as transgender or intersex during this audit period. The facility employs female staff to ensure a pat-down and strip-search of a transgender, intersex or dysphoria offender is performed by a staff member of the same sex as the offender. The Auditor asked staff how they would ensure transgender and intersex offenders would be able to shower separately from other offenders. Transgender and Intersex offenders would be escorted to the basement where showers are located during hours when no offenders were able to access the basement.

The facility reported no incident in which a staff member conducted a cross-gender strip search in the previous 12 months. All cross gender pat-down and strip-searches are documented on an Incident Report.

Conclusion:

The Auditor conducted a review of VADOC policies and procedures, training curriculum, training attendance rosters, shift assignment rosters, post logbooks, PREA logbooks, interviewed staff, offenders and made observations. The Auditor concluded the RCU staff had been appropriately trained to conduct cross-gender searches and how to make opposite gender announcements when entering housing units. Offenders have the ability to shower, change clothes and use the restroom without staff of the opposite gender seeing them naked. Staff have been trained to treat all offenders, including transgender and intersex offenders respectfully and professionally. The Auditor determined the RCU meets the requirements of this standard.

115.16	Inmates with disabilities and inmates who are limited English proficient
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The agency has a policy that requires staff take appropriate steps to ensure offenders with disabilities or limited English proficient 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. The policy requires the inclusion of those who are deaf or hard of hearing, blind or have low vision, and those who have intellectual, psychiatric, or speech disabilities. The appropriate steps outlined in the policy include the following:</p> <ul style="list-style-type: none"> ● Providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary; and ● Providing written materials in formats or through methods that ensure effective communication with offenders with disabilities, including offenders who have intellectual disabilities, limited reading skills, or who are blind or have low vision. <p>The agency’s policy states the VADOC is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164. Agency policy prohibits utilizing offender interpreters, offender readers, or other types of offender assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the offender’s safety, the performance of the first-responder duties or the investigation of the offender’s allegations.</p> <p>Evidence Relied Upon:</p> <p>Policy - 038.3 Prison Rape Elimination Act, pg. 7</p> <p>Offender Handbook</p> <p>Zero Tolerance Brochure</p> <p>Vernacular Language Services Contract</p> <p>Purple Communications, Inc. Contract</p> <p>Propio-LS, LLC. Contract</p> <p>Acknowledgement of Preventing Sexual Abuse and Sexual Assault Training</p> <p>Offender Records</p> <p>Interviews with Staff</p> <p>Interviews with Offenders</p>

Observations

Analysis/Reasoning:

The Auditor reviewed the agency's Zero Tolerance for Sexual Abuse and Sexual Harassment handout for offenders. Each offender receives a copy upon arrival at the RCU. The handout is written in English, Spanish and maintained for the hearing impaired. The hearing impaired copy includes different avenues for reporting through the telephone. The facility maintains PREA posters written in English and Spanish. Facility staff will read the PREA information provided during intake to offenders who are blind or have low vision who cannot otherwise obtain the information. The facility maintains its Offender Handbook in Braille for offenders who can read in Braille. Offenders who are deaf or hard of hearing can read the written information. The facility's PREA video is both verbal and closed captioned for those who are either deaf or blind. The facility maintains the PREA video in English and Spanish. In the event the facility receives an offender with an intellectual or cognitive disability, a staff member conducts an individual session with the offender to ensure he/she receives an understanding of the agency's PREA information and comprehensive education. The RCU Offender Handbook includes the facility's hotline reporting instructions and the facility's zero-tolerance to sexual abuse and sexual harassment.

Offenders who cannot read English or Spanish can benefit from the facility's PREA information through the use of the language line service. The agency maintains a contract with a provider for telephonic translation services. When the agency cannot provide a staff interpreter, staff read the information to the interpreter who translates the information to the offender. Each staff member interviewed was asked if the facility relies on offender interpreters or readers. Staff informed the Auditor they do not use offender interpreters or readers.

The facility's comprehensive educational video is maintained on a CD and titled, "PREA: What You Need to Know." The Auditor reviewed the comprehensive educational video. The video is closed captioned for the deaf or hard of hearing. Offenders who are blind or have low vision can hear the information being played through the video. Comprehensive education is provided through televisions in the processing area. The agency ensures offenders view the video at the reception center and at the facility upon their arrival. Offenders who cannot otherwise benefit from the comprehensive education attend a one-on-one session with a facility staff member.

Each offender entering the facility is provided a written copy of the Zero Tolerance for Sexual Abuse and Sexual Harassment and provided the comprehensive education within 10 days of arriving at the facility. Offenders are required to sign receipt of the written information and comprehensive educational session. The information and education is provided during booking. Each offender is provided a written copy of the Offender Handbook during the booking process. Offenders sign a Preventing Sexual Abuse and Assault Training Acknowledgement form for the information and education.

There were no offenders who were blind, deaf, hard of hearing or visually impaired at the time of the audit. There were no offenders who were identified as Limited English Proficient at the time of the audit. The Rustburg Correctional Unit is a small work camp and therefore does not routinely house such offenders.

The Auditor conducted a formal interview with an offender who was otherwise disabled. The

offender was able to communicate with the Auditor. The offender acknowledged receipt of the written information and comprehensive education. The offender understood how to report allegations of sexual abuse and was knowledgeable regarding the information and educational materials provided by the facility. The offender explained he was provided an opportunity to ask questions related to the materials.

The Auditor reviewed the records of 20 randomly selected offenders. All 20 offenders had signed an Acknowledgement of Preventing Sexual Abuse and Sexual Assault Training denoting their attendance and receipt of the information. During interviews with offenders the Auditor determined offenders have seen the comprehensive educational video after processing into the agency. Each offender signs the Acknowledgement of Preventing Sexual Abuse and Sexual Assault Training two times. Offenders sign after receiving the written information during booking and after receiving the comprehensive education.

The Auditor conducted interviews with the staff member responsible for conducting offender orientation. The Auditor asked how blind and deaf offenders benefit from the agency's information and education. The employee stated the written PREA information is read to blind offenders. Blind offenders benefit from the educational video through the audio. Deaf offenders can read the information as it is closed captioned and information is provided in written format. The Auditor was informed illiterate offenders can hear the video and they read the written information to them. The Auditor was informed staff use the language line when dealing with non-English speaking offenders and a staff interpreter is unavailable. The Auditor asked how staff communicate with offenders who only understand sign language. The agency maintains a contract for Sign Language services. The agency maintains a Braille Offender Handbook. Each randomly selected staff member was asked if offender interpreters or readers are utilized by facility staff. Facility staff do not rely on offender interpreters or readers.

The Auditor conducted a detailed tour of the Rustburg Correctional Unit. Observations were made of readily available sexual abuse and sexual harassment materials and PREA posters throughout the facility, including each housing unit and service areas. All posters and posted materials were written in English and Spanish. During interviews with offenders the Auditor discovered all offenders were aware of the posted materials. All offenders informed the Auditor they received the PREA material during booking, watched a video and received an Offender Handbook.

Conclusion:

The Auditor concluded the agency provides information that ensures equal opportunity to offenders who are disabled. The facility takes reasonable steps to ensure meaningful access to all aspects of the facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment are provided to offenders who are Limited English proficient and those who are disabled. The Auditor conducted a thorough review of the agency's policies, procedures, Offender Handbook, Zero Tolerance for Sexual Abuse and Sexual Harassment Brochure, comprehensive educational video, interpretive services contracts, offender records, conducted interviews with staff, offenders and made observations to determine the agency meets the requirements of this standard.

115.17	Hiring and promotion decisions
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Auditor Discussion:</p> <p>The Virginia Department of Corrections policy prohibits hiring or promoting anyone or enlisting the services of any contractor, who may have contact with offenders who:</p> <ul style="list-style-type: none"> ● 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); ● 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; and ● Has been 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. <p>Agency policy requires considerations of any incident of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with offenders. The policy requires a criminal background records check be conducted before hiring any new staff member who may have contact with offenders. Policy also requires the agency to make its best efforts to contact prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse, consistent with Federal, State and local laws. Criminal background records checks are required every 5 years on employees and contract staff, who may have contact with offenders and annually for those in sensitive specialist assignments.</p> <p>The Agency asks all applicants who may have contact with offenders directly about previous misconduct as listed above, in the agency's written employment application. Employees attempting to be promoted complete an application and answer questions regarding previous acts of misconduct as listed above.</p> <p>Employee Performance Evaluations include a continuing affirmative duty to disclose any acts of sexual misconduct. The agency's policy stipulates material omissions regarding such misconduct are grounds for termination. The policy also allows for termination for providing false information related to such conduct. Policy 057.1 requires the agency to furnish information related to substantiated allegations of sexual abuse or sexual harassment involving a former employee to any institutional employer to whom the previous employee has applied to work.</p> <p>Evidence Relied Upon:</p> <p>Policy - 102.2, pg. 5</p> <p>Policy - 102.3, pg. 4</p> <p>Policy - 260.1 Procurement of Goods and Services, pg. 10</p>

Policy - 135.1, pg. 15

Employee Records

Contractor Records

Background Investigation Questionnaire

Confidential Summary Background Investigation Report

Employment Application

Employee Self Assessment

Criminal History Background Tracking Mechanism

Analysis/Reasoning:

The Auditor reviewed the facility's Background Investigation Questionnaire form. The form is completed by all staff and contractors prior to employment or enlisting services and prior to promotions. The form asks the staff member or contractor the following questions:

- "Have you ever engaged or attempted to engage in sexual abuse in an institutional setting, for example, prison, jail, 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; and
- Have you been civilly or administratively adjudicated for engaging in sexual activity in the community where there was use of force (as described above)?"

The Background Investigation Questionnaire asks candidates, "Did you resign in lieu of termination or were you terminated from this agency?" This question is asked of candidates who have worked or volunteered for the Department of Corrections or any other government agency.

The Auditor reviewed the agency's employment application. Each candidate is required to complete an application. Each current employee seeking promotion is required to complete the application. The application asks candidates the following questions:

- "Have you engaged in sexual abuse in an institutional setting where the term "institutional" refers to any facility or institution: (A) which is owned, operated, managed by, or provides services on behalf of any State or political subdivision of a State; and (B) which is : (i) for persons who are mentally ill, disabled, or retarded, or chronically ill or handicapped; (ii) a jail, prison, or other correctional facility; (iii) a pretrial detention facility; (iv) for juveniles; (v) providing skilled nursing, intermediate or long-term care, or custodial or residential care;
- Have you been convicted or 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;
- Have you been civilly or administratively adjudicated for having engaged in the sexual activity described in questions #1 and/or #2 , above?"

The Auditor conducted an interview with the facility's Human Resource staff member. The staff member serves both the Rustburg Correctional Unit and the Buckingham Correctional Center. The facility requires each candidate to complete the Background Investigation Questionnaire prior to their interview. The Auditor asked how the facility considers acts of sexual abuse and sexual harassment of those being promoted. The Human Resource staff member stated each is required to complete an application and Background Investigation Questionnaire when applying for a promotional opportunity. The Auditor asked if such is captured for contractors and if so, when. The Auditor was informed contractors are required to complete the Background Investigation Questionnaire and undergo the background records check. The Auditor was asked if the facility provides information related to sexual abuse investigations and resignations to institutional employers upon request. The Auditor was informed that information is provided upon request when the agency sends a release form to the facility.

The Human Resource staff member informed the Auditor the agency uses an optional Employee Self-Assessment that considers sexual abuse acts.

The Auditor reviewed the Employee Self-Assessment form. The following questions are asked on the assessment:

- "Have you ever engaged or attempted to engage in sexual abuse in an institutional setting;
- 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; and
- Have you been civilly or administratively adjudicated for engaging in sexual activity in the community where there was use of force (as described in 2)?"

The Auditor conducted a review of all employee background record checks. The facility tracks background record checks on a spreadsheet. The Auditor conducted a review of the tracking spreadsheet. The spreadsheet includes the person's name, position and VCIN effective date. The agency performs a background records check through the Virginia Criminal Information Network and National Crime Information Center. The spreadsheet reveals the facility has conducted a VCIN of all persons within the past five years. The facility conducts a criminal background check on staff prior to an effective promotion date.

The Auditor reviewed the employee personnel files of 2 staff who were promoted, 1 contract personnel and 5 staff who were hired within this audit period. Each employee had completed an employment application and Background Investigation Questionnaire where the employee answered the questions related to sexual abuse. Each who had been employed for more than one year had completed additional Sexual Misconduct Information Release forms for each year of employment.

The Auditor observed evidence the facility contacts previous institutional employers of candidates with experience working in confinement facilities. The background investigator documents contacts with a previous institutional employer on the Confidential Summary Background Investigation Report. The investigator documents PREA Inquiries.

The Auditor conducted formal interviews with staff. Staff were asked if they were aware of the criminal background records check process. Each staff was aware the facility conducts a criminal background records check at least every five years. Staff were asked when they are

asked specific questions related to sexual abuse and sexual harassment. Each staff informed the Auditor they answer those questions before being hired, annually and prior to promotion. Staff were asked if they were aware the agency has a continuing requirement to disclose acts of sexual abuse and sexual harassment. Each was aware of the agency requirement.

The Rustburg Correctional Unit does not employ contract personnel. The facility has one contractor authorized to enter the facility. The contractor works for Keefe Commissary and is employed at the Buckingham Correctional Center. The contractor delivers commissary to the Rustburg Correctional Unit. The contractor only delivers and does not provide the commissary to the population. RCU staff deliver the commissary to the population. The Auditor conducted a formal interview with that contractor while auditing the Buckingham Correctional Center. The contractor was aware the agency conducts a criminal record background check. The contractor was aware the facility conducts those checks prior to services and every five years. The Auditor asked if the contractor was questioned about prior or current acts of sexual abuse or sexual harassment. The contractor stated those questions are asked on the Background Investigation Questionnaire. The facility requires contractors sign the form prior to performing services. The contractor was aware there is a continuing affirmative duty to disclose acts of sexual harassment and sexual abuse to the facility.

Conclusion:

The Auditor discovered the facility has no means of formally documenting prior acts of sexual harassment before hiring staff or enlisting the services of contractors. The agency policy requires such considerations prior to hiring employees and enlisting the services of contractors. The Auditor discussed this finding with the Regional PREA/ADA Analyst. The analyst was previously working to address the missing information from a previous audit. A revision to the agency's Background Investigation Questionnaire was submitted to the agency. The agency revised the form during this audit and posted the new Background Investigation Questionnaire on its website for new applicants and contractors. The revised BIQ reads:

- "Have you ever engaged or attempted to engage in sexual abuse/sexual harassment in an institutional setting, for example, prison, jail, juvenile facility;
- Have you been convicted of engaging or attempting to engage in sexual activity/sexual abuse/sexual harassment 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; and
- Have you been civilly or administratively adjudicated for engaging in sexual activitysexual abuse/sexual harassment in the community where there was use of force (as described above)?"

The Auditor concluded the Rustburg Correctional Unit is performing appropriate practices to identify previous acts of sexual misconduct prior to hiring staff and enlisting the services of contractors, and before promoting staff members. The Auditor conducted a thorough review of the agency's policies, procedures, employee records, contractor record, Background Investigation Questionnaire, Confidential Summary Background Investigation Report, Employment Application, Employee Self-Assessment, Criminal History Background Check Tracking Log, and interviewed staff and contractor to determine the agency meets the requirements of this standard.

115.18	Upgrades to facilities and technologies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Department of Corrections policy is to consider the effect of the design, acquisition, expansion, or modification upon the facility's ability to protect offenders from sexual abuse when designing or acquiring any new facility and in planning any substantial expansion or modification to an existing facility. The policy stipulates when installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the facility shall consider how such technology may enhance their ability to protect offenders from sexual abuse.</p> <p>Facility staff reported the Virginia Department of Corrections has not acquired any new facility or planned any substantial expansion or modification of the Rustburg Correctional Unit during this audit period.</p> <p>Evidence Relied Upon:</p> <p>Policy - 801.1, pg. 2</p> <p>RCU Memorandum</p> <p>Interviews with Staff</p> <p>Analysis/Reasoning:</p> <p>The Virginia Department of Corrections has not designed or acquired any new facility or planned any substantial expansion or modification of the Rustburg Correctional Unit since its last PREA audit. The Rustburg Correctional Unit has not installed or updated its video monitoring system, electronic surveillance system, or other monitoring technologies during this audit period.</p> <p>The Auditor conducted an interview with the Regional PREA/ADA Analyst. The analyst is clear on the responsibility to consider the effects of the design, acquisition, expansion, or modification upon the agency's ability to protect offenders from sexual abuse when designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities. The Regional PREA/ADA Analyst informed the Auditor the VADOC PREA Coordinator is involved in the design, acquisition and expansion of facilities. The PREA Coordinator is also involved in the process for adding cameras and updating video monitoring systems in the VADOC facilities. The Regional PREA/ADA Analyst informed the Auditor he is involved in those processes for facilities within his assigned region.</p> <p>The Auditor conducted an interview with several command staff members, including the facility's Acting Superintendent. The Auditor was informed the facility has not added cameras or updated its video monitoring system during this Audit cycle. The Auditor asked if the PREA Coordinator, Regional PREA/ADA Analyst and PREA Compliance Manager are involved in the process. The Acting Superintendent informed the Auditor they are involved in the process.</p>

The Auditor observed camera placements throughout the facility while touring.

Conclusion:

The Auditor conducted a review of the agency's policies, procedures, interviewed staff and made observations to determine the facility meets the requirements of this standard.

115.21	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Department of Corrections has a policy that requires all victims of sexual abuse have access to a forensic medical examination provided by a certified Sexual Abuse Nurse Examiner. The examination is provided to the victim at no cost to the victim. The agency's policy is to attempt to make available to the victim a victim advocate from a rape crisis center. Policy states, "If a rape crisis center is not available to provide victim advocate services, the DOC must make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member." The victim advocate, qualified staff member, or qualified community-based organization member will accompany and support the victim through the forensic medical examination process and investigatory interviews and will provide emotional support, crisis intervention, information and referrals. Policy requires the qualified staff member or community-based member is an individual who has been screened for appropriateness to serve in the role and has received education concerning sexual assault and forensic examination issues in general.</p> <p>The agency is responsible for conducting criminal and administrative investigations. Policy stipulates the Special Investigations Unit has an established uniform evidence protocol which maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. The protocol is required to be developmentally appropriate for youth and is based on or similar to other comprehensive and authoritative protocols developed after 2011. The agency's 030.1 - Evidence Collection and Preservation policy includes its uniform evidence protocols.</p> <p>Evidence Relied Upon:</p> <p>Policy - 030.4, pg. 10-11</p> <p>Policy - 720.7, pg. 8</p> <p>Policy - 038.3, pg. 13</p> <p>Policy - 730.2, pg. 8</p> <p>Policy - 030.1, pg. 1-7</p> <p>Virginia Forensic Nurse Examiner Programs</p> <p>Ballad Health (Mountain State) Russell County Hospital Contract Renewals</p> <p>Mountain State Contract</p> <p>Virginia Sexual and Domestic Action Alliance Contract</p> <p>Interviews with Staff</p> <p>Interview with SANE</p>

Interview with Victim Advocate

Analysis/Reasoning:

The Auditor reviewed the agency's policies and procedures. The agency has included the elements of this standard in its policies and procedures. The Virginia Department of Corrections conducts administrative and criminal investigations of sexual abuse and sexual harassment. All allegations of sexual abuse and sexual harassment that appear criminal in nature are reported to the Special Investigations Unit (SIU) for investigation. RCU personnel are required to preserve any crime scene until the SIU Investigator arrives to process physical evidence from the scene.

The Auditor reviewed the agency's Memorandum of Understanding with the Virginia Sexual and Domestic Violence Action Alliance (VSDVAA). In addition to other stipulations, the memorandum stipulates the VSDVAA agrees to the following:

- Provide a toll-free Hotline (statewide) for reporting sexual abuse or assault to victims who desire an external method of reporting;
- Ensure confidentiality for all callers to the statewide hotline, keeping with the Action Alliance confidentiality and release of information policies. If the victim agrees to the release of information, the Action Alliance will immediately forward any report of sexual abuse or assault to the Regional PREA Analyst;
- Maintain a record of calls from DOC victims that include non-identifying demographic information, information about the violence experienced, demographic and relationship information about perpetrator, and the location of the sexual abuse or assault. The Action Alliance will provide the information quarterly by email to the DOC to support action that addresses the safety, security and medical needs of victims. DOC will be provided with information about specific victims and allegations of assault with the express permission of the victim;
- Provide confidential crisis intervention and emotional support services related to all sexual abuse or assault victims;
- Seek to link DOC victims to accompaniment services through a trained victim advocate when victims request this service. This may include participation of advocates at forensic exams, during investigations and may also include follow-up visits or communication (at facility, telephone or written) by the victim advocate;
- Ensure statewide hotline staff and Action Alliance victim advocates who provide accompaniment services to DOC victims complete the full PREA training on responsibilities to prevent, detect, monitor and report allegations and incidents of sexual abuse and sexual harassment of offenders or probationers;
- Ensure statewide hotline staff and Action Alliance victim advocates who provide accompaniment services to DOC victims complete the full PREA training on responsibilities to prevent, detect, monitor and report allegations and incidents of sexual abuse and sexual harassment of offenders or probationers; and
- Ensure all statewide hotline staff and Action Alliance victim advocates providing accompaniment services to DOC victims have been screened to ensure they do not have a history of perpetrating sexual violence. These staff and volunteers shall agree to have a criminal history record check completed through the Virginia Criminal Information Network prior to entrance into a DOC facility and will be asked to disclose

relationships to individuals who are employed by or in the custody of the DOC.

The Auditor conducted a telephone interview with a victim advocate with the Virginia Sexual and Domestic Violence Action Alliance. The representative confirmed the VSDVAA provides victim advocacy for offender victims of sexual abuse. The Auditor asked if a representative has attended a forensic examination in the previous 12 months for an offender from the Rustburg Correctional Unit. The advocate stated the VSDVAA has not been asked to accompany a victim during a forensic examination within the previous 12 months. The advocate stated they have never been requested to accompany a RCU offender during a forensic examination. The advocate stated if requested the advocate would also accompany the victim during investigatory interviews. The Auditor asked who contacts the VSDVAA following a sexual abuse incident. The representative stated the hospital typically makes the notification to the VSDAA. Emotional support services are provided on site or by telephone with offenders when requested. The RCU does not use staff to perform the services of victim advocacy.

The agency has entered a Memorandum of Understanding with the Mountain States Health Alliance for forensic services. The most recent revision was effective on March 16, 2020. The agreement is effective for one year and renewable by the parties. The agreement may be terminated by either party, without penalty, upon 60 days written notice to the other party.

The agreement allows the VADOC the opportunity to add additional facilities as agreed upon by the parties. The MOU stipulates the Mountain States Health Alliance agrees to the following:

- Provide qualified, nationally registered, Virginia licensed Sexual Assault Nurse Examiners (SANEs) / Forensic Nurse Examiners (FNEs) to perform sexual assault examinations on offenders who are potential victims;
- Make available a SANE / FNE to provide services 24 hours per day, 7 days per week;
- Provide DOC Medical Departments with MSHA FNE contact phone numbers and other relevant information deemed appropriate;
- Provide clinical oversight with medical direction by a qualified Virginia licensed emergency physician;
- Dispatch a FNE with a state approved evidence collection kit to the identified DOC facility. The FNE shall arrive at the DOC facility within four (4) hours after the DOC's initial call to the Contractor;
- After completion of the exam, the FNE shall complete the required documentation and submit the evidence kit to the DOC for transport via Virginia law enforcement to an appropriate crime lab for analysis; and
- Make the FNE available for any legal proceedings resulting from the evaluated assault.

The MOU stipulates the DOC will:

- Contact the Contractor at the provided phone number when DOC staff identifies that a potential sexual assault has occurred;
- Isolate the victim from the offender population and ensure the victim does not change clothing or shower prior to evidence collection by the FNE;
- Provide adequate security to escort the FNE while on facility grounds;
- Provide a DOC facility nurse to assist with the forensic exam and evidence collection.

The DOC will also provide adequated space with an examination lamp in which to

- perform the exam; and
- Be responsible for any costs associated with the handling, analysis and reporting of the collected evidence.

The Memorandum of Understanding is applicable to multiple VADOC facilities. The Auditor did not observe the Rustburg Correctional Unit named in the original Memorandum of Understanding or in any renewals. The Auditor reviewed the Virginia Forensic Nurse Examiner Programs list by region. The Rustburg Correctional Unit is located in the Central Region. The Central Region includes forensic services performed at the VCU medical center. The Auditor observed the contact information of the SANE at the VCU Medical Center.

The Auditor conducted a telephone interview with a Sexual Assault Nurse Examiner from the Forensic Nurse Examiners of Centra Health at the Lynchburg General Hospital. The SANE explained the forensic examination is conducted at the hospital and not at the RCU. The SANE explained the process of the forensic examination and the services and tests offered at the time of the examination. The Auditor asked the SANE if a victim advocate is allowed to accompany the victim during the forensic examination. The SANE informed an advocate is allowed to accompany the victim if the victim requests the accompaniment. When the victim requests the advocate the hospital contacts the advocate. The SANE informed the Auditor there has been no offender from the RCU transported to the hospital for a forensic examination.

The Auditor conducted a formal interview with the facility's Health Services Administrator (HSA). The Auditor asked if medical personnel conduct forensic examinations at the facility. The HSA stated forensic examinations are not conducted at the facility. Offender victims are transported to the Lynchburg General Hospital for those examinations. The examination is performed by a Sexual Assault Nurse Examiner with the Forensic Nurse Examiners of Centra Health. The Auditor asked when the last offender was sent for a forensic examination following an allegation of sexual abuse. The HSA informed she has never had to send an offender for a forensic examination. The HSA has been employed at the facility for several years.

The Auditor conducted a formal interview with the facility's Investigator. The Investigator stated as soon as it is determined an act of sexual abuse requires a forensic examination, arrangements are made to immediately transport the offender to the Lynchburg General Hospital. The Auditor was informed criminal investigations of sexual abuse are conducted by the VADOC Special Investigations Unit. The Auditor asked how evidence collection occurs at the facility. Facility personnel protect the crime scene and preserve evidence until the SIU Investigator responds to process and collect evidence from the crime scene.

The Special Investigations Unit Investigator assigned to the Rustburg Correctional Unit is also assigned to the Buckingham Correctional Center. The Auditor conducted a telephone interview with the investigator while auditing the Buckingham Correctional Center. The Auditor conducted a telephone interview with the Investigator. The Investigator explained he reports to the facility and collects evidence from the crime scene. The SIU investigator reports to the hospital and interviews the alleged victim and receives the evidence collected by the SANE. The Auditor asked if a victim advocate is allowed to be present when the alleged victim is questioned. The Auditor was informed if the alleged victim requests the presence of a victim advocate the Investigator allows his/her presence during the questioning. The Auditor was informed he has not had to respond to the RCU for a sexual abuse allegation. The VADOC Special Investigations Unit Investigator is a sworn law enforcement in the State of Virginia. He

has the authority to conduct criminal investigations and follows a uniformed evidence protocol for evidence collection.

Agency Investigators follow the evidence collection protocol in the agency's policy, 030.1 "Evidence Collection and Preservation." The policy includes the following sections:

- Evidence
- Physical Evidence
- Digital Items and Audio/Video Recording as Evidence
- Cell Phones
- Crime Scene Integrity
- Disposal of Evidence

The facility reported no instance that required an offender be transported to the Lynchburg General Hospital for a forensic examination during this audit cycle.

Conclusion:

The agency is utilizing an appropriate uniformed evidence protocol to maximize the potential for usable physical evidence. The facility makes victim advocates available to victims of sexual abuse and ensures access to a forensic examination performed by a certified Sexual Abuse Nurse Examiner. The Auditor reviewed the VADOC policies, procedures, Memorandums of Understanding, and conducted interviews with staff, SANE and Victim Advocate. The Auditor determined the agency meets the requirements of this standard.

115.22	Policies to ensure referrals of allegations for investigations
	<p data-bbox="248 168 898 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="248 248 523 284">Auditor Discussion</p> <p data-bbox="248 329 536 365">Auditor Discussion:</p> <p data-bbox="248 405 1465 647">The Virginia Department of Corrections policy is to ensure an administrative and/or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. The VADOC conducts both administrative and criminal investigations. The Virginia Department of Corrections' Special Investigative Unit (SIU) Investigators have the legal authority to conduct such investigations. Agency policy requires SIU Special Agents to be sworn police officers in the State of Virginia.</p> <p data-bbox="248 687 1481 929">Policy requires the initial investigation be conducted by a facility Investigator or other staff member who has received the required specialized training. When the Investigator determines the sexual abuse allegation requires the SIU to investigate, the Investigator notifies the Regional PREA Analyst. All allegations of sexual abuse or sexual harassment must be referred for investigation by SIU, unless the facility Investigator quickly and definitively determines the allegation is unfounded.</p> <p data-bbox="248 969 1481 1176">The Chief of SIU or designee reviews the nature of allegations received and determines if an investigation by SIU is warranted. Facility staff are required to cooperate with SIU. VADOC SIU Investigators are authorized to conduct investigations into criminal activity, procedural and administrative violations, and employee misconduct affecting the operations of the DOC. The conduct of investigations is stipulated in the agency's Special Investigations Unit policy - 030.4.</p> <p data-bbox="248 1216 574 1252">Evidence Relied Upon:</p> <p data-bbox="248 1292 572 1328">Policy - 038.3, pg. 11-12</p> <p data-bbox="248 1368 555 1404">Policy - 030.4, pg. 1-18</p> <p data-bbox="248 1444 587 1480">Code of Virginia §53.1-10</p> <p data-bbox="248 1520 462 1556">Agency Website</p> <p data-bbox="248 1597 512 1632">Interviews with Staff</p> <p data-bbox="248 1673 582 1709">Interviews with Offenders</p> <p data-bbox="248 1749 544 1785">Analysis/Reasoning:</p> <p data-bbox="248 1825 1469 2094">The Auditor reviewed the Virginia Department of Corrections' website. The VADOC website includes a link to access the agency's PREA policy. The policy includes the agency's conduct of investigating allegations of sexual abuse and sexual harassment. The public is informed of the agency's zero-tolerance towards sexual abuse and sexual harassment and either the Institutional Investigator or Special Investigations Unit Investigator conduct an investigation once receiving a claim of sexual misconduct or sexual harassment against a staff member or offender.</p>

The Code of Virginia, §53.1-10 Powers and duties of Director allows the Director of the Virginia Department of Corrections, "To designate employees of the Department with internal investigations authority to have the same power as a sheriff or a law-enforcement officer in the investigation of allegations of criminal behavior affecting the operations of the Department. Such employees shall be subject to any minimum training standards established by the Department of Criminal Justice Services under § 9.1-102 for law-enforcement officers prior to exercising any law-enforcement power granted under this subdivision..."

The Auditor conducted a formal interview with the facility's Sexual Abuse Investigator. The Auditor asked the investigator to explain the process once he determines an allegation appears to be criminal in nature. The investigator stated the SIU Investigator is notified immediately. The referral to the SIU is documented by the Investigator in his report. The RCU has one (1) staff member who has received training to conduct administrative investigations in the facility. The agency has trained nineteen (19) SIU Investigators. The SIU investigates criminal acts of sexual abuse that occur in agency facilities. The facility Investigator has not received an allegation of sexual abuse or sexual harassment during this audit cycle.

The Auditor conducted a telephone interview with an agency SIU Investigator. The Auditor asked the investigator to explain his authority in conducting criminal investigations. The Investigator explained he attends the same certification process as law enforcement officers in the jurisdiction. He has the authority to arrest and place criminal charges on persons inside the Rustburg Correctional Unit. The Investigator explained he arrives at the facility when notified by the facility Investigator to conduct an investigation. If the SIU Investigator determines the act may not be prosecutable it is referred to the facility Investigator for an administrative investigation. The Investigator explained he consults with the Commonwealth's Attorney on prosecutorial efforts.

The facility reported there were no allegations of sexual abuse or sexual harassment made by an offender during this audit cycle. The Auditor conducted formal interviews with 20 offenders. Each offender was asked if they had ever seen or heard of an act of sexual abuse or sexual harassment happening in the facility. No offender had witnessed or heard of an incident of sexual abuse or sexual harassment in the facility. The Auditor asked randomly chosen and specifically targeted staff if they had responded to, been informed of, or witnessed or had knowledge of an incident of sexual abuse or sexual harassment. No staff member was aware of an incident occurring during this audit cycle.

The Auditor interviewed one offender who reported an allegation through the sexual abuse reporting hotline. The offender informed the Auditor he was upset over something and chose to call the hotline. After further questioning, the Auditor determined the allegation made by the offender was not sexual abuse or sexual harassment.

No department of justice component is responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in the Rustburg Correctional Unit.

Conclusion:

The Auditor concluded the Rustburg Correctional Unit Investigator understands to refer criminal allegations of sexual abuse and sexual harassment to the SIU office who maintains the legal authority to conduct criminal investigations in the facility. After reviewing agency policies, procedures, website, interviewing staff and offenders, the Auditor determined the

facility meets the requirements of this standard.

115.31	Employee training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Department of Corrections policy stipulates employees receive the following training during Orientation and In-Service:</p> <ul style="list-style-type: none"> • The agency's zero-tolerance policy for sexual abuse and sexual harassment; • How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures; • Offenders' right to be free from sexual abuse and sexual harassment; • The right of offenders and employees to be free from retaliation for reporting sexual abuse and sexual harassment; • The dynamics of sexual abuse and sexual harassment in confinement; • The common reactions of sexual abuse and sexual harassment victims; • How to detect and respond to signs of threatened and actual sexual abuse; • How to avoid inappropriate relationships with offenders; • How to communicate effectively and professionally with offenders, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming offenders; and • How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities. <p>Agency policy requires training be tailored to the gender of the offenders at the employee's facility. Employees are provided additional training if the employee is reassigned from a facility that houses only male offenders to a facility that houses only female offenders, or vice versa. Policy requires the agency to document through employee signature or electronic verification that employees understand the training they have received.</p> <p>All security staff in-service training includes supervision of offenders including training on the current DOC sexual abuse and sexual harassment policies and procedures.</p> <p>Evidence Relied Upon:</p> <p>Policy - 102.6, pg. 4</p> <p>Policy - 350.2, pg. 11-12</p> <p>Training Curriculum</p> <p>Training Test</p> <p>Trainer Outline</p> <p>Training Checklist</p> <p>Training Records</p> <p>Prison Rape Elimination Act Training Acknowledgement Forms</p>

PREA/ADA News Letters

Interviews with Staff

Interviews with Offenders

Analysis/Reasoning:

The Auditor reviewed the agency's training curriculum utilized to train staff. The VADOC curriculum includes all training topics as bulleted above. The VADOC instructor teaches from the Trainer Outline to train all staff. Each new staff member is provided the training during their orientation when they are initially hired and at the Correctional Officer Basic class in the Training Academy. The facility provides PREA training to all staff annually. The training provided during the basic academy is not tailored to any gender as the agency houses male and female offenders. The Rustburg Correctional Unit houses male offenders. Each employee is provided a participant outline during training. All VADOC PREA classes require the participant to pass a test upon completion of the class.

The facility reported there are 52 staff currently employed at the facility. The Auditor reviewed the RCU staff training records. Training records reveal all staff have been provided the PREA training. The Auditor reviewed training records for the previous 12 month period. All staff had been provided annual in-service training and signed a Prison Rape Elimination Act (PREA) Training Acknowledgement Form. The agency's acknowledgement form requires staff sign receipt and understanding of the following:

- The Department's Zero Tolerance Policy for sexual abuse and sexual harassment;
- How to fulfill responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
- An offender's right to be free from sexual abuse and sexual harassment;
- The right of offenders and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- The dynamics of sexual abuse and sexual harassment in confinement;
- The common reactions of sexual abuse and sexual harassment victims;
- How to detect and respond to signs of threatened and actual sexual abuse;
- How to avoid inappropriate relationships with offenders;
- How to communicate effectively and professionally with offenders, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming offenders; and
- How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

The acknowledgement form states, "By my signature, I am acknowledging that I understand the training provided and that the Virginia Department of Corrections has zero-tolerance for sexual abuse or sexual harassment between offenders and between staff/contractors/volunteers and offenders. I agree to abide by that policy. I likewise have been made aware of my requirement to report any known instances or suspicions of sexual abuse or harassment of offenders." Employees are required to print and sign their name, date and the trainer signs the form as a witness. The Auditor reviewed the test each participant is required to pass at the completion of training. The test is a twenty question test that includes true or false, multiple choice and fill in the blank questions from various sections

of the agency's training.

The PREA Coordinator and Regional PREA/ADA Analysts create a monthly PREA Newsletter. The newsletter is issued to all VADOC personnel on a monthly basis. Each newsletter includes a selection of VADOC information and PREA standards. The newsletter is used to remind staff of standards and VADOC policies regarding compliance with those standards.

The Auditor conducted formal interviews with specialized and randomly selected staff. Each was asked about the training provided by the agency. All staff interviewed had been provided the training and informed the Auditor they receive training annually. The Auditor asked each to explain the topics provided by the agency during their annual training. Staff were able to articulate the above listed topics. The Auditor determined staff were knowledgeable and retained the information provided during the training.

The Auditor conducted formal interviews with randomly selected and specifically targeted offenders. The offenders interviewed informed the Auditor facility staff are helpful and responsive to the population. Offenders were confident in staff's abilities to respond to incidents of sexual abuse and sexual harassment. The offenders' collective responses allowed the Auditor to determine staff respond appropriately and in accordance as they have been trained.

Conclusion:

The Auditor concluded the facility has appropriately trained its staff and documented the training as required by this standard. Facility staff interviewed by the Auditor were knowledgeable in the training topics mandated in PREA standard 115.31. The Auditor reviewed agency policy, procedures, training curriculum, attendance rosters, tests, newsletters, conducted interviews with staff and offenders and determined the facility meets the requirements of this standard.

115.32	Volunteer and contractor training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Department of Corrections policy requires the Statewide and Organizational Unit Volunteer Coordinator, as applicable, will ensure all volunteers who have contact with offenders receive training regarding their responsibilities under the DOC's sexual abuse and sexual harassment prevention, detection, and response policies and procedures. The level and type of training provided to volunteers is based on the services they provide and the level of contact they have with offenders. The policy requires all volunteers who have contact with offenders be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. Each volunteer is required to sign a Volunteer Agreement that documents the volunteer's receipt and understanding of the materials.</p> <p>Program visitors are provided "A guide to Maintaining Appropriate Boundaries with Offenders" as notification of the DOCs zero-tolerance policy regarding sexual abuse and sexual harassment and information on how to report such incidents. Receipt of such are documented in the facility "sign-in" log. All Volunteers receive a documented orientation and training appropriate to their volunteer duties. Volunteers are required to sign the Volunteer Agreement upon completion of orientation and training. Volunteers under the general supervision of other volunteers are provided orientation and training to the following, but not limited to, policies:</p> <ul style="list-style-type: none"> ● 038.3 - Prison Rape Elimination Act (PREA) ● 135.1 - Standards of Conduct ● 135.2 - Rules of Conduct Governing Employees Relationships with Offenders <p>The agency requires these volunteers sign the Volunteer Orientation Checklist upon receipt.</p> <p>The agency has a policy which requires contractors who have or could have contact with offenders receive training regarding their responsibilities to prevent, detect, monitor and report allegations and incidents of sexual abuse and sexual harassment of offenders and probationers. Policy requires the level and type of training contractors receive is based upon the services they provide and the level of contact they may have with offenders. Contractors are notified of the agency's zero-toleranc policy regarding sexual abuse and sexual harassment and informed how to report such incidents. Each is required to sign the Prison Rape Elimination Act Training Acknowledgement.</p> <p>Evidence Relied Upon:</p> <p>Policy - 027.1, pg. 7-8</p> <p>Policy - 350.2, pg. 8</p> <p>Policy - 038.2, pg. 5</p>

Policy - 102.6, pg. 6

Volunteer/Contractor PowerPoint Presentation

Volunteer/Contractor Trainer Outline

A Guide to Maintaining Appropriate Boundaries with Offenders Brochure

PREA Training Acknowledgement

Training Records

Interview with Contractor

Interview with Volunteer

Analysis/Reasoning:

The Auditor reviewed the facility's Volunteer and Contractor Trainer Outline. A PowerPoint Presentation is utilized to provide in-person training to each contractor and volunteer. The PowerPoint Presentation coincides with the trainer outline. The PowerPoint Presentation and trainer outline includes the following sections:

- What is PREA;
- The Nine Purposes of PREA;
- OP 038.3 Sexually Abusive Behavior Prevention and Intervention;
- Zero Tolerance Policy;
- OP 130.1 Rules of Conduct Governing Employees Relationships with Offenders;
- Myths;
- The Dynamics of Sexual Abuse and Sexual Harassment in Confinement;
- Common Reactions of Sexual Abuse and Sexual Harassment Victims;
- Detection Strategies;
- Avoiding Inappropriate Relationships with Offenders; and
- Summary.

The Auditor reviewed the agency's PowerPoint Presentation utilized to train contractors and volunteers. The following information was observed in the presentation:

- What is PREA;
- Purpose of PREA;
- How Does PREA Affect You;
- OP 135.2 Rules of Conduct Governing Employees Relationships with Offenders;
- PREA and Fraternalization;
- Consequences for a PREA Violation and/or Fraternalization;
- Reporting;
- Myths;
- Detection Strategies;
- Avoiding Inappropriate Relationships with Offenders; and
- Questions/Concerns.

The agency has created, "A Guide to Maintaining Appropriate Boundaries with Offenders."

Each contractor and volunteer is provided the brochure during their orientation training. The brochure includes the following sections:

- A Duty to Report;
- Red Flags;
- Prevention;
- Resources;
- Prison Rape Elimination Act: Detecting, Reporting, Prevention; and
- Policy.

The agency's training includes notification of the agency's zero-tolerance policy and informs volunteers and contractors how to report such incidents. Volunteers and contractors are trained on their responsibilities under the DOC's prevention, detection, and response policies and procedures.

The Auditor reviewed the agency's Prison Rape Elimination Act (PREA) Training Acknowledgement form. Each contractor and volunteer is required to sign the acknowledgement form after attending the training. The contractor and volunteer signs the form that states, "By my signature, I certify that I have been notified of the requirement that I must report to my supervisor or to the district/facility administration any known instances or suspicions of sexual abuse or harassment of offenders, whether in custody or on community supervision. I certify that I understand that the Virginia Department of Corrections has a zero tolerance policy for sexual abuse or sexual harassment between offenders and between staff/contractors/interns/volunteers and offenders and that I agree to abide by that policy and report any known instances or suspicions of sexual abuse or harassment of offenders."

The facility has three (3) classifications of contractors and volunteers, level 1, level 2 and level 3. Each level is defined as:

Level 1 - Have no contact with offenders;

Level 2 - Have the possibility of contact with offenders but assigned duties do not require contact; and

Level 3 - Have contact with offenders.

Level 1 contractors and volunteers receive a copy of the brochure, "A Guide to Maintaining Appropriate Boundaries with Offenders" and are required to review Operating Procedure 038.3 Prison Rape Elimination Act. Level 2 contractors and volunteers receive a copy of the brochure, the brochure is discussed with the contractor or volunteer, and are required to read Operating Procedures 038.3 Prison Rape Elimination Act and 135.2 Rules of Conduct Governing Employees Relationships with Offenders. They are also given the opportunity to ask questions on the material provided. Level 3 contractors and volunteers receive training provided by the PowerPoint Presentation, receive a copy of the brochure, review Operation Procedures 038.3 Prison Rape Elimination Act, 135.2 Rules of Conduct Governing Employees Relationships with Offenders. All materials are discussed with the contractor and volunteer and they are provided an opportunity to ask questions related to the materials.

The facility reported 1 contractor and 18 volunteers were authorized to perform services in the facility. The Auditor reviewed the training records of volunteers and the contractor. Training records reveal the facility is training each contractor and volunteer prior to enlisting their services. Each contractor and volunteer had signed the PREA Training Acknowledgement

form prior to performing services. Volunteer services in the facility have been suspended due to COVID-19 restrictions.

The Auditor conducted a formal interview with the contract person. The contractor verified the facility provided training related to the agency's zero-tolerance policy and how to report allegations of sexual abuse and sexual harassment. The Auditor asked the contractor specific questions related to the agency's policies and procedures for reporting allegations of sexual abuse and sexual harassment. The contractor understood the agency's requirements for reporting allegations, information and knowledge related to such. The contractor was asked to explain the responsibilities under the VADOC policies related to sexual abuse. The contractor provided responses that reveal an understanding of rights and responsibilities according to the agency's policies and procedures. The contractor was aware the VADOC maintains a zero-tolerance policy towards acts of sexual abuse and sexual harassment.

The Auditor conducted a telephone interview with a facility volunteer. The volunteer was asked if he was provided training by the facility. The volunteer acknowledged he had been provided training prior to performing services in the facility. He received a copy of the brochure, policies and attended an in-person orientation. The volunteer explained he was required to sign a form acknowledging receipt and understanding of the training. The Volunteer was asked what actions he would take if an offender reported an allegation of sexual abuse to him. He explained he would stay with the offender and immediately inform an officer.

Conclusion:

The Auditor concluded the facility is appropriately training volunteers and contractors and staff ensures documentation of training is maintained. The Auditor determined through a review of agency policies, procedures, training curriculum, brochure, acknowledgment forms and interviewing a contractor and volunteer the facility meets the requirements of this standard.

115.33	Inmate education
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Department of Corrections policy requires newly received offenders from a jail or other non-DOC facility will receive information explaining the DOC's Zero Tolerance Policy for sexual abuse and sexual harassment and instructions on how to report incidents or suspicions of sexual abuse or sexual harassment. Staff are required to provide the information verbally and in writing, in a language clearly understood by the offender and must include the following topics:</p> <ul style="list-style-type: none"> ● Definition of sexual misconduct; assault, and behaviors prohibited by staff, contractors, volunteers and offenders; ● Zero Tolerance Policy; ● Prevention/Intervention Self-Protection; ● Reporting Sexual Abuse/Assault/Harassment; ● Treatment and Counseling; ● Offender Telephone Sexual Abuse Hotline Number; and ● Free Emotional Support Through Hotline Number. <p>Each facility is required to make arrangements for offenders that speak languages other than English or Spanish, and with offenders who are deaf, visually impaired, or otherwise disabled, as well as to offenders with limited reading skills, to receive training and materials in a language understood by the offender. The policy requires each offender will receive a comprehensive PREA training within 10 days of arrival. The agency utilizes the Preventing Sexual Abuse & Sexual Assault - Trainer Outline and the PREA: What You Need to Know video. Offenders are required to acknowledge receipt of the training on the Preventing Sexual Abuse and Assault Training Acknowledgment form.</p> <p>The agency requires each facility ensure key information is continuously and readily available or visible to offenders through posters, offender handbooks, or other written formats.</p> <p>Evidence Relied Upon:</p> <p>Policy - 038.3, pg. 4-5</p> <p>Zero Tolerance Brochure</p> <p>Preventing Sexual Abuse and Assault Training Acknowledgement</p> <p>Preventing Sexual Abuse and Sexual Assault Trainer Comprehensive Outline</p> <p>Preventing Sexual Abuse and Sexual Assault Trainer Intake Outline</p> <p>Offender Handbook</p> <p>Classification Records</p>

Interviews with Staff

Interviews with Offenders

Analysis/Reasoning:

The agency has created a brochure that includes information for offenders. Each offender is provided the Zero Tolerance for Sexual Abuse and Sexual Harassment Brochure upon intake and arrival at the facility. Staff ensure each offender watches the video titled, "PREA: What You Need to Know" and provide the initial training in person utilizing the intake training outline during the intake process. Each offender signs the Acknowledgement of Preventing Sexual Abuse and Sexual Assault Training form after receiving the information. The Auditor conducted a review of the agency's Zero Tolerance for Sexual Abuse and Sexual Harassment Brochure. The brochure includes the following sections:

- Zero-tolerance;
- Reporting;
- Know Your Rights;
- Staff and Offenders Cannot...; and
- How Do I Get Help.

The agency maintains the brochure in three (3) different formats. There is an English, Spanish and Hearing Impaired version of the brochure. The Hearing Impaired brochure includes different reporting avenues for the hearing impaired. The hearing impaired brochure includes how to report an allegation of sexual abuse or sexual harassment through the TTY or relay service.

The agency personnel who educates offenders utilize a Trainer Outline. Each offender is provided an orientation upon arrival. The Auditor reviewed the agency's Trainer Outline. The outline is used during intake and includes the following sections:

- Introduction;
- Play the Video - PREA: What You Need to Know;
- Reporting;
- Getting Help;
- Sexual Assault Awareness and Prevention brochure;
- Questions; and
- Summary.

Each offender is provided a comprehensive education within 10 days of arrival in the VADOC. The comprehensive education is conducted by an agency staff member. The trainer utilizes an outline to conduct the comprehensive education. The Auditor reviewed the agency's comprehensive education trainer outline and observed the following information:

- Purpose;
- Key Points;
- Zero-Tolerance Policy;
- Definitions;
- How to Get Help;

- Reporting;
- Video;
- Emotional Support Services;
- Discussion and Questions; and
- Closing.

The comprehensive education is conducted in person, in conjunction with a video. Each offender is provided time to ask questions at the conclusion of the education session. The agency maintains all intake and comprehensive information in English and Spanish. The agency's comprehensive education materials include, the offender's rights to be free from sexual abuse and sexual harassment, rights to be free from retaliation for reporting sexual abuse and sexual harassment incidents and information regarding the agency's policies and procedures for responding to such incidents. The facility's educational video is closed captioned in English and Spanish.

All Virginia Department of Corrections offenders enter the agency through a receiving facility. The Rustburg Correctional Center is not designated as a receiving facility. Offenders are processed through the receiving facility prior to arrival. Offenders are provided the brochure and comprehensive education at the receiving facility. Upon arrival at the Rustburg Correctional Unit the facility provides the offender the written information and has the offender watch the comprehensive educational video within 10 days of arrival. Offenders are provided the written material and comprehensive education at each facility they are transported to. Each offender is provided an Offender Handbook upon arrival at the Rustburg Correctional Unit. The Auditor reviewed the facility's Offender Handbook. The handbook is maintained in English, Spanish and in Braille. The handbook includes the facility's zero-tolerance and reporting avenues available to the population. The Offender Handbook informs offenders how to access emotional support services.

Each offender is required to sign the agency's "Preventing Sexual Abuse and Assault Training Acknowledgement" form. The form is signed at two different times, after receipt of the intake information and after receipt of the comprehensive education. The intake portion of the form requires the offender sign receipt of information on the sexual abuse Hotline Number and appropriate use of hotline reporting and the intake training and information. The comprehensive education portion of the form requires offenders sign for receipt of the comprehensive education. The form requires the offender sign acknowledging, "By signing below, I acknowledge that this information was communicated to me visually, verbally, and in writing based on the Intake and Comprehensive training curriculum titled 'Preventing Sexual Abuse and Sexual Assault'. I also acknowledge receiving information for free, emotional support services through an outside agency."

The Auditor reviewed 20 randomly chosen offender classification records. A review of the 20 classification records revealed each offender signed for receipt of the Zero-Tolerance Brochure and comprehensive education on the Preventing Sexual Abuse and Assault Training Acknowledgement form. The comprehensive education was provided within 30-days of each offender's arrival. The Auditor was able to determine by a review of a relevant sample of offender classification records the offender population receives a comprehensive education after arrival. While interviewing offenders the Auditor was informed they received an Offender Handbook and Zero-Tolerance Brochure during the booking process. Each offender informed the Auditor they have seen information posted throughout the facility regarding sexual abuse

and sexual harassment.

The Auditor conducted a formal interview with the staff member responsible for educating offenders. The staff member was asked to explain how offenders are educated on the agency's sexual abuse and sexual harassment policies. The staff member stated each offender is provided the Zero-Tolerance Brochure and watches the comprehensive educational video. The Auditor asked the staff member how long it takes to complete both. The staff member informed the Auditor the Zero-Tolerance Brochure is provided to offenders as soon as they arrive. The educational video is played within 10 days of arrival. The Auditor was informed when only one offender is brought to the facility the video is played the same day. The Auditor asked if offenders are provided an opportunity to ask questions. The staff member stated offenders are provided an opportunity to ask questions. The information is discussed with offenders at the conclusion of the video session.

The Auditor asked how the staff member ensures offenders who may be cognitively challenged benefit from the facility's sexual abuse information and education. The Auditor was informed those offenders attend an individual session to ensure they understand the agency's policies and procedures related to sexual abuse and sexual harassment. The Auditor asked how the staff member educates offenders who are Limited English Proficient. The staff member stated the facility will use a translator when possible and the Language Line if needed. The facility can utilize a bilingual staff member from another VADOC facility if needed. The Auditor asked how blind and deaf offenders are provided the information and education. The staff member stated the facility reads the information to blind offenders and those offenders can hear the video during the educational session. Deaf offenders can read the brochure and the closed captioning on the video.

At the time of the audit there were no offenders who were blind or visually impaired, deaf or hearing impaired, cognitively disabled, or Limited English Proficient. The Auditor conducted an interview with an offender who was speech impaired. The offender was provided the Zero-Tolerance Brochure, attended an educational session and provided an opportunity to ask questions. The offender understood the information and retained the information provided during the educational session.

While touring the facility the Auditor observed key information readily available in the form of PREA posters and postings throughout the facility. Each offender is provided written information that is always accessible to the offender. The facility maintains PREA materials written in English and Spanish. During interviews with offenders the Auditor was informed they have seen the posted materials in their housing units and throughout various service areas in the facility.

Conclusion:

The Auditor concluded the offender population at the Rustburg Correctional Unit have been appropriately educated in the agency's zero-tolerance policy, how to report allegations, rights to be free from sexual abuse, sexual harassment, retaliation, and the agency's policies and procedures for responding to such. The facility maintains appropriate documentation of such in each offender's record. The Auditor reviewed the agency's policies, procedures, offender records, Offender Handbook, Zero Tolerance Brochure, training outlines, interviewed staff and offenders to determine the facility meets the requirements of this standard.

115.34	Specialized training: Investigations
	<p data-bbox="248 170 896 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="248 248 523 282">Auditor Discussion</p> <p data-bbox="248 327 536 360">Auditor Discussion:</p> <p data-bbox="248 400 1477 479">The agency requires all staff who conduct sexual abuse and sexual harassment investigations receive specialized training to conduct such investigations in a confinement facility.</p> <p data-bbox="248 486 1430 519">Investigators are required to receive the general PREA training provided to all employees.</p> <p data-bbox="248 526 1327 604">The training required for those who conduct sexual abuse and sexual harassment investigations includes:</p> <ul data-bbox="300 672 1378 875" style="list-style-type: none"> • 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 substantiate a case for administrative action of prosecution referral. <p data-bbox="248 913 574 947">Evidence Relied Upon:</p> <p data-bbox="248 987 529 1021">Policy - 030.4, pg. 10</p> <p data-bbox="248 1061 529 1095">Policy - 350.2, pg. 14</p> <p data-bbox="248 1135 510 1169">Training Curriculum</p> <p data-bbox="248 1209 520 1243">Investigations Matrix</p> <p data-bbox="248 1283 734 1317">Investigator PowerPoint Presentation</p> <p data-bbox="248 1357 478 1391">Training Records</p> <p data-bbox="248 1431 619 1464">Interviews with Investigators</p> <p data-bbox="248 1505 545 1538">Analysis/Reasoning:</p> <p data-bbox="248 1579 1484 1657">The VADOC trains all Special Investigations Unit Investigators and select staff at facilities. The Rustburg Correctional Unit has 1 staff member who has received the specialized training.</p> <p data-bbox="248 1664 1477 1910">There are 19 SIU staff who have been trained to conduct sexual abuse investigations in a confinement setting. The Auditor reviewed the training curriculum utilized to train agency investigators. The training developed for Institutional Investigators is titled, "PREA Specialized Training: Investigating Sexual Abuse in Confinement Settings." The PowerPoint Presentation is 174 slides and includes all the bulleted topics as previously listed in the Auditor Discussion portion of this standard.</p> <p data-bbox="248 1951 1430 2112">The Auditor reviewed the agency's training curriculum utilized to train the Special Investigations unit Investigators. The first two modules of the training PowerPoint was developed by the Moss Group, Inc. There are a total of 10 training modules in the 2.5 day class. The training course includes the following modules:</p>

- PREA Refresher and Overview of the PREA Investigative Standards
- Legal Issues and Agency Liability
- Overview of VADOC Policies and Procedures
- Agency Culture and Boundary Issues
- First Response and Evidence Collection
- Forensic Medical Exam
- Trauma and Victim Response
- Prosecutorial Collaboration
- Interviewing Techniques
- Report Writing

In addition to the in-person training, the agency trains investigators by the National Institute of Corrections, "PREA: Investigating Sexual Abuse in a Confinement Setting" online course. The Auditor verified each investigator course includes interviewing victims, Miranda and Garrity Warnings, evidence collection, and criteria and evidence to substantiate a case. The Auditor reviewed the training records of all agency Investigators and the RCU Investigator. Each investigator had received specialized training for investigators. The agency maintains a training certificate for each investigator. In addition, the training records revealed each investigator received the same training offered to all VADOC employees.

The Auditor formally interviewed the RCU Sexual Abuse Investigator. The Auditor asked the investigator to explain the topics included in the specialized training he received. The investigator articulated the topics as bulleted above in this standard. The Auditor asked the investigator to explain the process he uses when conducting investigations. The Investigator stated he conducts interviews with the alleged victim, alleged abuser, witnesses and collects physical and circumstantial evidence. The investigator explained his training included interviewing techniques, Miranda and Garrity warnings, evidence collection and the criteria and evidence to support administrative and prosecutorial referral. The RCU Investigator attended training in October 2013. The training was a 16 hour in-person training provided at the VADOC Academy for Staff Development.

The Auditor conducted a telephone interview with an agency SIU Investigator. The SIU Investigator informed the Auditor he had received training offered by the agency to conduct sexual abuse investigations in a confinement setting. The Investigator explained the SIU conducts sexual abuse and sexual harassment investigations in the facility when the act appears to be criminal in nature. The Investigator had been trained on the bulleted items listed above. The SIU Investigator issues Miranda and Garrity, interviews those involved, collects evidence, and is familiar with the criteria and evidence to substantiate a case. He explained he does work with the Commonwealth Attorney's office to discuss sufficient evidence to prosecute a case.

The agency utilizes an Investigations Matrix. The matrix includes the investigations that are conducted by the following:

- Investigations Handled by Facility
- Investigations Started at Facilities and Passed on to SIU
- Joint Investigations
- Investigations Handled by SIU
- Investigations Handled on Case by Case Basis

A review of the Investigations Matrix revealed the facility is required to conduct an initial PREA, Fraternalization and harassment investigation. The matrix informs confirmed PREA allegations are to be passed on to the SIU and the SIU is required to conduct confirmed PREA allegations, confirmed fraternization and sexual assault investigations.

The facility reported receiving no allegations of sexual abuse or sexual harassment during this audit period, as such, there were no investigative reports for the Auditor to review.

No department of justice component is required to investigate sexual abuse allegations in the Rustburg Correctional Unit.

Conclusion:

The Auditor concluded the agency has provided appropriate training to its Sexual Abuse Investigators. The Auditor conducted a review of policies, procedures, training curriculum, Investigation Matrix, PowerPoint Presentations, training records and conducted interviews with agency investigators to determine the agency meets the requirements of this standard.

115.35	Specialized training: Medical and mental health care
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>VADOC policy requires the Health Authority and/or Institutional Training Officer shall document that all full and part-time medical and mental health staff who work regularly in DOC facilities receive specialized training in the following:</p> <ul style="list-style-type: none"> • How to detect and assess 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. <p>In addition to the specialized medical training, agency policy requires medical and mental health care practitioners also receive the training mandated for employees or for contractors and volunteers depending upon the practitioner's status in the DOC.</p> <p>Medical practitioners at the Rustburg Correctional Unit do not conduct forensic medical examinations.</p> <p>Evidence Relied Upon:</p> <p>Policy - 701.1, pg. 8</p> <p>Policy - 720.7, pg. 8</p> <p>Policy - 102.6, pg. 7</p> <p>Policy - 350.2, pg. 12</p> <p>Training Curriculum</p> <p>Training Records</p> <p>Interviews with Medical Practitioners</p> <p>Analysis/Reasoning:</p> <p>Medical services at the Rustburg Correctional Unit are conducted by VADOC employees. There is one full time and one part time medical staff employed at the facility. The agency has 1 contracted mental health practitioner. All personnel in the medical and mental health department are required by agency policy to complete specialized training. The Auditor reviewed the records of both medical staff and the contracted mental health practitioner. Records reveal each medical and mental health practitioner completed the specialized medical training. The facility maintains documentation that each attended the specialized training. In addition to the specialized medical training, the Auditor verified each medical and</p>

the mental health practitioner had been provided the training offered to all staff and/or contract personnel.

Specialized medical training is provided to medical and mental health practitioners utilizing the National Institute of Corrections, "PREA: Medical Health Care for Sexual Assault Victims in a Confinement Setting." The specialized training includes detecting and assessing signs of sexual abuse and sexual harassment, preserving physical evidence, responding effectively and professionally to victims, and how to report allegations or suspicions of sexual abuse and sexual harassment. Each medical and mental health professional is provided the specialized training during their orientation and prior to performing services in the facility.

The Auditor conducted a formal interview with the Health Services Administrator. The HSA informed the Auditor she had received both specialized training and the training offered to all VADOC employees. The Auditor was informed the training was provided during orientation to the facility. The Auditor questioned the HSA about the training topics as required by this standard. The Auditor asked the HSA to explain how medical staff treat victims while preserving physical evidence. The HSA stated the priority following an incident of sexual abuse is treating life threatening injuries. Further questioning revealed the medical staff attempt to preserve physical and DNA evidence while treating life threatening injuries. The Auditor asked the HSA how she evaluates and treats victims when there are no life threatening injuries. The HSA explained if the victim allows, she will obtain vital sign and obtain as much information as possible from the victim while awaiting transportation to the hospital for a forensic examination. The Auditor verified each medical professional has been educated regarding the requirements of this standard. The Auditor was informed medical and mental health personnel are required to attend in-service training on an annual basis. The in-service includes a review of the agency's policies and procedures towards sexual abuse and sexual harassment.

The Auditor asked if medical and mental health practitioners are required to report any and all knowledge, suspicion or information related to sexual abuse, unless the abuse occurred in a community setting. The HSA stated all medical and the mental health practitioner are required to report such immediately. Further questioning with the HSA revealed medical practitioners have been trained how to communicate with victims while treating or assessing sexual abuse victims. The Auditor asked if medical practitioners have been trained to recognize the signs or symptoms of sexual abuse when they are treating an offender who may have been sent to the medical department for other reasons. The HSA stated the training provided does inform how to look for signs and symptoms while treating offenders.

Medical personnel at the Rustburg Correctional Unit do not conduct forensic examinations. Forensic examinations are performed by a Sexual Abuse Nurse Examiner at the Lynchburg General Hospital.

Conclusion:

The Auditor concluded medical and mental health professionals at the Rustburg Correctional Unit have been appropriately trained. The facility maintains documentation that medical and mental health professionals have received specialized medical training and the same training offered to all VADOC staff. The auditor conducted a review of VADOC policies, procedures, training curriculum, training records and interviewed the HSA and determined the facility meets the requirements of this standard.

115.41	Screening for risk of victimization and abusiveness
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <hr/> <p>Auditor Discussion:</p> <p>The agency's policy requires within 24 hours of arrival, prior to bed assignment, a classification assessment will be completed for each new offender entering the DOC and housing assignments will be made accordingly. The classification assessment includes a review of the following factors:</p> <ul style="list-style-type: none"> ● History of assaultive behavior; ● Potential for victimization; ● History of prior victimization; ● Special medical or mental health status; ● Escape history; ● Age; ● Enemies or Offender separation information; ● Any other related information. <p>The agency requires the classification assessment is approved within 72 hours of the offender's arrival at the institution.</p> <p>Within 21 days of an offender's arrival, staff are required to meet with the offender and reassess the offender's risk of victimization or abusiveness based upon any additional, relevant information received by the institution since the offender's intake screening. Policy dictates the reassessment cannot be completed before 14 days and must be completed before 21 days. The agency also requires an offender's risk level be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the offender's risk of sexual victimization or abusiveness. The agency prohibits offenders from being disciplined for refusing to answer or for not disclosing complete information in response to questions asked in the classification assessment interview.</p> <p>The VADOC has a policy to ensure sensitive information is not exploited to the offender's detriment by staff or other offenders. Policy stipulates, "...responses to Classification Assessment questions regarding an offender's risk of sexual victimization and abusiveness will only be disseminated in accordance with this operating procedure." The operating procedure requires the information "...will be used by institutional staff in determining appropriate housing, bed, work, education, and program assignments with the goal of keeping separate those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive."</p> <p>Evidence Relied Upon:</p> <p>Policy - 810.1, pg. 5-7</p> <p>Policy - 810.2, pg. 4,6</p>

Policy - 730.2, pg. 6

Policy - 861.1, pg. 6

Classification Records

Interviews with Staff

Interviews with Offenders

Analysis/Reasoning:

The agency uses an electronic record keeping system known as VACORIS. The Auditor reviewed the agency's VACORIS form utilized to screen offenders upon admission. The screening tool is objective in nature and includes the following considerations:

- Mental, physical, and developmental disabilities;
- Ages of the offender;
- Physical stature;
- Previous offenses;
- Criminal history, including exclusively non-violent history;
- Prior convictions for sex offenses against adults or children;
- Sexual orientation, including gay, lesbian, bi-sexual, transgender, intersex and gender non-conforming;
- Previously experiences of sexual victimization; and
- Offender's own perception of vulnerability.

In addition, the agency's screening tool considers the following:

- Prior acts of sexual abuse;
- Prior convictions for violent offenses; and
- History of prior institutional violence or sexual abuse.

Each offender who enters the Virginia Department of Corrections is screened by a staff member upon admission. The staff member questions the offender utilizing the agency's risk screening tool. All answers are included in the agency's VACORIS. When an offender is transported to the Rustburg Correctional Unit the offender is asked such questions again. All offenders are classified within 72 hours of arrival at the receiving facility and the offender's assigned facility. The risk screening questions are asked of each offender by the facility's counselor.

The Auditor conducted a formal interview with a facility counselor. The counselor conducts the risk screening of each offender in her office. The office is a private area in which other staff and offenders cannot hear the answers provided by the offender. The Auditor asked the counselor how long after arrival does she conduct the risk screening. The counselor stated she meets with the offender on the day of arrival. If an offender arrives on a Friday evening the counselor stated she stays at the facility to ensure all offenders are screened on the day of arrival. The counselor was asked if she ever conducts a reassessment after the offender's initial assessment. The counselor stated she is required to conduct a reassessment of all offenders within 21 days of their arrival. Further questioning revealed the counselor conducts

a reassessment following a request, referral and/or an incident of sexual abuse.

The Auditor asked the counselor to explain the process if an offender refuses to answer the Classification Assessment questions. The counselor stated she refers to all information that is included in the VACORIS when making her decisions. The counselor informed the Auditor she has never had an offender refuse to answer the classification questions. The offender's information is included in the VACORIS during the offender's intake into the agency. The Auditor asked the counselor if she disciplines an offender for refusing to answer the classification questions. The counselor stated she does not discipline offenders for refusal to answer. The Auditor was informed the VADOC policy prohibits the disciplining of an offender for refusing to answer questions related to the PREA questions.

The Auditor conducted a review of 50 offender classification records. The facility provided 30 records prior to the Auditor's arrival. The Auditor specifically requested the records of all 20 offenders chosen for interviews. Each record included a completed Classification Assessment. Each offender had been appropriately screened within 72 hours of their arrival at the Rustburg Correctional Unit. The Auditor discovered the following determinations within the 50 records:

- 1 offender who reported a previous mental illness diagnosis;
- 1 offender who reported a developmental disability;
- 0 offenders who had current or previous charges or a history of a sexual nature;
- 0 offenders who reported suffering sexual victimization;
- 0 offenders who identified as gay/lesbian/bisexual;
- 0 offenders who identified as transgender;
- 0 offenders perceived as gender non-conforming;
- 0 offender who were identified as hearing or visually impaired;
- 0 offenders identified as potential victims; and
- 0 offenders identified as likely abusers

While reviewing classification records, the Auditor observed each file included an initial Classification Assessment and a reassessment of each offender's level of risk for sexual victimization or abusiveness. Each reassessment was conducted within 21 days of the offender's arrival. There were no follow-up meetings with a medical or mental health professional offered as there were no offenders who reported prior victimization and no offenders found to have perpetrated sexual abuse. The Classification Assessment requires the staff member notate the referral to the QMHP and document the date the referral is made. The agency's PREA Reassessment form includes the following considerations:

- Has the offender been diagnosed with a mental, physical, or developmental disability not recorded on the Classification Assessment;
- Has the physical build of the offender changed since the Classification Assessment;
- Has the age of the offender changed since the Classification Assessment;
- Has the offender received disciplinary charges since the Classification Assessment;
- Has the offender reported experiencing sexual victimization that was not recorded on the Classification Assessment;
- Is the offender's identification as homosexual, bisexual, transgender, intersex, or gender nonconforming different from what is recorded on the Classification Assessment;

- Has the offenders own perception of vulnerability changed since the Classification Assessment;
- Since arriving at this facility, has the offender been forced or threatened by anyone to engage in sexual activity; and
- Is your perception of whether the offender is gender nonconforming different from what is indicated on the Classification Assessment?

The PREA Reassessment includes a section for the staff member to indicate if the offender is identified as High Risk of Sexual Victimization or Abusiveness and indicate if a follow-up with the OMHP is offered.

The Auditor conducted formal interviews with staff. Staff were asked if they had access to the information obtained from the risk screening conducted during the booking process. All randomly selected staff informed the Auditor their access in the VACORIS was limited and could not see the Classification Assessment. The Auditor was informed each staff member is provided a unique username and password. The agency limits staff access in VACORIS based upon their position in the agency. Information in VACORIS is limited to those who inform housing, bed, work, education and programming descisions.

The Auditor conducted formal interviews with offenders. All offenders targeted for interviews and randomly chosen for interviews were asked if they had been asked questions as previously listed during the intake process. Each offender stated they had been asked such questions during the booking process at the RCU. The Auditor asked each offender if anyone at the facility had asked them the same questions after being booked into the facility. Some offenders stated they were asked those questions during their annual evaluation. Offenders informed the Auditor they are asked such questions each time they arrive at another facility. Each offender interviewed by the Auditor had confidence in the RCU personnel to maintain confidentiality with their information.

The Rustburg Correctional Unit does not conduct a reassessment of vulnerability and aggressiveness prior to transfer to another facility as each VADOC facility is required to conduct an assessment upon the offenders arrival.

At the time of the Audit there were no offenders detained solely for immigration purposes.

Conclusion:

The agency's classification staff is attempting to discover the level of risk of sexual victimization or sexual abusiveness of offenders during the booking process and within 21 days of an offenders arrival based upon additional information, incidents and referrals. The Auditor reviewed the agency's policies, procedures, offender records, and interviewed staff and offenders to determine the facility meets the requirements of this standard.

115.42	Use of screening information
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The policy of the VADOC is to use information from the offender's classification assessment to determine housing, bed, work, education, and program assignments with the goal of keeping separate those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive. Each facility's Work Program Assignment Reviewer is required to review classification assessments to ensure those offenders at high risk of being sexually victimized are separated from those at high risk of being sexually abusive. Agency staff are required to make individualized determinations about how to ensure the safety of each offender. Policy requires the facility take into consideration whether an assignment would ensure the offender's health and safety, and whether the assignment would present management or security problems when deciding whether to assign a transgender or intersex offender to a male or female facility. Specialized decisions to provide specific individual accommodations to transgender or intersex offenders and offenders diagnosed by mental health staff with Gender Dysphoria must be made by the Gender Dysphoria Committee.</p> <p>Agency staff are required to seriously consider a transgender and intersex offender's own views with respect to their own safety. Facility housing and programming assignments are reviewed at least twice each year for any threats to safety experienced by transgender and intersex offenders. Each transgender and intersex offender must be given the opportunity to shower separately from other offenders in VADOC facilities. The agency prohibits placing lesbian, gay, bisexual, transgender, or intersex offenders in a dedicated facility, housing unit, or wing solely on the basis of such identification or status.</p> <p>Evidence Relied Upon:</p> <p>Policy - 038.3, pg. 6-7</p> <p>Policy - 425.4, pg. 3</p> <p>Policy - 810.2, pg. 4-5</p> <p>Policy - 841.2, pg. 3</p> <p>Policy - 810.1, pg. 5-6</p> <p>Policy - 830.5, pg. 8</p> <p>Offender Records</p> <p>Interviews with Staff</p> <p>Interviews with Offenders</p> <p>Observations</p> <p>Analysis/Reasoning:</p>

The Auditor reviewed 50 offender classification records. Of the records reviewed there were no offenders who identified as transgender and no offenders who identified as gay or bisexual. The classification questionnaire requires facility staff make individualized considerations when determining housing, bed, work and other assignments to ensure each offender is maintained safely in the facility. The assessment form considers an offender's own views of safety when determining assignments. The Auditor observed classification staff is utilizing information obtained from the risk screening to assign facility housing, bed, and work assignments to ensure those offenders are protected. The counselor ensures offenders identified at risk of victimization are not placed in a program, education or work assignment with those identified as potential abusers.

Counseling staff conduct the risk screening upon an offender's arrival. Counselors consider an offenders own perceptions in respect to their safety before making classification decisions. The screening tool includes sections where the counselor documents his/her own perceptions of the offender. The Auditor conducted a formal interviews with offenders. Each offender was asked if they were housed in a unit that is designated for LGBTI offenders. No offender informed the Auditor they were housed in a dedicated housing unit.

The Auditor formally interviewed a facility counselor. The counselor was asked to discuss the classification process of transgender and intersex offenders. Each offender is classified in the counselor's private office. The Auditor asked if the counselor considers a transgender/intersex offenders own perception regarding their safety in the facility. The counselor informed the Classification Assessment form requires her to inquire about an offenders own perceptions regarding their safety. The Auditor asked the counselor how often transgender and intersex offenders placements are reviewed. The Auditor was informed counselors meet with those offenders on a monthly basis. The counselor conducts a reassessment of transgender and intersex offenders placement status at least every six months. The counselor documents the meeting in the VACORIS electronic record.

The Auditor conducted a formal interview with the facility's Acting Superintendent. The Acting Superintendent was asked how he ensured the protection of an offender who is identified at high risk of victimization. The facility only has two housing units. The Acting Superintendent stated he would recommend a transfer of the offender if the offender could not be safely housed in the facility. The Acting Superintendent stated a transfer can be coordinated the same day if there is a legitmiate need.

At the time of the audit there were no transgender or intersex offenders housed at the facility. The Auditor conducted formal interviews with correctional personnel. Staff were asked how showers for transgender and intersex offenders would be conducted in the event the facility houses those offenders. The facility's showers are multiple occupancy showers. The Auditor was informed transgender and intersex offenders would be taken to the basement where showers are located at times when other offenders are unable to access the showers.

The Auditor observed all housing units in the facility during a detailed tour. While touring, the Auditor observed all shower areas. The facility makes arrangements to ensure transgender and intersex offenders have the opportunity to shower separately from other offenders. There are no showers located in facility housing units. All offender showers are located in the basement area. The facility would restrict access to the basement area at times when a transgender or intersex offender is allowed to shower.

At the time of the audit the Rustburg Correctional Unit was not under a consent decree, legal settlement, or legal judgement for the purpose of protecting lesbian, gay, bisexual, transgender or intersex offenders.

Conclusion:

The Auditor concluded counselors are making individualized determinations when assigning housing, bed, work, programming and education assignments to offenders. The agency has appropriate policies, procedures and practices in place to protect those identified at high risk of victimization. The facility has a plan to ensure transgender and intersex offenders can shower separately from other offenders. The Auditor conducted a thorough review of policies, procedures, offender records, made observations and interviewed staff and offenders to determine the facility meets the requirements of this standard.

115.43	Protective Custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Department of Corrections prohibits placing offenders at high risk for sexual victimization in restrictive housing without their consent unless an assessment of all available alternatives has been made, and a determination has been made by the Qualified Mental Health Professional in consultation with the Regional PREA Analyst and Shift Commander that there is no available alternative means of separation from likely abusers. Policy requires the facility clearly document 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 information is documented by the Shift Commander on the Sexual Abuse/Sexual Harassment Available Alternatives Assessment form. Policy allows the offender to be placed in restrictive housing unit for up to two hours if the assessment cannot be completed immediately.</p> <p>Agency policy provides programs and services similar to those available to general population offenders to offenders in restrictive housing, to the extent feasible. Policy clearly requires staff document the opportunities that have been limited, the duration of the limitation and the reason for such limitations on the Denial of Activity or Service form when those identified as HRSV, or who have alleged to have suffered sexual abuse or sexual harassment are denied activities or services while in restrictive housing. Staff may place such offenders in restrictive housing only until an alternative means of separation from likely abuse can be arranged. The agency stipulates the assignment will not ordinarily exceed 30 days.</p> <p>Evidence Relied Upon:</p> <p>Policy - 425.4, pg. 5-6, 21</p> <p>Policy - 810.1, pg. 5</p> <p>Policy - 830.5, pg. 8-9</p> <p>Policy - 810.2, pg. 4-5</p> <p>Sexual Abuse/Sexual Harassment Available Alternatives Assessment</p> <p>Classification Records</p> <p>Housing Records</p> <p>Interviews with Staff</p> <p>Interviews with Offenders</p> <p>Observations</p> <p>Analysis/Reasoning:</p> <p>The facility reported no offender was placed in involuntary segregated housing for protection</p>

as a result of being identified as high risk of sexual victimization. The Auditor reviewed housing and classification records and discovered no evidence an offender had been identified at high risk of sexual victimization and placed in involuntary segregated housing as a result of such identification.

The Auditor conducted formal interviews with a facility counselor and supervisors. The Auditor discussed the process of placing an offender identified at high risk of sexual victimization in involuntary segregated housing. The Auditor was informed an immediate assessment would be conducted to view available housing alternatives prior to placing the offender in segregated housing. When an offender is placed in the Restrictive Housing Unit for protection from sexual abuse, facility staff are required to complete an immediate assessment and document the assessment on the agency's Sexual Abuse/Sexual Harassment Available Alternatives Assessment form. The form includes the following information:

- Can the offender be reassigned to another housing unit;
- Was another alternative to involuntary segregated housing used, list option;
- Can offender be transferred to another facility;
- If allegation was made and staff is alleged perpetrator, was the staff member placed on administrative leave or placed on another post;
- Was the offender or alleged victim reassigned to Special Housing/Restrictive Housing Unit for Protective Custody;
- Is access to programs, privileges, education, or work opportunities restricted, if yes list which ones and why?

The Sexual Abuse/Sexual Harassment Available Alternatives Assessment form requires the Superintendent's signature and date. The form must be emailed to the Regional PREA/ADA Analyst. The form stipulates staff must make an assessment of all available alternatives and a determination that no available alternative means of separation from likely abusers exists prior to placing an offender at high risk of sexual victimization or an offender who has alleged sexual abuse or sexual harassment in involuntary segregated housing.

The Auditor asked supervisors and a counselor how they avoid placing an offender at high risk of sexual victimization in the Restrictive Housing Unit. The Auditor was informed the facility has two general population housing units available. In the event an offender is identified at high risk of sexual victimization the offender would be transferred to another facility. The Auditor was informed the facility does not house offenders in need of protective custody. Any offender requiring protective custody is transported to another VADOC facility designated as such. The Auditor asked the facility's Acting Superintendent how difficult it is to transfer an offender. The Acting Superintendent stated it is not difficult as long as there is a legitimate need to transfer.

Each supervisor was asked if an offender identified as high risk of sexual victimization receives opportunities to attend programs, education, work and/or receive other privileges. The Auditor was informed those offenders would not be in the Restrictive Housing Unit for more than a couple hours before being transported to another facility. In the event they were placed in the Restrictive Housing Unit for a period of time they would have access to such, to the extent possible. The counselor informed the Auditor a review is conducted of each offender in the Restrictive Housing Unit each week for the first two months then every 30 days after. Any restrictions to an offender's access to programs, education, work or other privileges is

documented on the Sexual Abuse/Sexual Harassment Available Alternatives Assessment form.

The Auditor asked supervisors and the counselor when the last time an offender was placed in involuntary segregated housing for the protection from sexual abuse. The Auditor was informed the facility has not had a need to place an offender for such reason. The Auditor asked supervisors and counselor what they would do if they determine an offender could not be safely housed in the facility. The Auditor was informed they would recommend the offender be transferred to another facility. The Rustburg Correctional Unit does not house offenders in need of protective custody. Those offenders are transferred to another VADOC facility designated to house such.

The Auditor conducted a formal interview with an officer who supervises offenders in the Restrictive Housing Unit. The officer was asked if offenders in segregated housing receive access to programs, privileges, work and education. The Auditor was informed offenders in segregated housing do have access to privileges and programs. The officer was asked how restrictions are documented. The Auditor was informed restrictions to work, education, programs and privileges are documented and forwarded to the housing unit for staff to follow such restrictions. Restrictions would be documented on the individual segregation log. The Auditor asked the officer if he has supervised an offender in segregated housing who had been identified at high risk of sexual victimization and placed in segregated housing for his protection. The officer stated there have been no offenders placed in restrictive housing for protection from sexual abuse.

The Auditor conducted a detailed tour of the facility. Observations were made of all offender housing units. The Auditor observed two general population housing units and a 4 cell restrictive housing unit. The facility's options of keeping separate an offender identified at high risk of sexual victimization without placing the offender in segregated housing are limited. The facility would generally recommend and coordinate a transfer of such offender.

There were no offenders identified as transgender, intersex, gay or bisexual housed at the facility at the time of the audit. There were no offenders at the time of the audit who reported previously suffering sexual victimization. The Auditor conducted formal interviews with offenders. No offender filed an allegation of sexual abuse or sexual harassment at the facility. Each offender interviewed was asked if they had been placed in segregated housing. None had been housed in segregated housing.

The Auditor conducted a review of 50 offender records. A review of records show none had been placed in involuntary segregated housing for protection from sexual abuse. Interviews with randomly selected offenders revealed none had been placed in the Restricted Housing Unit against their will to protect them from sexual abuse.

Conclusion:

The facility has appropriate procedures in place to ensure offenders identified at high risk of sexual victimization who are placed in involuntary segregated housing receive appropriate placement, reviews and other privileges. The Auditor reviewed VADOC policies, procedures, classification records, housing records, Sexual Abuse/Sexual Harassment Available Alternatives Assessment form, made observations and interviewed staff and offenders to determine the facility meets the requirements of this standard.

115.51	Inmate reporting
	<p data-bbox="248 170 896 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="248 248 523 282">Auditor Discussion</p> <p data-bbox="248 327 536 360">Auditor Discussion:</p> <p data-bbox="248 400 1477 647">The Virginia Department of Corrections policy is to provide multiple internal ways for offenders to privately 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. Offenders at the Rustburg Correctional Unit may report verbally or through written communication in the following manners:</p> <ul data-bbox="300 719 1469 1005" style="list-style-type: none"> • Verbally to any staff member including chaplains, medical, mental health or counselors, security staff or administrators • Using the Sexual Assault Hotline Number • Offender Request Form • Informal Complaint Form • Grievance or Emergency Grievance • Third-Party <p data-bbox="248 1046 1477 1247">The agency allows offenders to privately report sexual abuse to a private entity that is not part of the agency. The private entity is able to immediately forward allegations of sexual abuse and sexual harassment to the agency. The entity allows offenders to remain anonymous upon their request. The agency provides this reporting avenue to offenders through a contract with the Virginia Sexual and Domestic Violence Action Alliance.</p> <p data-bbox="248 1288 1477 1624">The Virginia Department of Corrections requires staff to accept all reports of sexual abuse and sexual harassment made verbally, in writing, anonymously and from third parties and requires staff promptly document verbal reports on an Internal Incident Report with PREA checked in the description field. The agency also requires staff accept any report of sexual abuse and sexual harassment made on an informal complaint, request form or through the offender grievance procedure 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.</p> <p data-bbox="248 1664 1461 1738">The agency's policy stipulates staff can privately report sexual abuse and sexual harassment of offenders through the established reporting hotline (telephone number provided).</p> <p data-bbox="248 1778 574 1812">Evidence Relied Upon:</p> <p data-bbox="248 1852 512 1886">Policy - 038.1, pg. 5</p> <p data-bbox="248 1926 509 1960">Policy - 801.6, pg. 1</p> <p data-bbox="248 2000 539 2033">Policy - 038.3, pg. 8-9</p> <p data-bbox="248 2074 622 2107">Policy - 866.1, pg. 2, 7-8, 12</p>

Agency Website

Zero Tolerance Brochure

Offender Handbook

Virginia Sexual and Domestic Violence Action Alliance Contract

Training Curriculum

Training Records

Interviews with Staff

Interviews with Offenders

Analysis/Reasoning:

The Auditor reviewed the facility's Offender Handbook. The handbook includes a section regarding grievances. The handbook informs offenders an emergency grievance may be submitted in situations that may subject the offender to immediate risk of serious personal injury or irreparable harm. The handbook informs offenders of the facility's hotline and other reporting methods. The population is notified of the instruction for reporting sexual abuse and sexual harassment through the hotline. Each offender is provided an offender handbook upon entry.

The Auditor reviewed the agency's Zero Tolerance Brochure. Each offender is provided the brochure during their intake. The brochure informs offenders to report sexual abuse or sexual harassment by:

- Verbally to staff
- Call #55
- Ask family or friends to report (email address, telephone number and address provided)

The Auditor reviewed the Memorandum of Understanding with the Virginia Sexual and Domestic Violence Action Alliance (VSDVAA). The VSDVAA has agreed to:

- "The toll-free Family Violence and Sexual Assault Hotline (statewide hotline) shall be a resource for reporting sexual abuse or assault available to victims (DOC offenders) statewide who desire an external method of reporting. The statewide hotline number shall be provided to offenders on request. Those incarcerated shall be advised at orientation that this method of reporting exists; and
- The Action Alliance, in keeping with state and federal law, shall ensure confidentiality for all callers to the statewide hotline, including incarcerated victims in keeping with the Action Alliance confidentiality and release of information policies. Should a DOC victim agree to the release of information, the Action Alliance shall immediately forward any reports of sexual abuse or assault to the PREA Coordinator (number provided)."

The Auditor participated in a detailed tour of the Rustburg Correctional Unit. The tour included all offender housing units and support areas. Observations were made of posters and postings throughout the facility that inform offenders about the agency's zero-tolerance to

sexual abuse and sexual harassment and how to report allegations of sexual abuse and sexual harassment. The postings include the agency's available hotline number. Offenders are not required to input a designated PIN number to dial the hotline number. This ensures offenders can remain anonymous upon request. The Auditor tested the agency's reporting hotline from an offender housing unit. The Auditor requested an email notice of receipt of the telephone call. The email was sent immediately after placing the call.

The Auditor reviewed staff training records. The agency's training includes the reporting avenues available to the offender population. All staff are provided the training in orientation, during the Correctional Officer Basic Course and during annual in-service training. Staff are informed of their avenue for privately reporting allegations of sexual abuse and sexual harassment in the agency's policy. The policy states, "Staff can privately report the sexual abuse and sexual harassment of offenders through the established reporting hotline at [number provided]."

The Auditor reviewed the Virginia Department of Corrections website. The website includes a link to access its PREA information. The public has access to the VADOC reporting avenues. The public is informed how to make an allegation on behalf of an offender. The website's "Report Abuse" states, "If you have or someone you know has been sexually abused or sexually harassed while in custody or under supervision of the Virginia Department of Corrections (VADOC), safely report the incident:

- Call the 24/7 confidential reporting hotline at (number provided)
- File a complaint by completing the Third Party Reporting Form. The form is also available in Spanish
- Send an email to (email address provided).

The Auditor conducted formal interviews with randomly chosen staff. Each staff member was asked if he/she is required to accept any and all reports of sexual abuse, sexual harassment, retaliation and staff neglect. Staff informed the Auditor they are required to accept such reports. Staff stated they are required to report allegations immediately to the Shift Commander and include the information on a written Incident Report. Each staff member was asked how they would privately report an allegation. The Auditor was informed staff would either report to their supervisor or use the sexual abuse hotline.

The Auditor conducted formal interviews with offenders. Offenders were asked to explain how they would report an allegation of sexual abuse, sexual harassment, retaliation, or staff neglect. Each offender stated they felt comfortable in verbally reporting an allegation to a staff member. Each offender was asked if they had confidence in staff's abilities to appropriately handle an allegation of sexual abuse or sexual harassment. Each offender was confident in staff's ability to respond to such allegations. Each offender understood the available reporting avenues and are aware of the hotline, anonymous reporting and third-party reporting. Each offender understood they could make an allegation through the formal grievance mechanism.

The Auditor conducted formal interviews with a contractor and a telephone interview with a volunteer. The Auditor asked each if they were required to report any knowledge, suspicion or information regarding an act of sexual abuse or sexual harassment. Each informed the Auditor they are required to immediately report such. When asked if they are required to document the information, each stated they would be required to write a report.

The facility received no allegations of sexual abuse or sexual harassment during this audit cycle.

At the time of the Auditor there were no offenders detained solely for civil immigration purposes.

Conclusion:

The Virginia Department of Corrections provides multiple ways for offenders to report allegations of sexual abuse and sexual harassment, including a public office that is not part of the agency who immediately forwards reports of sexual abuse and sexual harassment to the Regional PREA/ADA Analyst. The facility requires staff to accept, report and document all allegations of sexual abuse and sexual harassment. The Auditor reviewed the agency's policies, procedures, Offender Handbook, Zero Tolerance Brochure, Website, postings, MOU, training records, made observations, interviewed staff and offenders and determined the facility meets the requirements of this standard.

115.52	Exhaustion of administrative remedies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Department of Corrections is not exempt from this standard as it maintains procedures to address offender grievances alleging sexual abuse. Agency policy does not impose a time limit on any portion of a grievance alleging sexual abuse and does not impose a time limit when an offender may file a grievance alleging sexual abuse. The agency does apply time limits to any portion of a grievance that does not allege an incident of sexual abuse. When submitting a grievance alleging sexual abuse an offender is not required by the agency to exhaust informal means or participate in any process which requires interaction with the perpetrator. Policy states, "Employees who are the subject of the issue being grieved will not be the respondent to a grievance, but may offer information during the investigation of the complaint. VADOC policy stipulates nothing in the policy shall restrict the agency's ability to defend against an offender lawsuit on the grounds that the applicable statute of limitations has expired.</p> <p>The agency's policy allows offenders to consider the expiration of a time limit at any stage of the process as a denial and qualifies the grievance for appeal to the next level of review. The grievance policy includes the following response times:</p> <ul style="list-style-type: none"> • Level I - 30 calendar days • Level II - 20 calendar days • Level III - 20 calendar days <p>Agency emergency grievances alleging a substantial risk of imminent sexual abuse are immediately forwarded to the Administrative Duty Officer or Shift Commander. An initial response is required within 8 hours of receipt. The initial and final decision documents the facility's determination whether the offender is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.</p> <p>The agency allows third parties, including fellow offenders, staff members, family members, attorneys, and outside advocates to assist offenders in filing offender grievances relating to allegations of sexual abuse and allows the third party to file such requests on behalf of offenders. Third party filing requests are submitted to the PREA Compliance Manager. The facility requires, as a condition of processing the request, the alleged victim agree to have the request filed on his or her behalf, and will also require the alleged victim to personally pursue any subsequent steps in the process. If the offender declines to have the request processed on his or her behalf, the facility is required to document the decision.</p> <p>Policy allows staff to discipline an offender for filing a grievance related to an allegation of sexual abuse only when the facility can demonstrate the offender filed the grievance in bad faith.</p> <p>Evidence Relied Upon:</p>

Policy - 038.3, pg. 8

Policy - 866.1, pg. 2-4, 7-12

Offender Handbook

Interviews with Staff

Interviews with Offenders

Analysis/Reasoning:

The Auditor reviewed the Rustburg Correctional Unit Offender Handbook. The handbook includes a section regarding the submission of grievances. The emergency grievance section informs offenders, "In situations that may subject the offender to immediate risk of serious personal injury or irreparable harm, the offender may submit an Emergency Grievance. Emergency Grievances will be answered within 8 hours from the time the grievance is received." Offenders are informed there is no time limit on when a grievance alleging sexual abuse or sexual harassment can be submitted. The Offender Handbook informs offenders they are not required to resolve an incident of sexual abuse or sexual harassment with staff or submit the grievance to the staff member who is the subject of the allegation. Furthermore, the handbook states, "You will not be charged for filing a grievance regarding sexual abuse or sexual harassment unless it is determined that you filed the report in bad faith."

The Auditor conducted formal interviews with offenders. Offenders were asked to explain the different ways of reporting allegations of sexual abuse and an imminent risk of sexual abuse. Each offender was aware the facility accepts allegations of sexual abuse made through the grievance mechanism. None of the offenders interviewed by the Auditor had filed a grievance alleging sexual abuse or alleging an imminent risk of sexual abuse. Offenders were aware they could file a grievance to report sexual abuse anonymously.

The Auditor conducted interviews with facility staff. Staff were asked if offenders could submit a grievance alleging sexual abuse and/or alleging an imminent risk of sexual abuse. Each staff member was aware offenders could file such grievances. Supervisors interviewed by the Auditor explained their responsibilities in responding to grievances alleging an imminent risk of sexual abuse. Supervisors informed the Auditor they take immediate action to ensure the safety of the offender. The Auditor was informed the supervisor is required to provide a response within 8 hours. The Auditor asked what is included in the written response. The Auditor was informed the supervisor documents whether the offender is at substantial risk of imminent sexual abuse and the supervisor's actions taken in response to the emergency grievance.

The Auditor conducted a formal interview with the facility's investigator. The investigator was asked if he disciplines offenders following an allegation of sexual abuse made by a grievance. The investigator stated he does not discipline offenders for filing an allegation through a grievance unless he have evidence the offender purposely filed a false allegation.

The Rustburg Correctional Unit reported no offender submitted a grievance alleging sexual abuse or an imminent risk of sexual abuse within the previous 12 months.

Conclusion:

The Auditor determined the VADOC has appropriate policies and procedures in place for addressing offender allegations of sexual abuse and an imminent risk of sexual abuse. Facility staff understands the agency's procedures and the offender population is aware they can submit grievances alleging sexual abuse and/or risk of imminent sexual abuse. The Auditor reviewed the agency's policies, procedures, Offender Handbook, and conducted interviews with staff and offenders to determine the facility meets the requirements of this standard.

115.53	Inmate access to outside confidential support services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Department of Corrections provides offenders access to confidential emotional support services related to sexual abuse through a contract with a community provider. Policy requires DOC facilities enable reasonable communications between offenders and the organization, in as confidential manner as possible. Facilities are required to inform offenders 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. Agency offenders can contact their facility PREA Compliance Manager, Unit Manager, or Mental Health staff for information on accessing outside victim advocates for free emotional support services related to sexual abuse or may use the Sexual Abuse Hotline.</p> <p>Evidence Relied Upon:</p> <p>Policy - 038.3, pg. 13</p> <p>Zero Tolerance Brochure</p> <p>Virginia Sexual and Domestic Violence Action Alliance Contract</p> <p>Preventing Sexual Abuse and Assault Training Acknowledgements</p> <p>Offender Handbook</p> <p>Interviews with Staff</p> <p>Interviews with Offenders</p> <p>Observations</p> <p>Analysis/Reasoning:</p> <p>The Auditor reviewed the agency's Memorandum of Understanding with the Virginia Sexual and Domestic Violence Action Alliance (VSDVAA). The MOU stipulates VSDVAA agrees to the following, but not limited to, services:</p> <ul style="list-style-type: none"> • Provide a toll-free Hotline for reporting sexual abuse or assault to victims statewide; • Ensure confidentiality for all callers, including incarcerated victims, keeping with confidentiality and release of information policies. Should a DOC victim agree to the release of information, the VSDVAA will immediately forward and report of sexual abuse or assault to the Regional PREA Analyst; • Provide statewide Hotline confidential crisis intervention and emotional support services related to all sexual abuse or assault victims; • Seek to link DOC victims to accompaniment services through a trained victim advocate when victims request the service. This may include participation in forensic exams,

investigations and may also include follow-up visits or communications.

Each offender is provided a Zero Tolerance Brochure upon booking. The brochure includes the address and telephone number to the VSDVAA. The brochure informs offenders to dial "#55" on the phone system to access the VSDVAA. The brochure states counseling for sexual abuse treatment is confidential.

Each offender signs a Preventing Sexual Abuse and Assault Training Acknowledgement form after being provided the written information and comprehensive education upon arrival. The Auditor reviewed the files of 20 offenders. Each offender had signed the acknowledgement form. Section 5 of the comprehensive education portion of the acknowledgement form includes, "What to Remember (Includes Emotional Support Services available by dialing #55, option 2 or writing [address provided]." Offenders sign acknowledging receipt of the comprehensive education. The comprehensive education informs offenders the services related to emotional support are free and confidential.

Each offender receives an Offender Handbook upon arrival at the Rustburg Correctional Unit. The Offender Handbook includes information how to access emotional support services. The handbook states, "Should you require emotional support following an incident of sexual abuse or sexual harassment, you may dial #55 and select option 2 for emotional support services. Victim advocates are also available for emotional support needs, accompaniment during a forensic exam and investigative interviews.

The Auditor conducted formal interviews with offenders. There were no offenders who reported suffering sexual victimization in the community during the booking process. The Auditor discovered one offender during interviews that informed the Auditor he had previously suffered sexual abuse in the community. Each offender interviewed was asked if they were aware of confidential support services. The offender who had been victimized was aware of confidential supportive services. Other offenders were aware of such services and others were not aware. The Auditor was informed by some offenders they are sure services are available but they have not paid attention as they have not needed such services.

Offenders were asked if they were provided information upon their arrival in the booking area. Each stated they had been provided an Offender Handbook and Zero Tolerance Brochure. The Auditor asked if they had watched a video regarding sexual abuse and sexual harassment. The Auditor was informed they had seen the video. Many offenders informed the Auditor they have watched the video multiple times during their incarceration. Each offender was asked if they had seen the information posted on housing unit walls and other service areas. Each had noticed the posted information.

The Auditor conducted an interview with an advocate from the Virginia Sexual and Domestic Violence Action Alliance. The advocate was asked to discuss the services provided to victims of sexual abuse at the Rustburg Correctional Unit. The advocate discussed the services offered in accordance with the MOU with the agency. The advocate was asked if any offender has contacted her agency within the previous 12 months to request services. The advocate was unaware of a RCU offender ever contacting the organization for such services. The Auditor asked if the organization would come to the facility to provide services to victims. She stated if the organization determined a need to provide services in person they would do so. The Advocate was asked if referrals were made by the VSDVAA. The Auditor was informed they do make referrals when needed.

The Auditor conducted an interview with the facility's investigator and an SIU investigator. Each investigator was asked if offender victims have access to confidential support services. The investigators stated victims are informed of the VSDVAA services following an incident of sexual abuse and during booking. The facility's medical and mental health practitioners also discuss services with the offender victim. The investigators stated the VSDVAA is contacted immediately following an incident of sexual abuse as they provide support during the forensic examination.

During a tour of the facility the Auditor observed a notice posted above offender telephones. The notice informs offenders calls made through the telephone are recorded and monitored. All calls made to the VSDVAA are not recorded or monitored by the facility.

At the time of the audit there were no offenders detained solely for civil immigration purposes.

Conclusion:

The facility maintains documentation it provides emotional support services for sexual abuse victims through written agreements. Contact information with the organization is provided by intake personnel through the Zero Tolerance Brochure and comprehensive education. The Auditor reviewed the VADOC policies, procedures, Memorandum of Understanding, Zero Tolerance Brochure, Offender Handbook, training acknowledgements, made observations and interviewed staff, offenders and victim advocate to determine the facility meets the requirements of this standard.

115.54	Third-party reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Department of Corrections has established a policy to accept third-party reports of sexual abuse and sexual harassment. The policy informs contact information on how to report sexual abuse and sexual harassment on behalf of an offender is provided on the DOC public web site.</p> <p>Evidence Relied Upon:</p> <p>Policy - 038.3, pg. 8</p> <p>Agency Website</p> <p>Third Party Reporting Form</p> <p>Zero Tolerance Brochure</p> <p>Offender Handbook</p> <p>Facility Posters</p> <p>Interviews with Staff</p> <p>Interviews with Offenders</p> <p>Observations</p> <p>Analysis/Reasoning:</p> <p>Each offender is provided the agency's Zero Tolerance Brochure upon arrival. The Auditor reviewed the agency's Zero Tolerance Brochure. The brochure informs offenders they may ask a family member or friend to report an allegation for them. The facility's Offender Handbook informs offenders they can submit an allegation anonymously or have a third party, such as a friend or family member report an allegation on their behalf.</p> <p>The Auditor reviewed the agency's website. The website includes a link to the agency's Prison Rape Elimination Act information. The website directs the public to:</p> <ul style="list-style-type: none"> • "Call the 24-7 confidential reporting hotline at (number provided); • File a complaint by completing the Third Party Reporting Form. The form is also available in Spanish; • Send an email to (email address provided)." <p>The Third Party Reporting Form is hyperlinked. When accessing the form instructions are included for the public to mail the form and provides the postal address. The email address of the PREA Coordinator is provided. The public can complete the form and email it to the PREA Coordinator.</p>

The Auditor participated in a detailed tour of the Rustburg Correctional Unit. During the tour the Auditor observed PREA materials posted in all housing units and service areas, written in English and Spanish. The RCU materials provided to and for offenders inform they may have a third party make an allegation of sexual abuse and sexual harassment on their behalf. The visitation area in the facility has a poster that states, "If you know an individual who was sexually abused or sexually harassed while in custody or under the supervision of the Virginia Department of Corrections, call (telephone number provided)." The poster is on the wall in the visiting room.

The Auditor conducted formal interviews with staff. Staff were asked about accepting reports of sexual abuse and sexual harassment. Each staff member stated they were required to accept all reports of sexual abuse and sexual harassment, including third party reports. Staff stated they are required to immediately report the allegation to their supervisor and document the information on an Internal Incident Report.

The Auditor conducted formal interviews with offenders. Each offender was asked what avenues were available for making an allegation of sexual abuse or sexual harassment. The offenders stated they could tell a staff member, file a grievance, call the hotline, or have another person make the allegation on their behalf. Each offender understood how to have a third party file an allegation on their behalf.

The Auditor conducted a formal interview with the facility's investigator. The investigator was asked in what ways he has received reports of sexual abuse and sexual harassment. The investigator explained he has not received an allegation of sexual abuse or sexual harassment during this audit cycle. The Auditor asked if he conducts investigations that are made by a third-party. The Investigator stated an investigation is conducted of all allegations, regardless of how they are made.

Conclusion:

Although there is no supporting evidence the Auditor determined the facility understands the requirement to accept all reports, including third party reports, of sexual abuse and sexual harassment. The public is informed through the agency's website how to make a third-party report on behalf of an offender. The Auditor reviewed agency policy, procedures, website, posted PREA materials, Zero Tolerance Brochure, Offender Handbook, Third Party Reporting Form, interviewed staff and offenders, made observations and determined the facility meets the requirements of this standard.

115.61	Staff and agency reporting duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Department of Corrections has established a policy that requires an employee, contractor, or volunteer to immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against 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. Agency staff are prohibited from reporting information related to a sexual abuse to anyone other than the extent necessary to make treatment, investigation, and other security and management decisions, apart from reporting to supervisors.</p> <p>At the initiation of services, Qualified Mental Health Professionals are required to advise the offender of the practitioner's duty to report and the limitations of confidentiality and that such information may be available to the facility administration in the context of an investigation. Medical and mental health practitioners are required by policy to report any knowledge, suspicion, or information regarding an incident to sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; 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 of retaliation. Medical and mental health practitioners are mandatory reports for offenders under the age of 18.</p> <p>The agency's policy requires all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports be immediately reported to the facility designated investigator and will immediately notify the PREA Analyst of the allegation.</p> <p>Evidence Relied Upon:</p> <p>Policy - 038.1, p.g 5</p> <p>Policy - 038.3, pg. 9</p> <p>Policy - 730.2, pg. 7-8</p> <p>Policy - 720.2, pg. 3</p> <p>Policy - 720.7, pg. 8</p> <p>Policy - 030.4, pg. 10</p> <p>Policy - 801.6, pg. 1</p> <p>Training Curriculum</p> <p>Interviews with Staff</p> <p>Interviews with Contractors</p>

Analysis/Reasoning:

The Auditor conducted formal interviews with randomly selected and specifically targeted staff at the Rustburg Correctional Unit. Each staff member was asked if they were required to report any and all knowledge, suspicion or information related to sexual abuse or sexual harassment. The Auditor was informed staff are required to report the information immediately to a supervisor. The Auditor asked each staff member if they were required to report all knowledge, suspicion or information related to retaliation, staff neglect or a violation of duties which may have contributed to an incident of sexual abuse or sexual harassment. All staff informed the Auditor they were required to report such. Staff informed the Auditor they were required to document such allegations on an Incident Report.

During interviews with staff the Auditor questioned staff to gain an understanding of staff's ability to maintain confidentiality with any reported information obtained related to sexual abuse or sexual harassment. The Auditor asked staff to explain who they report or discuss details of a sexual abuse or sexual harassment allegation with. Staff informed the Auditor they only discuss details with supervisors, medical/mental health practitioners and investigators. Staff understands the agency's policy requiring them to discuss information with those who can make treatment, medical and housing decisions.

The Auditor conducted a formal interview with the Health Services Administrator. The HSA was asked if medical personnel are required to report information, knowledge, or suspicions of sexual abuse, sexual harassment, retaliation, staff neglect or violations of responsibilities which may have contributed to an incident of sexual abuse. The Auditor was informed they are required to report such immediately. The Auditor asked how medical personnel would report the information. The HSA informed the Auditor they immediately report the information to the Shift Commander and submit a report regarding the information. The HSA stated they are required to inform offenders of their duty to report and the limitations on confidentiality at the initiation of services. Offenders are required to sign a consent form at the initiation of services.

The Auditor asked who medical reports information related to a sexual victimization that occurred in a community setting to. The HSA does not report community victimization without obtaining written informed consent from the offender. The Auditor asked if there has been a situation where medical had to report sexual victimization that occurred in a community setting. The Auditor was informed there has not been a need to report such information. Medical practitioners informed the Auditor they are mandatory reporters for youthful offenders and of victimization that occurred in a confinement setting. The facility does not house youthful offenders.

The Auditor conducted a formal interview with the mental health practitioner by telephone. The mental health practitioner does not discuss community victimization with anyone without the written informed consent of the offender. The mental health practitioner stated he is a mandatory reporter of youthful offenders and when learning of sexual abuse or sexual harassment that occurred in an institutional setting. The mental health practitioner stated he does inform each offender of his limitations of confidentiality and his duty to report at the initiation of services. When asked who he reports any knowledge, suspicion or information related to sexual abuse or sexual harassment that occurred in the facility or another facility to, the mental health practitioner stated he notifies the Shift Commander.

The Auditor conducted formal interviews with the facility's investigator. The Auditor asked the investigator if he had conducted investigations of allegations that were reported by third parties. The investigator has not received an allegation of sexual abuse or sexual harassment during this audit cycle. He informed the Auditor an investigation is conducted of all allegations regardless of how the allegation is made. The investigator was asked if he attempts to discover if staff actions or lack thereof, contributed to an incident of sexual abuse. The Auditor was informed the investigator does attempt such. If he discovers staff actions contributed to a criminal incident he refers to the SIU investigator and takes appropriate disciplinary action as the Acting Superintendent.

The Auditor conducted formal interviews with offenders. Each offender was asked if they were confident in staff's ability to maintain confidentiality of an allegation of sexual abuse after learning of a reported incident. Each offender interviewed felt staff would maintain confidentiality with the information. There were no youthful offenders housed at the facility for the Auditor to interview at the time of the audit.

The Auditor reviewed agency training curriculum. Training curriculum for staff, volunteers and contractors includes reporting of sexual abuse and sexual harassment allegations. Each is required to read the agency's policies and sign receipt for such on an annual basis. The Auditor verified through training records each staff member, contractor and volunteer had received training and read the policies how to report sexual abuse and sexual harassment information.

The Auditor conducted a telephone interview with a facility volunteer. The volunteer was asked if he is required to report allegations of sexual abuse and sexual harassment. The volunteer stated the agency requires him to immediately report such allegations. The Auditor asked if he had received training from the facility. The volunteer stated he had received training and he was informed in training of the agency's requirement to report all allegations. The volunteer informed the Auditor he was required to sign an acknowledgement form for the training.

Conclusion:

The Auditor concluded staff, volunteers and contractors are aware of the VADOC requirement to report any knowledge, suspicion or information related to sexual abuse and sexual harassment. Staff understands the requirement to maintain confidentiality with the information obtained by an allegation. Interviews with a medical and mental health practitioner revealed they understand the requirements for reporting sexual abuse that occurred in a community setting and for youthful offenders. The Auditor reviewed agency policies, procedures, training curriculum and conducted interviews with staff, contractors, volunteer and offenders to determine the facility meets the requirements of this standard.

115.62	Agency protection duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>Agency policy requires a staff member, volunteer or contractor immediately notify their supervisor or the Officer-in-Charge when learning an offender is subject to a substantial risk of imminent sexual abuse. The Officer-in-Charge is required to take immediate action to ensure the protection of the offender. The agency's policy defines "Keep Separate" as, "A classification action whereby an offender is not to be housed at a specific location, or with access to specific DOC staff, or offender; 'Keep Separate' determination is not required but may be based on:...The offender is subject to a substantial risk of sexual abuse from a specific, indentified offender."</p> <p>The agency requires Qualified Mental Health Professionals immediately consult with the Facility Unit Head or designee and recommend housing interventions or other immediate action to protect an offender when it is determined the offender is subject to a substantial risk of imminent sexual abuse, or is considered at risk for additional sexual victimization.</p> <p>Evidence Relied Upon:</p> <p>Policy - 038.3, pg. 9</p> <p>Policy - 830.6, pg. 1</p> <p>Policy - 730.2, pg. 6</p> <p>Interviews with Staff</p> <p>Interviews with Offenders</p> <p>Observations</p> <p>Analysis/Reasoning:</p> <p>The facility reported there were no instances in the previous 12 months where facility personnel learned an offender was identified at a substantial risk of imminent sexual abuse. There was no offender who alleged an imminent risk of sexual abuse in the previous 12 months.</p> <p>There were no offenders who reported suffering sexual victimization or who reported an allegation of sexual abuse or sexual harassment housed at the time of the audit. The Auditor conducted formal interviews with offenders. One offender informed the Auditor he previously suffered sexual victimization in the community and has not informed agency staff. The offender was asked if he is placed in a housing unit with sexual predators. The offender stated he is not aware of any such offenders in his housing unit. Offenders informed the Auditor they are confident in staff's abilities to ensure their protection.</p> <p>The Auditor conducted formal interviews with facility supervisors. Supervisors were asked to</p>

explain what steps are taken to protect an offender after learning the offender is at a substantial risk of imminent sexual abuse. The Auditor was informed the potential victim and potential aggressor would be separated from one another. The facility investigator would immediately be notified so an investigation could begin to determine the risk. The potential victim would be moved to an area to ensure his safety until the investigation has concluded. Randomly selected staff were interviewed by the Auditor. Each was asked what steps they would take after learning an offender was at imminent risk of substantial sexual abuse. Each informed the Auditor they would immediately notify their supervisor and stay with the at risk offender.

The Auditor conducted formal interviews with offenders. The Auditor asked each if he/she felt safe in the facility. Each offender interviewed stated they felt safe in the facility. The Auditor asked each if they felt confident in staff's ability to maintain their safety. Each offender is confident in staff's ability to maintain their safety in the facility. Each offender was asked if they had ever seen or heard of an incident of sexual abuse or sexual harassment occurring in the facility. Each offender informed the Auditor they have not seen or heard of an incident at the RCU.

The Auditor participated in a detailed tour of the Rustburg Correctional Unit. The Auditor observed only two housing units and a segregation unit with 4 cells to ensure the protection of an offender who is identified at a substantial risk of imminent sexual abuse. The facility has the ability to transfer offenders to another facility if the offender could not be housed safely. The facility's Acting Superintendent informed the Auditor he can transfer an offender quickly if the offender cannot be safely housed in the facility. When asked to define quickly, the Acting Superintendent informed the Auditor the offender would be transferred within a couple hours.

Conclusion:

The Auditor concluded the RCU takes immediate and appropriate actions to ensure the protection of offenders who are identified at a substantial risk of imminent sexual abuse. The Auditor reviewed agency policy, procedures, conducted interviews with staff and offenders, made observations and determined the RCU meets the requirements of this standard.

115.63	Reporting to other confinement facilities
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Department of Corrections requires staff, volunteers, and contractors who receive an allegation that an offender was sexually abused while confined at another facility notify the Organizational Unit Head (OUH). Policy requires the OUH is required to notify the head of the facility or appropriate office of the agency where the alleged abuse occurred. The OUH must make the notification as soon as possible, but no later than 72 hours after receiving the allegation. The agency requires the OUH document the notification. A facility head or agency office that receives a notification is responsible for ensuring the allegation is investigated in accordance with the Prison Rape Elimination Act standards.</p> <p>Evidence Relied Upon:</p> <p>Policy - 038.3, pg. 9</p> <p>Policy - 030.4, pg. 10</p> <p>Interviews with Staff</p> <p>Analysis/Reasoning:</p> <p>The Rustburg Correctional Unit reported there were no allegations received that an offender had allegedly been sexually abuse while confined at another facility. The facility reported there were no notifications received from another facility that a former RCU offender alleged sexual abuse while incarcerated at the Rustburg Correctional Unit.</p> <p>The Auditor conducted formal inteviews with RCU staff. Each staff member was asked what actions they take if an offender alleges to have been sexual abused while confined at another facility. Staff stated they would immediately report the allegation to their supervisor and submit an Incident Report including the details of the allegation as reported to them. The Auditor asked facility supervisors what their actions would be after receiving such information. The Auditor was informed the agency investigator would immediately be notified. The investigator stated he would notify the other confinement facility. The facility's investigator is currently serving in the role of Acting Superintendent. The investigator stated he would ensure an investigation is conducted of all allegations of sexual abuse and sexual harassment.</p> <p>The Auditor conducted a formal interview with the facility's Acting Superintendent. The Acting Superintendent explained he notifies another facility once the RCU receives an allegation that an offender alleges suffering sexual abuse at another facility. The Acting Superintendent makes a telephone call and follows up with an email to the agency head or appropriate office. When asked when the notification would occur the Acting Superintendent explained he has up to 72 hours to make the notification. The Auditor asked the Acting Superintendent to explain what takes place when he receives notification from another facility that a former RCU offender has alleged to another facility that he suffering sexual abuse while confined at the RCU. The Acting Superintendent stated he would ensure an investigation is conducted.</p>

The Acting Superintendent explained there has not been an instance where he has had to notify another facility and has received no notices from another facility during this audit cycle. The Auditor discussed notification requirements of this standard with the Acting Superintendent. The Acting Superintendent understands the notification requirements of this standard. The Auditor discussed how the Acting Superintendent would comply with the notification requirement when away from the facility. The Acting Superintendent informed the Auditor while he is away from the facility he can still send an email and make a telephone call to another facility to make the notification.

Conclusion:

The Auditor reviewed the agency's policies, procedures, and conducted interviews with agency staff and determined the facility has appropriate procedures in place to comply with this standard. Although the facility's Acting Superintendent has not been required to make a notification during this audit cycle he is clear on the notification requirements. The Auditor determined the facility meets the requirements of this standard.

115.64	Staff first responder duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Department of Corrections has a policy that requires the first security staff member who learns of an alleged sexual abuse incident will perform the following steps:</p> <ul style="list-style-type: none"> • Separate the alleged victim and abuser to ensure the victim's safety; • Notify the OIC and preserve and protect the crime scene until appropriate steps can be taken to collect any evidence; • Request the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, showering, brushing teeth, changing clothes, urinating, defecating, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence; and • Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, showering, brushing teeth, changing clothes, urinating, defecating, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence. <p>VA DOC policy requires if the first responder is not a security staff member, the responder will be required to ensure the victim's safety, request the alleged victim not take any actions that could destroy physical evidence such as showering, eating, brushing teeth, or drinking until after evidence collection, and notify the OIC.</p> <p>Policy requires the Organizational Unit Head or the person in charge at the scene of a serious incident take appropriate actions necessary to protect physical evidence and crime scenes until released to the responding Special Agent.</p> <p>Evidence Relied Upon:</p> <p>Policy - 038.3, pg. 10</p> <p>Policy - 030.4, pg. 6</p> <p>Policy - 075.1, pg. 6</p> <p>RCU Coordinated Response Plan</p> <p>Sexual Assault Response Checklist</p> <p>Interviews with Security First Responders</p> <p>Interviews with Non-Security First Responders</p> <p>Analysis/Reasoning:</p> <p>The Auditor conducted interviews with security and non-security staff who would act as a first responder following an incident of sexual abuse. All security first responders were asked to</p>

explain the actions they take when responding to a sexual abuse incident. First responders stated they would maintain separation of the victim and abuser and immediately notify the Shift Commander. Security staff stated they would request the victim and ensure the abuser not shower, eat, use the restroom, brush their teeth, drink or take any other actions that could potentially destroy physical evidence. The Auditor asked each what actions they take regarding the crime scene. Staff stated they ensure the crime scene is secured so evidence could be preserved. The Auditor asked each if they knew who would be allowed in the crime scene to process the evidence. Staff understood the VADOC Special Investigations Unit Investigator would report to the facility to process evidence from the crime scene.

Each staff member interviewed by the Auditor was asked how they preserve evidence of a crime scene. Staff informed the Auditor they would require all offenders return to their assigned bed and post a staff member in the area to ensure no one enters the crime scene. Staff informed the Auditor offenders in the housing unit may be removed from the unit if needed. The offenders would be sent to the basement area to ensure the protection of the scene. The Auditor asked staff how they document the actions they take following an incident of sexual abuse. Each staff member stated they are required to submit an Incident Report and required to include information in the housing unit logbook.

The Auditor conducted formal interviews with non-security first responders. Non-security first responders informed the Auditor they have received training by the agency to respond to incidents of sexual abuse. The Auditor asked each what actions they would take if they discovered an offender had been sexually abused. Each informed the Auditor they would remain with the offender and immediately notify a security staff member. Each was asked if they would be required to write a report regarding their knowledge and actions in response to the information. Each stated they are required to document the information and actions taken. The Auditor asked how they ensure any evidence would be protected. Each non-security first responder stated they would ask the offender not to take any actions that would destroy physical evidence. The Auditor asked each to explain what types of actions could potentially destroy evidence. The Auditor was informed brushing teeth, using the bathroom, bathing, eating and drinking could potentially destroy physical evidence.

The Auditor reviewed the RCU Coordinated Response Plan. The Coordinated Response Plan includes first responders duties of security officers and security supervisors following an incident of sexual abuse. The Auditor observed the following required actions of security officers:

- Notify the Shift Commander or OIC immediately;
- Notify ADOs, Institutional Investigator, and PREA Compliance Manager as soon as the alleged victim and abuser have been separated;
- Notify Medical staff immediately;
- Preserve any crime scene;
- Request the alleged victim not to take any actions that might destroy physical evidence (washing, brushing teeth, changing clothes, urinating, defecating, drinking, eating);
- Ensure alleged abuser - if this person can be identified - does not take any action to destroy physical evidence (washing, brushing teeth, changing clothes, urinating, defecating, drinking, eating);
- Escort the victim to the Medical Department as soon as possible to provide examination, treatment and evaluation;

- Make arrangements to have alleged victim taken to a hospital that provides a PERK test if advised by Medical;
- If the alleged abuser is identified have that person placed in Special Housing under investigation if it is an offender;
- In the event the alleged abuser identified as a staff person, have that staff member removed from the area and not returned to that area until the issue is resolved;
- Once returned from the hospital and abuse is confirmed, ensure the offender is interviewed for protective custody needs; and
- Create Internal Incident Report (IIR) on CORIS.

The Agency uses a Sexual Assault Response Checklist to document staff actions in response to a sexual abuse incident. The Sexual Assault Response Checklist includes all required actions listed in the facility's Coordinated Response Plan. In addition to security officer and security supervisor actions, the checklist includes follow-up services offered by counseling and mental health practitioners. The checklist requires the staff member include the date and time each action on the checklist was completed.

The Auditor reviewed the agency's training records. Training curriculum includes first responder duties of both security and non-security personnel. The Auditor observed all staff, contractors and volunteers have been trained to appropriately respond to incidents of sexual abuse.

The Auditor conducted formal interviews with the Health Services Administrator. The HSA has been trained to treat an offender while preserving physical evidence. The Auditor was informed medical staff treat any life threatening injuries. If the victim has no life threatening injuries medical personnel collect the offender's vital signs and speak to the victim until transported to the hospital for a forensic examination. The Auditor was informed any clothing or other evidence removed from the victim while treating a life threatening injury would be provided to the Special Investigations Unit Investigator. The medical practitioner stated medical personnel attempt to preserve any evidence while treating the victim. The HSA informed the Auditor all medical personnel have been trained to protect potential evidence while treating victims.

The RCU reported no allegations of sexual abuse were received within the previous 12 months. There were no instances that required a security staff member or non-security staff member follow the first responder duties as required by this standard. Interviews with staff reveal they are aware of the requirements as a first responder following an incident of sexual abuse.

At the time of the audit there were no offenders at the facility who made an allegation of sexual abuse. The facility reported an allegation has not been received during this audit period.

Conclusion:

The Auditor determined the facility has trained its staff in their responsibilities as a first responder to an incident of sexual abuse. Staff interviewed by the Auditor appeared proficient in their duties. The Auditor reviewed agency policies, procedures, Coordinated Response Plan, Sexual Assault Response Checklist, interviewed staff and determined the facility meets the requirements of this standard.

115.65	Coordinated response
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Auditor Discussion:</p> <p>The Virginia Department of Corrections policy requires each agency develop a written 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. The agency has created a Sexual Assault Response Checklist that supplements facility Coordinated Response Plans and outlines staff duties in response to a sexual assault incident.</p> <p>Evidence Relied Upon:</p> <p>Policy - 038.3, pg. 10</p> <p>Policy - 075.1, pg. 6</p> <p>Sexual Assault Response Checklist</p> <p>RCU Coordinated Response Plan</p> <p>Training Records</p> <p>Interviews with Staff</p> <p>Interviews with Offenders</p> <p>Analysis/Reasoning:</p> <p>The Rustburg Correctional Unit has developed a written Coordinated Response Plan. The RCU Coordinated Response Plan includes actions required of the following personnel:</p> <ul style="list-style-type: none"> ● First Responder/Security ● Medical (mental health actions are included in this section) ● Investigator ● Administration <p>The agency has created a Sexual Assault Response Checklist that documents staff actions following an incident of sexual abuse. The Sexual Assault Checklist includes the following actions:</p> <ul style="list-style-type: none"> ● Incident Began/Discovered ● Notify Security Staff ● Separate the alleged victim and abuser ● Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence ● Request 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

- Escort the victim to the facility medical unit as soon as possible to provide examination, treatment, and evaluation
- Notify the Unit Head and Administrative Duty Officer
- Contact the Special Investigation Unit , (name and number provided)
- Ensure that photographs are taken to document any physical evidence such as torn clothing, bruises, abrasions, etc.
- If there is indication of sexual assault, ensure the victim is transported to the local hospital for further treatment, examination, documentation, collection of forensic evidence (PERK kit), and testing for sexually transmitted diseases
- Ensure referral for counseling and mental health service needs if warranted
- Ensure that upon return from the hospital emergency room, the victim is interviewed for protective custody needs
- Ensure follow up medical treatment or mental health service needs are arranged
- Notify the State-wide PREA Coordinator or Regional PREA Analyst (name and number provided)
- Complete an IIR or IR (recent sexual assaults only)
- Notify the Operations and Logistics Unit for recent sexual assaults only. Advise "Alleged recent sexual assault at (facility name)." No additional information will be reported.

The Sexual Assault Response Checklist requires the staff include the date and time each action listed above is taken.

The Auditor conducted formal interviews with staff listed in the agency's Coordinated Response Plan. Each were asked questions related to their specific duties in response to a sexual abuse incident. Each person interviewed was knowledgeable regarding their specific duties as required in the RCU Coordinated Response Plan. The Auditor determined the facility has prepared its staff to take appropriate actions in response to sexual abuse. The Auditor found facility staff, volunteers and contractors have been trained in their responsibilities in response to an allegation of sexual abuse. The agency's training includes elements of its coordinated response plan. The Auditor verified all agency personnel, volunteers and contractors had received the training.

The Auditor conducted formal interviews with offenders. Offenders were asked if they feel safe in the facility. Each offender interviewed stated they do feel safe in the facility. Offenders were asked if they are confident in staff's abilities to respond to incidents of sexual abuse. Each offender interviewed stated they feel confident in staff's abilities. Offenders informed the Auditor staff are responsive and professional to the population. The Auditor asked each offender if they had ever heard of or seen an incident of sexual abuse occurring at the facility, none had.

The Auditor discussed the facility's Coordinated Response Plan with the Regional PREA/ADA Analyst. The Coordinated Response plan included limited response efforts required of mental health personnel. The facility revised its Coordinated Response Plan and forwarded a copy to the Auditor. The plan now includes an individual section titled, "Mental Health." This section includes specific actions required of mental health personnel following an incident of sexual abuse, to include follow-up services.

There were no offenders incarcerated at the time of the audit who filed an allegation of sexual

abuse. The facility reported no allegations of sexual abuse were received in the past 12 months. Through interviews the Auditor determined staff understands they are required to immediately ensure the safety of each offender who alleges sexual abuse. There were no incidents that required staff implement first responder duties as required in the facility's Coordinated Response Plan.

Conclusion:

The Auditor determined the facility maintains an appropriate response plan that coordinates the actions of personnel following an incident of sexual abuse and has trained its personnel to follow the plan. Based on a review of the agency's policies, procedures, Coordinated Response Plan, revised Coordinated Response Plan, Sexual Assault Response Checklist, training records, and interviews with staff and offenders, the Auditor determined the RCU meets the requirements of this standard.

115.66	Preservation of ability to protect inmates from contact with abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Department of Corrections has not entered into an agreement with any agency for collective bargaining at the Rustburg Correctional Unit.</p> <p>Evidence Relied Upon:</p> <p>Code of Virginia</p> <p>Memorandum</p> <p>Interviews with Staff</p> <p>Analysis/Reasoning:</p> <p>Virginia Code 40.1-57.2 stipulates, "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 agent 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."</p> <p>The Virginia Department of Corrections has not entered into any agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with offenders pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted. There were no allegations of sexual abuse against a staff member alleged during the previous 12 months at the RCU.</p> <p>Interviews with staff reveal they do not participate with or are members of any organization or agency responsible for collective bargaining on their behalf.</p> <p>Conclusion:</p> <p>The Auditor concluded the VADOC has not entered into any collective bargaining that would restrict its ability to remove staff sexual abusers from contact with offenders. The Auditor determined the facility meets the requirements of this standard.</p>

115.67	Agency protection against retaliation
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Department of Corrections has a policy to protect all staff and offenders who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other offenders or staff. The policy requires facilities take the following but not limited to protection measures:</p> <ul style="list-style-type: none"> ● Housing changes ● Transfers ● Removal of alleged staff or offenders from contact with victims ● Emotional support services <p>Agency policy requires the Organizational Unit Head will designate appropriate staff to monitor the conduct and treatment of offenders or staff who reported or cooperated with an investigation into sexual abuse or sexual harassment. The designated staff member is responsible to monitor the conduct and treatment of offenders or staff for retaliation for at least 90 days following the report to determine if there are changes that may suggest possible retaliation by offenders or staff. The monitor is responsible to act promptly to remedy any such retaliation. Agency policy requires the Retaliation Monitor to monitor the following:</p> <ul style="list-style-type: none"> ● Discipline Reports ● Housing changes ● Program changes ● Negative performance reviews ● Reassignments of staff <p>Monitoring of an offender or staff is required to continue beyond 90 days if the initial monitoring indicates a continuing need. The Retaliation Monitor is required by policy to conduct periodic status checks while monitoring an offender or staff member. The Retaliation Monitor is not required by VADOC policy to continue monitoring an offender or staff if the investigation determines the allegation as unfounded.</p> <p>VADOC policy requires retaliation monitoring of any other individual who cooperates with an investigation and expresses a fear of retaliation and requires the Facility Unit Head take appropriate measures to protect the individual against retaliation. Employees who fear retaliation for reporting or cooperating with investigations into sexual abuse or sexual harassment are referred to the Employee Assistance Program for emotional support services.</p> <p>Evidence Relied Upon:</p> <p>Policy - 038.3, pg. 13-14</p> <p>Policy - 075.7, pg. 2</p>

Interview with Retaliation Monitor

Analysis/Reasoning:

The Virginia Department of Corrections has an appropriate policy to ensure offenders and staff are monitored and protected from acts of retaliation by staff or other offenders. The RCU has designated the PREA Compliance Manager responsible for monitoring for acts of retaliation. The Auditor conducted a formal interview with the PREA Compliance Manager. The Auditor asked the PCM to explain how retaliation monitoring is conducted at the facility. The retaliation monitor explained she reviews disciplinary charges, housing changes, program changes, grievances, Incident Reports, classification actions, evaluations, shift rosters and post assignments. The Auditor asked if the PCM initiates the contact with the offender or staff member being monitored. The monitor stated she initiates meetings with the person being monitored.

The Auditor asked the monitor how often she meets with the staff member or offender being monitored. The Auditor was informed the monitor meets with the person at least monthly. The Auditor was informed more frequent meetings would occur if needed. The Auditor asked the retaliation monitor if she would stop monitoring if the offender or staff member requested her to do so. The monitor stated she would not stop monitoring until at least 90 days have transpired. The monitor explained she would conduct the monitoring from a distance and through the facility's camera system. The Auditor asked the retaliation monitor how she documents her contacts and findings while monitoring. The monitor stated she documents findings in the VACORIS. The monitor includes the date of the meetings, actions taken and any findings.

The retaliation monitor was asked how she is notified when an offender or staff member requires monitoring. The facility's Investigator notifies the monitor following an allegation. The Auditor asked what actions are taken to ensure the protection of an offender. The Auditor was informed housing, program, education and work changes would be made. If needed, the monitor would recommend a transfer of an offender from the facility. When staff are being retaliated against, the staff member's post or shift assignment may be changed to limit contact with the person who is alleged to have retaliated against the staff member. In such cases, the staff member retaliating against another staff member would be disciplined. The retaliation monitor was asked if the facility was currently monitoring any offenders or staff for retaliation. The retaliation monitor informed the Auditor there were no allegations of sexual abuse made in the previous 12 months. There were no offenders being monitored at the time of the audit.

Conclusion:

The Auditor determined the agency has appropriate policies and practices in place to ensure staff and offenders are protected from retaliation. The Auditor reviewed the VADOC policies, procedures and conducted interviews with staff and determined the facility meets the requirements of this standard.

115.68	Post-allegation protective custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Department of Corrections requires any use of segregated housing to protect an offender who is alleged to have suffered sexual abuse is subject to the requirements of policies 425.4 and 830.5 that align with the requirements of PREA standards 115.43 Protective Custody.</p> <p>Evidence Relied Upon:</p> <p>Policy - 425.4, pg. 6-7, 12, 21</p> <p>Policy - 830.5, pg. 8-9</p> <p>Sexual Abuse/Sexual Harassment Available Alternatives Assessment</p> <p>Interviews with Staff</p> <p>Interviews with Offenders</p> <p>Observations</p> <p>Analysis/Reasoning:</p> <p>The Auditor reviewed the agency's policy regarding the use of segregation housing to protect offenders at high risk of sexual victimization. The agency's policy states offenders identified as high risk of sexual victimization will not be placed involuntarily in segregated housing unless an assessment of available alternatives has been made, and it has been determined by the qualified mental health professional in consultation with the Regional PREA Analyst and Shift Commander that no available alternatives of separation exist. Policy requires the Shift Commander to complete a Sexual Abuse/Sexual Harassment Available Alternatives Assessment form prior to placing a HRSV in special housing for protection. The agency's policy allows the Shift Commander to place the HRSV offender in special housing for protection for no more than 2 hours before completing the Sexual Abuse/Sexual Harassment Available Alternatives Assessment if the form cannot be completed immediately.</p> <p>The Auditor reviewed the agency's Sexual Abuse/Sexual Harassment Available Alternatives Assessment form. The form includes the following considerations:</p> <ul style="list-style-type: none"> • Can offender be reassigned to another housing unit; • Was another alternative to involuntary segregated housing used, list option; • Can offender be transferred to another facility; • If allegation was made and staff is alleged perpetrator, was the staff member placed on administrative leave or placed on another post; • Was the offender or alleged victim (if allegation) reassigned to Special Housing/Restrictive Housing Unit for Protective Custody; and

- Is access to programs, privileges, education, or work opportunities restricted, list which ones and why?

The assessment form requires the signature of the Facility Unit Head and stipulates the form be emailed to the Regional PREA Analyst. The form also requires a written justification for all "no" answers listed above. The form states, "...offenders at a high risk of sexual victimization or offenders who have alleged sexual abuse or sexual harassment shall not be placed in involuntary segregated housing, unless:

- An assessment of all available alternatives has been made, and
- A determination has been made that there are no available alternative means of separation from likely abusers."

Agency policy requires the institution to clearly document the basis for safety concerns when placing a HRSV offender in Special Housing for protection. The Shift Commander is required to document the reason why no alternative means of separation can be arranged when placing the offender in special housing. The agency allows involuntary assignment to special housing only until alternative means of separation can be arranged; not to ordinarily exceed 30 days. Mental Health staff are required to advise whether the offender can be released to general population or transferred to the VADOC Protective Custody Unit. The Rustburg Correctional Unit does not house offenders in need to protective custody. Those offenders are transferred to a facility designated to house Protective Custody offenders.

Agency policy stipulates HRSV offenders placed in special housing for protection shall have access to programs, privileges, education, and work opportunities to the extent possible. The institution is required to document the opportunities that have been limited, the duration of the limitation and the reason for limitations. These restrictions are required to be documented on the Special Housing Denial of Activity or Service form.

The agency conducts a review every seven days of an offender's first two months in Special Housing and every 30 days thereafter. These reviews are documented electronically on the Special Housing Status Review maintained on the agency's VACORIS system. Policy requires all offenders identified as HRSV be reviewed to determine whether there is a continued need for separation from general population. This review is documented on the Special Housing Status Review form.

The Auditor conducted a formal interview with a staff member who supervise offenders in the Restricted Housing Unit. The Auditor asked if he had ever supervised an offender who has been placed in segregated housing after allegedly suffering sexual abuse or identified at substantial risk of sexual abuse for their protection. The staff member informed the Auditor he had not supervised an offender in the segregated housing area strictly for the protection from sexual abuse. The Auditor was informed the facility does not house offenders in need of Protective Custody. He informed the Auditor offenders in need of Protective Custody are immediately transferred to another VADOC facility. The Auditor asked if offenders in the segregated housing have access to programs, privileges, education and work opportunities. The Auditor was informed offenders have access to privileges and programs in the Restrictive Housing Unit. The Auditor was informed the Restrictive Housing Unit is normally used for offenders with disciplinary or behavioral problems.

The Auditor conducted formal interviews with supervisors. The Auditor asked if the reasons for

restrictions of programs, privileges, education and work of offenders in segregated housing are documented. Supervisors informed the Auditor restrictions of such are documented on the segregation log. Written documentation is included in the VACORIS system. Any restrictions are forwarded to the housing unit so staff supervising the offender are aware of the restriction. The Auditor was informed an offender's status in segregation is reviewed every 7 days for the first two months and every 30 days after.

Facility supervisors informed the Auditor if an offender at risk of sexual abuse can be housed in one other housing unit. Supervisors informed the Auditor any offender in need to segregation would typically be transferred from the facility. The Auditor asked counseling staff, supervisors, Regional PREA/ADA Analyst, line staff and the Acting Superintendent if an offender was ever placed in segregated housing for the protection from sexual abuse. None could recall such a placement. The Auditor discussed the possibility of transfers with the Acting Superintendent. The Acting Superintendent informed the Auditor he has the ability to transfer an offender to another facility as long as there is a legitimate need to do so.

There were no offenders housed at the facility who made an allegation of sexual abuse in the previous 12 months. The facility reported receiving no allegations of sexual abuse in the previous 12 months. The Auditor interviewed one offender who had suffered sexual abuse in the community. The Auditor asked the offender if he had been housed in restrictive housing. The offender informed the Auditor he had not been housed in segregation and he did not report his previous victimization to agency staff during his incarceration.

The Auditor conducted a detailed tour of the Rustburg Correctional Unit. The Auditor observed the facility has limited housing units to ensure the separation of vulnerable offenders from those who may be likely abusers. Since the facility only has two housing units, any offender in need of protective custody would be transferred from the facility. The agency has the option to transfer offenders to another facility designated to house offenders in need of Protective Custody if the offender cannot be housed safely in the facility.

Conclusion:

The agency's policy includes the elements of PREA standard 115.43 to ensure sexual abuse victims receive privileges, programming, education, and work opportunities if a victim is placed in segregated housing for protection. After a thorough review of the agency's policies and procedures, Sexual Abuse/Sexual Harassment Available Alternatives Assessment form, making observations, interviewing staff and offenders, the Auditor determined the facility meets the requirements of this standard.

115.71	Criminal and administrative agency investigations
	<p data-bbox="248 170 896 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="248 248 523 282">Auditor Discussion</p> <p data-bbox="248 327 536 360">Auditor Discussion:</p> <p data-bbox="248 405 1485 607">The Virginia Department of Corrections conducts administrative and criminal investigations in its facilities. Policy requires sexual abuse and sexual harassment investigations be conducted promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. The VADOC requires its investigators receive specialized training to conduct sexual abuse investigations in confinement facilities.</p> <p data-bbox="248 651 1485 943">Agency investigators are required by policy to gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data, interview alleged victims, suspected perpetrators, and witnesses, and review prior complaints and reports of sexual abuse involving the suspected perpetrator. When investigators determine the quality of evidence appears to support criminal prosecution, the investigator will consult with prosecutors as to whether further compelled interviews may be an obstacle for subsequent prosecution.</p> <p data-bbox="248 987 1485 1189">The agency requires investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not determine credibility by the person's status as an offender or staff member alone. Agency investigators are prohibited from requiring an offender who alleges sexual abuse to submit to a polygraph examination or other truth-telling devices as a condition for proceeding with the investigation of such allegation.</p> <p data-bbox="248 1234 1485 1559">The agency requires administrative investigations include an effort to determine whether staff actions or failures to act contributed to abuse and document findings in a written report that includes a description of physical and testimonial evidence, the reason behind credibility assessments and investigative facts and findings. Criminal investigations are documented in a written report that contains a thorough description of physical, testimonial and documentary evidence and attaches copies of all documentary evidence where feasible. Special Investigations Unit investigators refer substantiated allegations of conduct that appear to be criminal for prosecution.</p> <p data-bbox="248 1603 1485 1895">The VADOC requires the departure of an alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation. The Organizational Unit Head is required to ensure all case records associated with claims of sexual abuse or sexual harassment, including Incident Reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings and recommendation for post-release treatment or counseling are retained for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.</p> <p data-bbox="248 1939 576 1973">Evidence Relied Upon:</p> <p data-bbox="248 2007 568 2040">Policy - 030.4, pg. 10-11</p> <p data-bbox="248 2074 624 2107">Policy - 038.3, pg. 11-12, 15</p>

Training Curriculum

Training Records

Investigative Matrix

Interview with Investigators

Analysis/Reasoning:

The Auditor conducted a formal interview with the facility's investigator. The investigator discussed the procedures utilized when conducting sexual abuse investigations. The process starts by interviewing the alleged victim. The investigator conducts interviews the alleged perpetrator and any witnesses, including staff witnesses. The Auditor asked what other actions the investigator takes during an investigation. The investigator stated he reviews criminal record, institutional history, grievances, discipline history, Incident Reports, Request Forms, video footage, telephone records, previous complaints and any other relevant information. The investigator was asked how he determines the credibility of an alleged victim, abuser and witnesses. The Auditor was informed credibility is determined by reviewing documents, information, video footage, phone records, and statements made during the interview and subsequent interviews.

The Investigator was asked if he attempts to determine if staff actions or failure to act may have contributed to an incident of sexual abuse. The Investigator stated he does attempt to determine if staff actions or lack thereof contributed to the incident. The Auditor asked the Investigator what types of evidence he attempts to gather. The Auditor was informed the Investigator gathers Incident Reports, housing records, log books, video footage, telephone records, grievances, discipline records, testimonial evidence, physical evidence and any other relevant documents or information. The Investigator was asked when he begins investigative efforts. The Auditor was informed the Investigator begins efforts as soon as he is notified. The Auditor asked how investigations are conducted when he is not on site. The Investigator stated when he receives a call he is briefed on the known or alleged information by the Shift Commander. If there is an alleged sexual abuse he will report to the facility or call the SIU investigator to conduct the investigation. The facility Investigator stated the SIU investigator conducts investigations in his absence.

The Auditor viewed the area where investigative records are maintained. The facility Investigator maintains all investigative documents and reports in his locked office. All information related to investigations is forwarded to the Regional PREA/ADA Analyst for compiling data. Electronic data is securely maintained on the Investigator's computer. The Investigator has a unique username and password. The Auditor asked the Investigator how long he maintains investigative records. The Auditor was informed the data is maintained for at least 5 years after the abuser has either been released or is no longer employed by the VADOC. The Investigator was asked if he requires the victim to submit to a polygraph examination. The Auditor was informed he does not polygraph alleged victims or use any other truth telling devices.

The Auditor asked the agency Investigator if he conducts an investigation when an allegation is reported anonymously or by third-party. The Investigator stated he conducts an investigation of all allegations regardless of how they are made. The investigator stated he conducts all investigations in the same manner, even those reported anonymously or by third-

party. The Investigator was asked to explain the investigative process if an offender is released or a staff member terminates employment. The Investigator stated he contacts the SIU investigator as the SIU investigator has the authority to conduct an investigation in the jurisdiction.

The Auditor discussed the criminal investigative process in the facility. The Investigator was asked to explain his role when the SIU Investigator conducts investigations in the facility. The Investigator stated he cooperates with the SIU investigator and assists when asked to do so by the Investigator. The Auditor was informed the facility investigator and the assigned SIU investigator have a good working relationship and communicate with each other. The facility investigator stated he does receive information from the SIU investigator so the offender can be informed during the process. The facility Investigator stated all facility evidence, to include video and telephone records are turned over to the SIU during criminal investigations.

The Auditor conducted a telephone interview with the SIU Criminal Investigator. The SIU Investigator explained he is contacted by the facility when receiving an allegation that appears to be criminal in nature. He responds to the facility to conduct the investigation and responds to the hospital when an offender is sent for a forensic exam. The Auditor asked if the SIU Investigator collects physical and testimonial evidence. He explained the facility does provide evidence following an incident. The Auditor asked the Investigator if he communicates with the facility Investigator during an investigation. The SIU Investigator stated he does keep the facility informed during the process so the offender can be notified of results when required. The SIU Investigator explained he communicates with the Commonwealth Attorney's Office for presecutorial efforts.

There were no allegations of sexual abuse reported during the previous 12 months. The Auditor discussed how the facility investigator documents his findings. The agency has created a formatted investigative report to ensure the investigator correctly documents findings.

The agency has created an Investigative Matrix that outlines when the facility and Special Investigations Unit investigate allegations. The matrix specifies the facility Investigator conducts investigations of initial PREA, fraternization and harassment allegations. The matrix dictates investigations started at the facility that are confirmed PREA allegations will be referred to the SIU. The Special Investigations Unit is required to conduct investigations of confirmed PREA allegations, confirmed fraternization and sexual assault (ex. rape, forcible sodomy).

The Auditor conducted a review of the VADOC training records. Records reveal the facility and agency's Investigators have received specialized training to conduct sexual abuse investigations in a confinement setting. The Auditor asked the facility investigator what his actions are when he determines the evidence appears to support prosecution. The Investigator stated the administrative investigation is stopped and the SIU Investigator is immediately notified. The Investigator was asked if he performs any further actions. The Auditor was informed administrative efforts would not be completed until notified to do so by the SIU. The investigator stated if the SIU investigator specifically requests any actions or information he would provide such.

The Auditor conducted formal interviews with offenders. There were no offenders who made an allegation of sexual abuse within the previous 12 months. Offenders informed the Auditor

facility staff are very responsive to their concerns or complaints.

No department of justice component is responsible for conducting investigations in the Rustburg Correctional Unit.

The facility received no sexual abuse or sexual harassment allegations that were referred for criminal investigation in the previous 12 months.

Conclusion:

The Auditor determined the VADOC has appropriate policies to ensure investigations are conducted appropriately, objectively and thorough. The facility trains its investigators to conduct investigations in a confinement setting. Facility investigators are aware all criminal allegations must be referred to the Special Investigations Unit for criminal investigation. The Auditor reviewed agency policy, procedures, training records, investigative matrix, made observations, interviewed staff and offenders to determine the facility meets the requirements of this standard.

115.72	Evidentiary standard for administrative investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Department of Corrections has a policy that imposes no standard higher than a preponderance of evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. The policy states, "A preponderance of the evidence will be adequate in determining whether allegations of sexual abuse or sexual harassment are substantiated."</p> <p>The disciplinary Hearings Officer is required to use a preponderance of evidence at a disciplinary hearing to support a finding of guilt.</p> <p>Evidence Relied Upon:</p> <p>Policy - 135.2, pg. 5</p> <p>Policy - 861.1, pg. 32</p> <p>Interview with Investigator</p> <p>Analysis/Reasoning:</p> <p>The Auditor conducted a formal interview with a facility sexual abuse investigator. The investigator informed the Auditor the agency's policy requires the use of preponderance as the standard of evidence to substantiate an allegation of sexual abuse or sexual harassment. The Auditor asked the investigator what is the meaning of preponderance. The Investigator explained a preponderance is fifty-one percent of the evidence.</p> <p>The facility received no allegations of sexual abuse or sexual harassment during this audit period; as such, there were no investigative reports for the Auditor to review.</p> <p>Conclusion:</p> <p>The Auditor was able to determine the Investigator understands preponderance as the basis for determining investigative outcomes. The Auditor reviewed the agency's policies, procedures and interviewed the facility Investigator and determined the facility meets the requirements of this standard.</p>

115.73	Reporting to inmates
	<p data-bbox="252 170 896 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="252 248 523 282">Auditor Discussion</p> <p data-bbox="252 327 536 360">Auditor Discussion:</p> <p data-bbox="252 400 1469 607">The Virginia Department of Corrections policy requires offenders be notified whether a sexual abuse allegation has been determined to be substantiated, unsubstantiated or unfounded following an investigation. When a staff member has committed sexual abuse against an offender, unless the determination is unfounded, the PREA Compliance Manager or investigator shall inform the offender whenever:</p> <ul data-bbox="300 674 1465 1010" style="list-style-type: none"> • The allegation has been determined to be unfounded; • The allegation has been determined to be unsubstantiated; • The staff member is no longer posted within the offender's unit; • The staff member is no longer employed at the facility; • The DOC learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or • The DOC learns that the staff member has been convicted on a charge related to sexual abuse within the facility. <p data-bbox="252 1043 1398 1122">When an offender has alleged sexual abuse by another offender, the PREA Compliance Manager or investigator is required to inform the offender whenever:</p> <ul data-bbox="300 1189 1414 1435" style="list-style-type: none"> • The allegation has been determined to be unfounded; • The allegation has been determined to be unsubstantiated; • The DOC learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or • The DOC learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility. <p data-bbox="252 1469 1477 1682">Facilities are required to document notifications or attempted notifications in the same manner as offenders receive legal mail. The PREA Compliance Manager and/or investigator's obligation to report is terminated if the offender is released from DOC custody. The agency requires SIU investigator's report to the Facility Unit Head to inform the offender as to whether an allegation has been determined to be substantiated, unsubstantiated or unfounded.</p> <p data-bbox="252 1715 576 1749">Evidence Relied Upon:</p> <p data-bbox="252 1794 528 1827">Policy - 030.4, pg. 11</p> <p data-bbox="252 1861 528 1895">Policy - 038.3, pg. 12</p> <p data-bbox="252 1928 512 1962">Interviews with Staff</p> <p data-bbox="252 2007 544 2040">Analysis/Reasoning:</p> <p data-bbox="252 2085 1422 2119">The Auditor conducted a formal interview with the facility's Sexual Abuse Investigator. The</p>

Investigator informed the Auditor he makes the notification to the offender victim at the conclusion of an investigation. The Auditor asked the Investigator who notifies the offender following an indictment and/or criminal charges placed against an offender or staff member. The Investigator stated either himself or the PREA Compliance Manager obtains that information from the SIU investigator and makes the notification to the offender. The Auditor asked the investigator how notifications to offenders are documented by the facility. The Auditor was informed notifications are documented on a written report to the offender. The facility maintains a copy in the investigative report.

The Auditor asked the Investigator how notification is received from SIU regarding criminal charges and indictment. The Investigator stated the SIU Investigator contacts him so the proper notification can be made to the offender. The Investigator stated the SIU is part of the agency so obtaining that information is not difficult. The Auditor conducted a formal interview with an SIU Investigator. The SIU Investigator was asked if he notifies the facility following the placement of criminal charges and/or indictments. The SIU Investigator stated he does contact the facility Investigator and share that information.

The facility received no allegations of sexual abuse or sexual harassment during this audit cycle.

Conclusion:

The Auditor concluded the Investigator understands the requirements and the agency has appropriate procedures in place to notify offenders of investigative results at the conclusion of an investigation of sexual abuse. The Auditor reviewed agency policy, procedures and interviewed staff to determine the agency meets the requirements of this standard.

115.76	Disciplinary sanctions for staff
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Department of Correction staff is subject to disciplinary sanctions up to and including termination for violating the agency’s sexual abuse or sexual harassment policies. The agency makes termination the presumptive disciplinary measure for those who have engaged in sexual abuse. Disciplinary sanctions for personnel who have not engaged in sexual abuse but have violated the facility’s sexual misconduct policies are commensurate with the following:</p> <ul style="list-style-type: none"> • The nature and circumstances of the acts committed; • The staff members disciplinary history; and • The sanctions imposed for comparable offenses by other staff with similar histories. <p>The VA DOC notifies law enforcement agencies and relevant licensing bodies when criminal violations of sexual abuse or sexual harassment are committed by staff. Any terminations or resignations by staff who would have been terminated if not for their resignation are reported, unless that activity was clearly not criminal. The agency's policy requires staff who are terminated or resign in lieu of termination for violating sexual abuse or sexual harassment policies are notified of the agency's responsibility to report such violations to licensing bodies and/or law enforcement agencies.</p> <p>Evidence Relied Upon:</p> <p>Policy - 135.1, pg. 11</p> <p>Policy - 135.2, pg. 5</p> <p>Written Notice Form</p> <p>Internal Incident Report</p> <p>Interviews with Staff</p> <p>Analysis/Reasoning:</p> <p>The Auditor conducted formal interviews with facility staff. The Auditor asked if staff were aware of the disciplinary sanctions for violating the agency's sexual abuse policies. Staff informed the Auditor they would be terminated for participating in an act of sexual abuse. Staff were also aware the VADOC reports criminal violations to law enforcement agencies. The agency's command staff has a zero-tolerance approach and disciplines staff for violating the agency's sexual abuse and sexual harassment policies. Command staff interviewed by the Auditor stated any employee who violates sexual abuse and sexual harassment policies are disciplined. Disciplinary recommendations for violating sexual harassment policies are dependent upon the circumstances of the violation. The Auditor was informed by command staff that an employee who commits and act of sexual abuse would be terminated.</p>

The Auditor conducted a formal interview with the facility's Investigator. The Investigator informed the Auditor if the act was criminal in nature the investigator would contact the Special Investigations Unit for a criminal investigation. The facility investigator immediately ceases efforts once a determination is made that sufficient evidence appears to support criminal activity. The Investigator coordinates with the SIU Investigator and assists in their efforts when requested. The Auditor asked how the investigation is handled if the act was not criminal in nature. The Investigator continues the investigation until a determination is made. The Acting Superintendent serves as the facility's investigator. The investigator has the authority to discipline staff when warranted.

The Auditor conducted a formal interview with a SIU Investigator. Investigators in the Special Investigations Unit have the legal authority to place criminal charges against a staff member who engages in sexual abuse or a criminal act of sexual harassment. The SIU investigator informed the Auditor he notifies the Commonwealth's Attorney following such an incident if the act was clearly criminal.

The Auditor observed the agency's policy included a provision to notify law enforcement agencies of criminal violations of sexual abuse. The policy also requires the PREA Coordinator notify relevant licensing bodies. The Auditor discussed the requirements of this standard to notify relevant licensing bodies. The Regional PREA/ADA Analyst and PREA Compliance Manager informed the Auditor the PREA Coordinator would contact the Virginia Department of Health Professionals Board of Nursing of violation by a nurse. The Department of Health Professionals would be contacted for any licensed mental health professional. The Auditor discussed the requirement for the agency to notify law enforcement and relevant licensing bodies with the facility's command staff. Command staff are clear on the requirement following a criminal act of sexual abuse.

The Rustburg Correctional Unit reported one (1) staff member had been found in violation of agency sexual abuse and sexual harassment policies in the past 12 months. The Auditor reviewed an Incident Report in which a staff member was alleged to have violated the sexual abuse and sexual harassment policies. The facility's Superintendent immediately placed the staff member on Pre-Disciplinary Leave with pay pending the investigation. The SIU Investigator was contacted immediately. The staff member was terminated for a consensual sexual act with an offender. The SIU Investigator forwarded the case to the Campbell County Commonwealth Attorney's Office for review and consideration for prosecution. The case has not yet been reviewed by the Grand Jury.

The Auditor reviewed an agency Written Notice. The notice was directed to the employee for violating the agency's sexual abuse and sexual harassment policies. The Written Notice informed the employee of all policies violated. The employee was terminated for the policy violations. The Rustburg Correctional Unit Superintendent has the authority to discipline staff, including suspension and termination.

Conclusion:

The Auditor determined the agency has appropriate policies and practices in place to ensure staff are disciplined for violating the agency's sexual abuse and sexual harassment policies. The agency makes termination the presumptive discipline measure for engaging in acts of sexual violence. The agency reports violations of sexual abuse to the local law enforcement agency and relevant licensing bodies. The Auditor reviewed the agency's policies,

procedures, Incident Report, Written Notice Form and conducted interviews with staff and determined the agency meets the requirements of this standard.

115.77	Corrective action for contractors and volunteers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Department of Corrections has a policy which mandates contractors and volunteers who engage in sexual abuse are prohibited from contact with offenders. The agency's policy requires the PREA Coordinator notify law enforcement agencies and relevant licensing bodies, unless the activity was clearly not criminal in nature. The agency takes appropriate remedial measures and considers prohibiting further contact with offenders for violations of other agency sexual abuse or sexual harassment policies.</p> <p>Evidence Relied Upon:</p> <p>Policy - 027.1, pg. 12</p> <p>Policy - 135.2, pg. 5</p> <p>Training Records</p> <p>A Guide to Maintaining Appropriate Boundaries with Offenders Brochure</p> <p>Interviews with Contractors</p> <p>Interview with Volunteer</p> <p>Interviews with Staff</p> <p>Analysis/Reasoning:</p> <p>The Rustburg Correctional Unit reported there were no incidents in which a volunteer or contractor engaged in or was alleged to have engaged in sexual abuse or sexual harassment in the previous 12 months. The Auditor conducted an interview with a contractor. The Auditor asked what actions would be taken against him for violating sexual abuse or sexual harassment policies. The contractor informed the Auditor he would be terminated from the facility. The Auditor asked if the contractor is aware he would be reported to a law enforcement agency if found to have participated in a criminal act of sexual abuse. The contractor is aware the facility reports criminal violations of sexual abuse policies to the appropriate law enforcement agency.</p> <p>The Auditor conducted an interview with a facility volunteer. The volunteer is aware he would be reported to local law enforcement if found to have participated in an act of sexual abuse. The volunteer stated the facility would ensure he would not be allowed to enter the facility. The Auditor asked how the volunteer was made aware of such. The volunteer stated that information was provided during his orientation by the facility.</p> <p>Volunteers and contractors are made aware of the VADOC sexual abuse and sexual harassment policies during their initial training and prior to providing services in the facility. Each volunteer and contractor attends training and signs a form of receipt of such. All</p>

volunteers and contractors are required to read the agency's policies and procedures related to sexual abuse and sexual harassment and sign a receipt after doing so. The Auditor verified through training records each volunteer and contractor in the facility had received training and reviewed the policies.

The Rustburg Correctional Unit command staff are aware of the requirement to notify the the SIU following a contractor or volunteer's participation in a criminal act of sexual abuse. Command staff informed the Auditor a contractor or volunteer would be prohibited from offender contact pending the results of the investigation. The Auditor was informed the SIU does not defer to the Commonwealth Attorney's Office if the act was clearly not criminal. Command staff were asked if a contractor or volunteer had been disciplined within the previous 12 months for violating the VADOC sexual abuse or sexual harassment policies and procedures. The Auditor was informed no contractor or volunteer had been found in violation of those policies during this audit cycle.

The facility notifies the Virginia Board of Health Professionals when a licensed medical or mental health professional is found in violation of such policies.

Conclusion:

The VADOC maintains appropriate policies to ensure contractors and volunteers at the Rustburg Correctional Unit are removed from offender contact after committing an act of sexual abuse or sexual harassment of an offender. The Auditor reviewed the agency's policies, procedures, training records, training curriculum and conducted formal interviews with staff, volunteer and contractor to determine the facility meets the requirements of this standard.

115.78	Disciplinary sanctions for inmates
	<p data-bbox="252 170 896 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="252 248 523 282">Auditor Discussion</p> <p data-bbox="252 327 536 360">Auditor Discussion:</p> <p data-bbox="252 400 1474 689">The agency’s policy allows staff to discipline an offender for participating in an act of offender-on-offender sexual abuse. Offenders will not be disciplined for sexual contact with a staff member if the staff member consented to the act. Policy requires discipline sanctions only after the offender participates in a formal disciplinary hearing and the hearing committee finds evidence of guilt. The agency’s policy allows staff to discipline offenders for acts of sexual abuse after a criminal finding of guilt. According to facility policy, sanctions following the discipline process must consider the following:</p> <ul data-bbox="300 759 1474 920" style="list-style-type: none"> • The nature and circumstances of the offense committed; • The offender’s discipline history; and • The penalty imposed for comparable offenses committed by other offenders with similar histories. <p data-bbox="252 958 1453 1120">The discipline process is required to consider whether the offender’s mental disabilities or mental illness contributed to his/her behavior when determining what type of sanction, if any, should be imposed. The Qualified Mental Health Professional is required by policy to assess the following:</p> <ul data-bbox="300 1189 1385 1395" style="list-style-type: none"> • Clinical impressions related to the discipline offense; • Likelihood of understanding the acceptance of a Penalty Offer; • Likelihood of effectively participating in the hearing; • Potential impact of Special Housing on offender’s cognitive/mental condition; and • Provide relevant comments and/or recommendations. <p data-bbox="252 1433 1474 1639">Agency policy 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 interventions as a condition of access to programming or other benefits.</p> <p data-bbox="252 1677 1474 1966">Agency staff is prohibited from disciplining an offender who makes a report of sexual abuse in good faith and based on a reasonable belief the incident occurred, even if the investigation does not establish sufficient evidence to substantiate the allegation Sexual activity between offenders is prohibited within agency facilities. Any offender found to have participated in sexual activity (even consensual) is disciplined for such activity. If sexual activity between offenders is found to be consensual the Virginia Department of Corrections personnel may not consider the sexual activity as an act of sexual abuse.</p> <p data-bbox="252 2004 576 2038">Evidence Relied Upon:</p> <p data-bbox="252 2076 735 2110">Policy - 861.1, pg. 6, 8, 11-12, 15, 21</p>

Policy - 820.2, pg. 4-5

Policy - 830.3, pg. 6

Policy - 038.3, pg. 4, 8-9

Interview with Investigator

Interview with Medical Practitioner

Interview with Mental Health Practitioner

Interviews with Offenders

Analysis/Reasoning:

The Auditor conducted a formal interview with an agency Investigator. The Investigator informed the Auditor disciplinary charges are placed following a substantiated administrative allegation of sexual abuse and/or following a criminal finding of guilt. The Investigator does not place disciplinary charges on an offender if the investigative determination is unfounded or unsubstantiated. The investigator was asked if charges are placed on offenders if an act is consensual. The Auditor was informed disciplinary charges are placed on offenders for participating in sexual activity but the incident would not be considered sexual abuse.

The Auditor conducted a formal interview with the Health Services Administrator. The Auditor asked what services are offered to victims of sexual abuse. Offenders are offered counseling, therapy, referrals and other interventions. The Auditor asked if offenders are required to participate in any meetings or sessions with medical or mental health practitioners. The Auditor was informed offenders are not forced to participate in any medical or mental health service offered at the facility. Medical and mental health services are offered to offenders and offenders are provided services after requesting such. The mental health practitioner informed the Auditor he is involved in decisions following an act of sexual abuse, including a consideration of whether mental disabilities may have contributed to the incident.

There were no offenders at the facility who had filed an allegation of sexual abuse in the previous 12 months. No offender had been found to have participated in an act of sexual abuse. The facility reported there was no offender disciplined for making an allegation of sexual abuse in bad faith during the previous 12 months. The facility reported no offender has been found guilty of a criminal charge of sexual abuse. The agency referred one allegation to the SIU for criminal investigation in the previous 12 months. The incident was consensual between a staff member and offender. The offender was not disciplined for an act of sexual abuse following the incident. The Auditor reviewed the records of offenders and did not discover evidence an offender had been disciplined for making an allegation of sexual abuse.

The facility received no allegations of sexual abuse during this audit cycle.

Conclusion:

The Auditor discovered the agency maintains policies that align with PREA standard 115.78 Discipline Sanctions for Inmates. Facility personnel ensure the policy is applied when choosing whether to discipline an offender for reporting or participating in an act of sexual abuse. The Auditor reviewed the facility's policies, procedures, interviewed staff and offenders and

determined the facility meets the requirements of this standard.

115.81	Medical and mental health screenings; history of sexual abuse
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Department of Corrections policy requires staff to offer a follow-up meeting with a medical or mental health professional and must occur within 14 days of arriving at the facility for any offender who informs staff he/she previously experienced sexual victimization. The policy applies to any offender who reported whether the abuse occurred in an institutional setting or in the community. The Qualified Mental Health Professional informs each offender of relevant treatment and programming options.</p> <p>Policy stipulates information related to sexual victimization and abusiveness that occurred in an institutional setting be strictly limited to medical, mental health, 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. Policy requires medical and mental health practitioners to obtain informed consent from offenders before reporting information about prior victimization that did not occur in an institutional setting, unless the offender is under the age of 18.</p> <p>Evidence Relied Upon:</p> <p>Policy - 730.2, pg. 6</p> <p>Policy - 425.4, pg. 3</p> <p>Policy - 701.3, pg. 7</p> <p>Offender Records</p> <p>Interviews with Medical Practitioners</p> <p>Interview with Mental Health Practitioner</p> <p>Interviews with Staff</p> <p>Interviews with Offenders</p> <p>Analysis Reasoning:</p> <p>The Auditor reviewed the records of 50 offenders. Of the 50 records reviewed the Auditor discovered no offenders reported suffering sexual abuse during the booking process. There were no offenders who were offered a follow-up with a mental health practitioner as a result of previously suffering sexual victimization. The Auditor observed there were no offenders who had previous charges related to perpetrating sexual abuse.</p> <p>The Auditor conducted a formal interview with the Health Services Administrator. Medical practitioners meet with every offender who enters the agency. The Auditor asked if offenders are offered a follow up with the mental health professional when they report previously suffering sexual abuse. The Auditor was informed they are offered a follow-up meeting with a</p>

Mental Health Professional. Medical practitioners were asked who medical and mental health share their information with. The Auditor was informed they only discuss the information they learn with those who have a need to know. The Auditor asked the HSA if they obtain written informed consent prior to sharing information related to sexual victimization. The Auditor was informed if the victimization occurred in a community setting then written informed consent would be obtained prior to reporting. No medical or mental health practitioner has had a need to report such victimization.

The Auditor asked the medical health practitioner who information regarding a sexual victimization or abusiveness that occurred in an institutional setting is reported to. The Auditor was informed that information is reported to the Shift Commander. The Auditor asked who has access to an offender's medical and mental health record. Only medical and mental health practitioners have access to an offender's medical and mental health records.

The Auditor conducted a formal interview with a mental health practitioner. The Auditor asked if he meets with offenders who have suffered sexual victimization in the community. The mental health practitioner stated he does meet with them when they agree to do so. The mental health professional is notified when an offender reports suffering sexual victimization in the community, following an incident of sexual abuse and by referral or requests. When the offender agrees to accept the meeting, he meets with the offender within 14 days. The Auditor asked if meetings with him are mandatory. The mental health professional stated meetings are not mandatory. The Auditor asked if sexual abusers are offered a follow-up meeting with mental health. The mental health practitioner informed the Auditor abusers are offered a follow up but are not required to participate.

The Auditor conducted a formal interview with a counselor. The counselor was asked if offenders are offered a follow up meeting with a medical or mental health practitioner if an offender reports previously suffering sexual victimization during the classification process. The Auditor was informed a follow up with the QMHP is offered and the date of referral is documented on the Classification Questionnaire. When asked how long it generally takes for the meeting to occur the Auditor was informed the QMHP generally meets with the offender within a couple days. Mental health services are offered by Video TeleConferencing in the facility. The counselor was asked who has access to the information obtained on the screening questionnaire. The Auditor was informed that information is accessible to select personnel who can inform housing, treatment and education decisions. Access is controlled by individual usernames and passwords and access is assigned by position.

The Auditor conducted a formal interview with an offender who previously suffering sexual victimization in the community. The Auditor asked the offender if he was offered a follow-up meeting with a medical or mental health practitioner. The offender informed the Auditor he did not report his victimization to agency personnel. The Auditor reviewed the record of the offender. The record revealed the offender informed the counselor he had not previously suffered sexual victimization.

The Rustburg Correctional Unit does not house youthful offenders.

Conclusion:

The Auditor concluded offenders are offered a follow-up with a medical or mental health practitioner after reporting they have suffered sexual victimization. Medical and mental health

practitioners inform only those with a "need to know" of information related to sexual victimization. The Auditor reviewed the agency's policies, procedures, offender record, conducted interviews with staff, medical/mental health practitioners and offenders. After a thorough review the Auditor concluded the agency meets the requirements of this standard.

115.82	Access to emergency medical and mental health services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Department of Corrections policy requires offender victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The nature and scope of treatment and services are determined by the medical and mental health practitioners according to their professional judgement. The facility offers victims of sexual abuse timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis in accordance with professionally accepted standards of care, where medically appropriate.</p> <p>Policy requires security staff members to take preliminary steps to protect a victim when no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made. Security staff is required to immediately notify the appropriate medical and mental health practitioners. The facility does maintain 24-hour medical coverage.</p> <p>The VADOC policy states, "Treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident."</p> <p>Evidence Relied Upon:</p> <p>Policy - 720.7, pgl 7-8</p> <p>Policy - 730.2, pg. 7</p> <p>Policy - 720.4, pg. 5</p> <p>Sexual Assault Response Checklist</p> <p>MOU with the Virginia Sexual Domestic Violence Action Alliance</p> <p>Offender Handbook</p> <p>Coordinated Response Plan</p> <p>Interviews with Staf</p> <p>Ingerviews with Offenders</p> <p>Analysis/Reasoning:</p> <p>The Auditor conducted formal interviews with medical and mental health practitioners. The Auditor asked if they feel medical and mental health services offered at the facility are consistent with a community level of care. The practitioners feel the services offered at the facility are consistent with those offered in the community. The Auditor was informed offenders have quicker access to services in the facility than they would in the community. The Auditor asked if there is ever a time when no medical practitioner is on duty. The Auditor was informed</p>

the facility provides medical services Monday through Friday from 6:00 to 3:30. The Health Services Administrator informed the Auditor she is always "on call" when she is not at the facility.

Medical practitioners informed the Auditor offenders receive timely, unimpeded access to emergency medical treatment and crisis intervention services. Crisis intervention services are offered by the QMHP and through the Virginia Sexual and Domestic Violence Action Alliance. Mental health services are offered by Video TeleConferencing. The Auditor asked the Health Services Administrator the facility offers timely information and access to sexually transmitted infection prophylaxis to offenders who are victimized by sexual abuse. The HSA informed the Auditor offenders do receive such. The HSA informed the Auditor sexually transmitted infection prophylaxis is offered during the forensic examination and at the facility.

Medical and mental health practitioners were asked if offenders are charged a fee for treatment services related to a sexual abuse victimization. The Auditor was informed all services related to sexual abuse victimization are free to the victim. Each offender interviewed by the Auditor was aware treatments related to sexual victimization are provided at no cost to the victim. The facility does not offer emergency contraception as it only houses male offenders.

The Auditor reviewed security staff training records. Security staff are provided training in CPR and first aid in the event first responder treatment is needed when there is no medical practitioner at the facility. The Auditor conducted formal interviews with security staff. Each informed the Auditor they take immediate steps to ensure victims are protected and receive emergency medical care in the event needed. Security staff immediately notify their supervisor and medical personnel following an incident of sexual abuse. Security supervisors were asked what actions they take to ensure the safety of the offender following a sexual abuse incident. The Auditor was informed the offender is immediately escorted to the medical area. The Shift Commander immediately contacts the Health Services Administrator following an incident of sexual abuse that occurs when no medical personnel are on site.

The Auditor reviewed the agency's Coordinated Response Plan. Among other actions, the plan includes the following:

- Notify medical staff immediately;
- Escort the victim to the medical department as soon as possible to provide examination, treatment, and evaluation;
- Make arrangements to have alleged victim taken to a hospital that provides a PERK test if advised by medical;
- Administer first aid if necessary;
- Make appropriate referrals for further medical treatment and/or mental health counseling; and
- Follow through with recommended medical treatments and/or mental health counseling.

The Auditor reviewed the agency's Sexual Assault Response Checklist. Among other actions, the checklist requires the following actions be documented:

- Escort the victim to the facility medical unit as soon as possible to provide examination,

treatment, and evaluation;

- If there is indication of sexual assault, ensure the victim is transported to the local hospital for further treatment, examination, documentation, collection of forensic evidence (PERK kit), and testing for sexually transmitted diseases;
- Ensure referral for counseling and mental health service needs if warranted; and
- Ensure follow up medical treatment or mental health service needs are arranged.

The Auditor reviewed the Memorandum of Understanding with the Virginia Sexual and Domestic Violence Action Alliance. The memorandum stipulates the VSDVAA agrees to maintain a statewide Hotline that provides confidential crisis intervention and emotional support services related to sexual abuse or assault victims. The VSDVAA also agrees to provide accompaniment services during a forensic examination and investigations. The Auditor conducted a telephone interview with a victim advocate from the Virginia Sexual and Domestic Violence Action Alliance. The Auditor discussed the Memorandum of Understanding with the victim advocate. The advocate explained the crisis intervention services offered to offender victims of sexual abuse. The victim advocate was unaware of an offender who has requested crisis intervention services from the RCU.

The Auditor conducted formal interviews with offenders. The Auditor discovered there were offenders aware of crisis intervention services and others who were not aware. Each was asked if they were provided a Zero Tolerance Brochure. Each informed the Auditor they remember receiving written information during the booking process. The agency's Zero Tolerance Brochure provides the contact information to the VSDVAA. Each offender was asked if they were aware services related to sexual abuse are free to offender victims. Each was aware those services are free. The Auditor asked offenders if they watched a video related to sexual abuse. Each offender remembered watching the video. Each offender reported they received an Offender Handbook upon arrival. The Offender Handbook states, "Victims of sexual abuse are offered medical and mental health treatment at no cost, to include a forensic medical exam if necessary."

The Auditor conducted a telephone interview with a Sexual Assault Nurse Examiner. The SANE was asked if she provides pregnancy testing, emergency contraception and sexually transmitted disease infection prophylaxis. The Auditor was informed she does offer such when appropriate. The SANE informed the Auditor offenders do not pay a fee for the forensic examination.

The agency has not sent an offender for a forensic examination in the previous 12 months.

Conclusion:

The Auditor determined the facility provides offenders access to timely and unimpeded access to emergency medical services. Medical practitioners provide offender victims with sexually transmitted infections prophylaxis. The Auditor reviewed the agency's policies, procedures, MOU, Offender Handbook, Coordinated Response Plan, Sexual Assault Response Checklist and interviewed staff, offenders and SANE. The Auditor determined the agency meets the requirements of this standard.

115.83	Ongoing medical and mental health care for sexual abuse victims and abusers
Auditor Overall Determination: Meets Standard	
Auditor Discussion	
<p>Auditor Discussion:</p> <p>The VA DOC policy is to offer medical and mental health evaluations and treatment services, as appropriate, to all offenders who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. Policy stipulates, as appropriate, the evaluations and treatments include the following:</p> <ul style="list-style-type: none"> ● Follow-up services; ● Treatment plans; and ● Referrals for continued care following a transfer to, or placement in, other facilities, or release from custody, when appropriate. <p>The VADOC policy mandates pregnancy tests for sexually abusive vaginal penetration, timely and comprehensive information about lawful pregnancy-related medical services and tests for sexually transmitted infections as medically appropriate be offered to victims of sexual abuse. The policy requires medical and mental health services be provided consistent with a community level of care.</p> <p>All medical and mental health treatment services are provided to offender victims of sexual abuse without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.</p> <p>The agency's policy requires QMHPs 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.</p> <p>Evidence Relied Upon:</p> <p>Policy - 720.7, pg. 9</p> <p>Policy - 730.2, pg. 7-8</p> <p>Policy - 720.1, pg. 3</p> <p>Policy - 720.4, pg. 5</p> <p>Offender Records</p> <p>Interviews with Medical Practitioners</p> <p>Interviews with Staff</p> <p>Interview with SANE</p> <p>Analysis/Reasoning:</p> <p>The Auditor conducted a formal interview with a mental health practitioner. The mental health</p>	

practitioner does not stipulate a minimum or maximum time he meets with victims of sexual abuse. The mental health practitioner meets with victims and abusers if the victim or abuser requests such meeting or if medically necessary. Treatments and evaluations occur as needed or until treatment plans determine a need no longer exists. The Auditor asked the mental health practitioner what services are offered to victims of sexual abuse. The Auditor was informed counseling sessions, referrals if appropriate and follow-up services, if needed. The mental health practitioner creates and follows treatment plans. The Auditor asked the mental health practitioner if he felt services offered at RCU are consistent with a community level of care. The Auditor was informed the services offered at RCU are consistent with community level services.

The Auditor asked the mental health practitioner if he attempts to discover the underlying reason or motivations that cause sexual abusers to commit such acts. The medical practitioner informed the Auditor he does attempt to conduct evaluations and treatments with offender-on-offender sexual abusers. The Auditor was informed participation in mental health sessions are not mandatory or required. The Auditor asked how long after learning an offender committed an act of offender-on-offender sexual abuse does he meet with them.

The mental health practitioner stated he meets with the offender within 60 days of learning of the abuse.

The Auditor discussed the practice of offering sexually transmitted infection prophylaxis and pregnancy tests with medical practitioners. The Auditor was informed those tests are offered at the time of the forensic examination. The medical practitioner informed the Auditor those tests are also offered by medical practitioners at the facility. The HSA stated the facility does not offer pregnancy testing as only males are housed at the facility. The Auditor asked what the cost of services are for victims of sexual abuse. The Auditor was informed there are no costs for evaluations and treatments related to sexual victimization. The HSA informed the Auditor she feels the services offered at the RCU are consistent with a community level of care. At the time of the Audit there were no transgender offenders who have female genitalia.

The Auditor conducted an interview with an offender who previously suffered sexual abuse in the community. The offender was asked if he had met with a mental health practitioner. The offender informed the Auditor he had not met with a mental health practitioner. Further questioning with the offender revealed the offender did not report his previous victimization to agency personnel. The Auditor reviewed the offender's record and observed the previous victimization was not reported by the offender. Interviews with offenders revealed offenders are aware services related to victimization are free to the victim.

The Auditor conducted a telephone interview with the Sexual Assault Nurse Examiner. The SANE explained RCU victims are offered sexually transmitted disease testing and pregnancy testing at the time of a forensic exam. The SANE offers female victims timely information and timely access to lawfully pregnancy related services. The Auditor asked how much do the SANE services cost an offender. The SANE does not directly bill the offender for services related to the forensic examination. The SANE informed the Auditor there has not been a forensic examination conducted for an offender from the Rustburg Correctional Unit in the past 12 months. The RCU does not house female offenders.

Conclusion:

The facility's medical and mental health practitioners offer counseling, treatment, sexually

transmitted infection prophylaxis and make referrals for continued care when necessary. The services provided to offender victims are consistent with a community level of care. The Auditor reviewed policies, procedures, offender records, interviewed offenders, SANE and medical/mental health practitioners to determine the facility meets the requirements of this standard.

115.86	Sexual abuse incident reviews
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Department of Corrections policy is to conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, unless the allegation was determined unfounded. The incident review is required to be conducted and the report submitted to the Regional PREA Analyst no later than 14 calendar days of the conclusion of the investigation. Policy allows for an extension if the facility determines the report will not be completed within 14 days. The facility must contact the Regional PREA Analyst to discuss the extension. The VA DOC policy requires the review team include:</p> <ul style="list-style-type: none"> ● At least 2 employees designated by the Unit Head; ● One Administrative Duty Officer who will solicit input from the PREA Compliance Manager; ● Line supervisors; ● Investigators; and ● Medical or mental health practitioners. <p>Agency policy requires the review team conduct the following tasks:</p> <ul style="list-style-type: none"> ● Provide a brief summary of the incident; clarify the original Incident Report or Internal Incident Report, as needed; ● Provide an analysis of the causal factors and contributing circumstances; ● Determine what can be done to limit the occurrence or reduce the severity of future incidents; consider whether there was a proper application of current procedure, practice, staffing and/or training; or whether there is a need to revise the current procedure, practice, staffing, and/or training; ● Consider whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, or intersex identification, status, perceived status, gang affiliation or was motivated or otherwise caused by other group dynamics at the facility; ● Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may have contributed to the incident; ● Assess the adequacy of staffing levels in that area during different shifts; ● Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and ● Develop an Action Plan to limit or mitigate similar future incidents. <p>The agency's policy requires the review team include the team's findings and recommendations for improvement. The Incident Review Team is required to submit the report to the Regional PREA Analyst and Regional Office for review by the Regional Administrator and/or Regional Operations Chief. The facility is required to implement the recommendations for improvement or shall document the reasons for not doing so.</p>

Evidence Relied Upon:

Policy - 038.1, pg. 10-12

Policy - 038.3, pg. 14

PREA Report of Incident Review

Interviews with Staff

Analysis/Reasoning:

The facility reported no allegations of sexual abuse during the previous 12 months. The Auditor determined the facility was not required to conduct an incident review as there were no investigations of alleged sexual abuse within the past 12 months. The Auditor conducted formal interviews with offenders. Each was asked if they had ever seen or heard of an incident of sexual abuse or sexual harassment occurring in the facility. None of the offenders had seen or heard of an incident occurring.

The Auditor conducted a formal interview with a staff member who serves on the Incident Review Team. The staff member discussed the process of the review team with the Auditor. The staff member explained the team reviews the investigative report and discusses the allegation with the investigator. The team member informed the Auditor the team follows a formatted form to ensure all elements of this standard are considered. The team member stated the team does discuss recommendations for improvement and include those recommendations on the final report. The Incident Review Team Member was asked when the team meets following an investigation. The Auditor was informed the team would meet within 30 days of the conclusion of the investigation. The Auditor asked if the team has met within the previous 12 months and was informed there has been no sexual abuse or sexual harassment allegations made during this audit cycle.

The Auditor conducted a review of the agency's PREA Report of Incident Review. The report is completed by the Incident Review team following the conclusion of a substantiated or unsubstantiated allegation of sexual abuse. The form requires the team member names be included. The form requires the signature of the Unit Head/Designee and the Regional Operations Chief/Regional Administrator. A copy of the form is forwarded to the Regional PREA/ADA Analyst. The Auditor observed the following considerations in the PREA Report of Incident Review:

- Consider whether the allegation or investigation indicates a need to change procedure or practice to prevent, detect or respond to sexual abuse. Review facility practice to ensure compliance with procedural requirements (e.g., housing assignments);
- Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian; gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
- Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
- Assess the adequacy of staffing levels in that area during different shifts; and
- Assess whether monitoring technology should be deployed or augmented to

supplement supervision by staff.

The PREA Report of Incident Review also asks, "What can be done to limit the occurrence or reduce the severity of future incidents?" There is a "Proposed Action Plan" section on the report that requires the specific parties and completion target dates.

The Incident Review Team was not required to conduct an incident review following an investigation into allegations of sexual abuse during this audit cycle.

Conclusion:

The Auditor determined the facility understands the requirement to conduct an incident review within 30 days of the conclusion of each substantiated and unsubstantiated sexual abuse investigation. The Incident Review Team documents the performance of each incident review on a formatted form. The Auditor reviewed the VADOC policies, procedures, PREA Report of Incident Review and conducted interviews with staff and determined the facility meets the requirements of this standard.

115.87	Data collection
	<p data-bbox="248 168 898 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="248 248 523 284">Auditor Discussion</p> <p data-bbox="248 329 536 365">Auditor Discussion:</p> <p data-bbox="248 405 1485 734">VADOC policy requires accurate, uniform data collection for every allegation of sexual abuse at facilities under its direct control, including private facilities, utilizing a standardized instrument and set of definitions. The incident-based data must be aggregated annually. Policy requires the collected data include, at a minimum, the data necessary to answer all questions from the most recent version of the United States Department of Justice’s, Survey of Sexual Violence. After receiving the Survey of Sexual Violence, the VA DOC is required to submit the previous calendar year’s data to the U. S. Department of Justice no later than June 30th.</p> <p data-bbox="248 775 1485 981">The Virginia Department of Corrections contracts confinement of offenders with the GEO group at the Lawrenceville Correctional Center. The Lawrenceville Correctional Center is not under the direct control of the Virginia Department of Corrections. The VADOC is not required to collect and aggregate data accumulated at the Lawrenceville Correctional Center. The GEO group is required to collect, aggregate and report data from its facility.</p> <p data-bbox="248 1021 576 1057">Evidence Relied Upon:</p> <p data-bbox="248 1095 528 1131">Policy - 038.3, pg. 14</p> <p data-bbox="248 1171 464 1207">Agency Website</p> <p data-bbox="248 1247 456 1283">Annual Reports</p> <p data-bbox="248 1323 608 1359">Surveys of Sexual Violence</p> <p data-bbox="248 1400 544 1435">Analysis/Reasoning:</p> <p data-bbox="248 1476 1453 1624">The Auditor reviewed the agency’s 2018 and 2019 Annual Reports published on the Virginia Department of Corrections website. Each report includes data aggregated from January 1st through December 31st. The reports were easily accessible as the agency’s website was simple to navigate. The data collected included definitions of the following:</p> <ul data-bbox="300 1693 975 1939" style="list-style-type: none"> • Offender-on-offender nonconsensual sexual acts • Offender-on-offender abusive sexual acts • Offender-on-offender sexual harassment • Staff-on-offender sexual victimization • Staff sexual misconduct • Staff sexual harassment <p data-bbox="248 1980 1477 2128">The agency contracts for the confinement of its offenders with the GEO Group. The GEO Group operates a private prison in Lawrenceville, VA. A review of the agency's PREA Annual Report reveals the agency is collecting data from the Lawrenceville Correctional Center where Virginia Department of Corrections offenders are housed, although the LCC is not under the</p>

VADOC's direct control.

The Agency's website includes all Bureau of Justice Surveys of Sexual Violence submitted by the agency from 2013 to 2015. The Auditor received copies of surveys submitted by the agency from 2014 through 2018 data. The VADOC PREA Hotline Coordinator compiles the data, completes the Survey of Sexual Violence and submits the completed form to the Bureau of Justice Statistics. All surveys are submitted by the PREA Hotline Coordinator before June 30th.

The Auditor interviewed the Regional PREA/ADA Analyst concerning the collection of sexual abuse data in agency facilities. All data is derived from investigative reports, Incident Reports, Incident Reviews, and all supporting documents in investigative records. Data is reported to the PREA Hotline Coordinator who is responsible for maintaining and compiling the annual data. The PREA Hotline Coordinator has an office in the VADOC Headquarters Building where data is securely stored in the locked office. All data derived from the RCU is securely maintained in the Investigator's locked office.

Conclusion:

The Auditor observed evidence the facility is collecting and aggregating sexual abuse data annually. The reported data is based on a standardized set of definitions. The Auditor reviewed the agency's policies, procedures, website, annual reports, Survey of Sexual Violence and interviewed staff and determined the facility meets the requirements of this standard.

115.88	Data review for corrective action
	<p data-bbox="248 170 898 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="248 248 523 282">Auditor Discussion</p> <p data-bbox="248 327 536 360">Auditor Discussion:</p> <p data-bbox="248 405 1453 562">The Virginia Department of Corrections policy requires a review of collected and aggregated data in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. The data review is conducted in an attempt to:</p> <ul data-bbox="300 629 1449 797" style="list-style-type: none"> • Identify problem areas; • Take corrective action on an ongoing basis; and • Prepare an annual report of its findings and corrective actions for each facility, as well as the agency as a whole. <p data-bbox="248 831 1018 864">Policy requires the data review report include the following:</p> <ul data-bbox="300 931 1361 1099" style="list-style-type: none"> • A comparison of the current year's data and corrective actions with prior years; • Provide an assessment of the DOC's progress in addressing sexual abuse; • Must be approved by the Director; and • Must be readily available to the public through the agency's website. <p data-bbox="248 1133 1461 1245">Policy allows the DOC to redact specific material from the report when publication would present a clear and specific threat to the safety and security of a facility. Any redactions must be documented in the report to indicate the nature of the material redacted.</p> <p data-bbox="248 1290 576 1323">Evidence Relied Upon:</p> <p data-bbox="248 1368 571 1402">Policy - 038.3, pg. 14-15</p> <p data-bbox="248 1435 456 1469">Annual Reports</p> <p data-bbox="248 1514 360 1547">Website</p> <p data-bbox="248 1581 512 1615">Interviews with Staff</p> <p data-bbox="248 1659 427 1693">Observations</p> <p data-bbox="248 1738 544 1771">Analysis/Reasoning:</p> <p data-bbox="248 1805 1477 2141">The Auditor reviewed the Virginia Department of Corrections website. The agency maintains annual reports that include its findings and corrective actions for all agency facilities, including a private facility for which it contracts for the confinement of VADOC offenders. The public can access the agency's reports through the "Offenders" dropdown tab and then by clicking on the "Prison Rape Elimination Act" link. Each report is accessible through the "PREA Reports Page" link. After opening this link the public can view each annual PREA Report and/or individual facility PREA Audit Reports. The agency's website includes annual reports published from 2014 through 2019.</p>

A review of the agency's annual reports reveals the agency attempts to discover problem areas within each agency facility based on a review of data collected. The agency's annual report includes any corrective actions taken by the VADOC. The "Corrective Actions" section of the 2019 annual report included a statement the agency replaced the doors of Administrative Offices so staff can see the toilet areas at the Rustburg Correctional Unit. The doors allow staff the ability to see the entrance to toilet areas but not into the toilet area. While on site the Auditor verified staff cannot see into the toilet areas from administrative offices. The agency's 2019 Annual Report included corrective actions made at 33 VADOC facilities and specifies the corrective actions made at each facility. The annual report includes a "Summary & Comparison" section. The section identifies the following:

- Increase in call/reporting volumes from 2018 to 2019
- PREA Hotline calls increased by approximately 292 calls
- Increase in Staff Sexual Harassment allegations
- Decrease in Staff Sexual Misconduct, specifically voyeurism allegations
- PREA Hotline mailbox size increased due to high volume of calls received
- More Non-PREA calls received than PREA calls. This resulted in additional reminders to the offender population as to the appropriate use of the PREA Hotline
- Regional PREA Analyst conducted quarterly site visits to review audit documentation, talk to staff and offenders about PREA and how to report
- Regional PREA Analyst toured all areas of the institutions with the sole purpose of looking for blind spots and making recommendations to remedy them
- Regional PREA Analyst conducted additional PREA Specialized Training for new investigators
- All facility audits during the 3rd year of the audit cycle passed without a formal corrective action period
- Curriculum for orientation and in-service were modified to make it more interactive
- PREA Newsletter was created and distributed monthly
- The PREA Unit presented multiple internal conferences to ensure staff in specific roles understood their responsibilities for PREA Compliance in their roles

The Auditor observed a section of the annual report that compares data from each facility in the specific regions with one another. The data is compared in a pie graph style. The data is compared for the Western, Central and Eastern Regions. The section also includes a pie graph comparison of the agency data as a whole. In addition to the pie graph charts, each includes the numbers of the allegations for the top three facilities in each region.

The Auditor discussed the annual reporting process with the Regional PREA/ADA Analyst. The information for the annual report is derived from investigative reports, Incident Reviews and other relevant documents included in investigative records from each VADOC facility. Corrective actions are implemented at facilities when needed as the Incident Review Team recommends corrective actions when warranted following the incident review. Any corrective actions taken are documented in the agency's annual report. When problem areas are discovered, the Incident Review Team recommends a solution to address the problem area and include the specifics in the annual report.

The Director of the Virginia Department of Corrections approves the agency's annual report before publishing on the agency's website. The Director and PREA Coordinator sign the annual report. The Auditor did not observe any redacted materials from any of the VADOC

published reports.

Conclusion:

The Auditor concluded the agency completes an annual review of collected and aggregated sexual abuse data from its facilities, including a private facility that the agency contracts for the confinement of VADOC offenders. The annual report addresses problem areas and corrective actions taken and is approved by the Director prior to publishing on the agency's website. The Auditor reviewed the agency's policies, procedures, website, Annual Reports, made observations and interviewed staff to determine the agency meets the requirements of this standard.

115.89	Data storage, publication, and destruction
	<p data-bbox="252 170 895 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="252 248 523 280">Auditor Discussion</p> <p data-bbox="252 327 533 358">Auditor Discussion:</p> <p data-bbox="252 400 1461 645">The agency’s policy requires sexual abuse data at facilities under its direct control is securely retained. Policy requires all aggregated sexual abuse data readily available to the public at least annually on its website. Policy stipulates personal identifiers will be removed. The VADOC requires sexual abuse data is maintained for at least 10 years after the date of initial collection, unless Federal, State, or local law requires otherwise. All VADOC agency data is maintained by the agency's PREA Hotline Coordinator.</p> <p data-bbox="252 687 572 719">Evidence Relied Upon:</p> <p data-bbox="252 761 528 792">Policy - 038.3, pg. 15</p> <p data-bbox="252 835 512 866">Interviews with Staff</p> <p data-bbox="252 909 424 940">Observations</p> <p data-bbox="252 983 544 1014">Analysis/Reasoning:</p> <p data-bbox="252 1057 1477 1431">The Auditor conducted an interview with the facility investigator, PREA Compliance Manager and Regional PREA/ADA Analyst. The Investigator is responsible for reporting facility data to the PREA Compliance Manager. All facility data gathered by the Investigator is maintained in his locked office. The data reported to the PREA Compliance Manager is maintained in her locked office. All data is reported to the agency's PREA Hotline Coordinator (PHC). The data collected by the PHC is maintained by the coordinator in an office in the VADOC Headquarters Building. Information for the agency's annual report is compiled from investigative files, Incident Reviews and other supporting reports. All electronic data is maintained on computers that require a unique username and password to gain access to the data.</p> <p data-bbox="252 1473 1477 1848">The Auditor reviewed the agency's website. The website included annual sexual abuse data collection in an annual report. The Auditor observed data collected from 2014 through 2019. There were no personal identifiers included in any agency annual reports. The Auditor was informed sexual abuse and sexual harassment data is maintained by the PREA Hotline Coordinator for a minimum of 10 years after collection. A username and password are required to gain access to the computer used by the PREA Hotline Coordinator. All investigative data used to compile the data is maintained in the Investigator's locked office and on his computer that requires a username and password. The Auditor observed the office of the Investigator.</p> <p data-bbox="252 1890 424 1921">Conclusion:</p> <p data-bbox="252 1964 1337 2036">The Auditor reviewed the agency's website, annual reports, made observations and interviewed staff to determine the agency meets the requirements of this standard.</p>

115.401	Frequency and scope of audits
	<p data-bbox="252 170 896 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="252 248 523 282">Auditor Discussion</p> <p data-bbox="252 327 536 360">Auditor Discussion:</p> <p data-bbox="252 405 1437 651">Each facility under the direct control of the Virginia Department of Corrections had been audited at least once during the previous three-year audit cycle. During the previous three-year audit cycle, the Virginia Department of Corrections ensured at least one-third of its facilities were audited each year. This is the second year of an audit cycle. During the first year of this cycle the Virginia Department of Corrections ensured at least one third of its facilities were audited. The Rustburg Correctional Unit was last audited in August 2017.</p> <p data-bbox="252 685 576 719">Evidence Relied Upon:</p> <p data-bbox="252 763 611 797">Previous PREA audit report</p> <p data-bbox="252 831 416 864">Facility Tour</p> <p data-bbox="252 909 536 943">Interactions with Staff</p> <p data-bbox="252 976 544 1010">Analysis/Reasoning:</p> <p data-bbox="252 1055 1453 1346">The agency conducted this audit during the second year of the current audit cycle. The Auditor was provided and reviewed the relevant policies, procedures, documents and other applicable reports to assist with rendering a decision on the facility's level of compliance with relevant standards. The Auditor reviewed a relevant sampling of documentation from the previous 12 month period. The facility allowed the Auditor to conduct formal interviews with offenders and staff. Agency personnel provided the Auditor with a detailed tour, allowing the Auditor access to all areas in the facility.</p> <p data-bbox="252 1379 1485 1592">During the audit the facility provided additional documents that were requested by the Auditor to aid in a determination of the facility's level of compliance. The Auditor observed camera placements and reviewed monitors to ensure offenders were not able to be viewed naked by a staff member of the opposite sex through the facility's video system. The offender population was allowed to correspond confidentially with the Auditor prior to the Auditor's arrival.</p> <p data-bbox="252 1626 1485 1883">The Auditor reviewed the agency's previous PREA audit report and observed the facility complied with all standards after conducting additional training with staff, education with offenders and implementation of practices to comply with standards 115.16, 115.31 and 115.53. The previous Auditor was allowed access to all areas, conducted interviews with staff and offenders and was provided facility documents during the previous audit. During the previous PREA audit the facility allowed offenders to confidentially correspond with the Auditor.</p> <p data-bbox="252 1917 1461 2085">The Auditor communicated with a victim advocate with the Virginia Sexual and Domestic Violence Action Alliance and the Sexual Assault Nurse Examiner with the Lynchburg General Hospital to gain an understanding of services offered through the Memorandums of Understanding with the VADOC.</p> <p data-bbox="252 2119 1453 2152">On September 18, 2020 the Auditor sent a letter to be posted in all offender housing units in</p>

the Rustburg Correctional Unit. The notice included the Auditor's address for written correspondence. The Auditor sent the facility an English and Spanish version of each notice. The Auditor received no correspondences from an offender prior to arriving on site for the audit. The Auditor observed the confidential correspondence notices posted in all offender housing units. The Regional PREA/ADA Analyst confirmed in an email the notices were posted and the Auditor confirmed all notices were posted on September 25, 2020 during the facility tour. The notices were posted approximately 6 weeks prior to the audit.

The U.S. Department of Justice did not send a recommendation to the Virginia Department of Corrections for an expedited audit of the Rustburg Correctional Unit during this audit period.

Conclusion:

The Auditor concluded the Rustburg Correctional Unit meets the requirements of this standard.

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The agency has published its previous PREA Audit reports on its website.</p> <p>Evidence Relied Upon:</p> <p>Agency Website</p> <p>Previous PREA Audit Reports</p> <p>Analysis/Reasoning:</p> <p>The Auditor reviewed the agency's website which includes a link for its previous PREA Audit reports. The reports are easily accessible through a "drop-down" menu on the "Offenders" tab. After accessing the tab the public can access reports through the "Prison Rape Elimination Act" hyperlink. This page includes a "PREA Reports page." Each audit report for all VADOC facilities is accessible on the page. The Rustburg Correctional Unit was last audited in August 2017.</p> <p>Conclusion:</p> <p>The Auditor determined the agency meets the requirements of this standard.</p>

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

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

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

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

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

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

115.16 (b)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient?	yes
	Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes
115.16 (c)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations?	yes

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

115.17 (c)	Hiring and promotion decisions	
	Before hiring new employees who may have contact with inmates, does the agency perform a criminal background records check?	yes
	Before hiring new employees who may have contact with inmates, does the agency, consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse?	yes
115.17 (d)	Hiring and promotion decisions	
	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates?	yes
115.17 (e)	Hiring and promotion decisions	
	Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees?	yes
115.17 (f)	Hiring and promotion decisions	
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions?	yes
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees?	yes
	Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?	yes
115.17 (g)	Hiring and promotion decisions	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes

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

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

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

115.22 (c)	Policies to ensure referrals of allegations for investigations	
	If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).)	na
115.31 (a)	Employee training	
	Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?	yes
	Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?	yes
	Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims?	yes
	Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse?	yes
	Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?	yes

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

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

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

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

115.35 (d)	Specialized training: Medical and mental health care	
	Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.)	yes
	Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.)	yes
115.41 (a)	Screening for risk of victimization and abusiveness	
	Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
	Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
115.41 (b)	Screening for risk of victimization and abusiveness	
	Do intake screenings ordinarily take place within 72 hours of arrival at the facility?	yes
115.41 (c)	Screening for risk of victimization and abusiveness	
	Are all PREA screening assessments conducted using an objective screening instrument?	yes

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

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

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

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

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

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

115.51 (b)	Inmate reporting	
	Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?	yes
	Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the inmate to remain anonymous upon request?	yes
	Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility never houses inmates detained solely for civil immigration purposes.)	na
115.51 (c)	Inmate reporting	
	Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Does staff promptly document any verbal reports of sexual abuse and sexual harassment?	yes
115.51 (d)	Inmate reporting	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?	yes
115.52 (a)	Exhaustion of administrative remedies	
	Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse.	yes

115.52 (b)	Exhaustion of administrative remedies	
	Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)	yes
	Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.)	yes
115.52 (c)	Exhaustion of administrative remedies	
	Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	yes
	Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	yes
115.52 (d)	Exhaustion of administrative remedies	
	Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)	yes
	If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)	yes
	At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)	yes

115.52 (e)	Exhaustion of administrative remedies	
	Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Are those third parties also permitted to file such requests on behalf of inmates? (If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.)	yes
	If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)	yes

115.52 (f)	Exhaustion of administrative remedies	
	Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)	yes
	Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
	Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
115.52 (g)	Exhaustion of administrative remedies	
	If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.)	yes

115.53 (a)	Inmate access to outside confidential support services	
	Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations?	yes
	Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility never has persons detained solely for civil immigration purposes.)	na
	Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible?	yes
115.53 (b)	Inmate access to outside confidential support services	
	Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws?	yes
115.53 (c)	Inmate access to outside confidential support services	
	Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse?	yes
	Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements?	yes
115.54 (a)	Third-party reporting	
	Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment?	yes
	Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate?	yes

115.61 (a)	Staff and agency reporting duties	
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation?	yes
115.61 (b)	Staff and agency reporting duties	
	Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions?	yes
115.61 (c)	Staff and agency reporting duties	
	Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section?	yes
	Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services?	yes
115.61 (d)	Staff and agency reporting duties	
	If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws?	yes
115.61 (e)	Staff and agency reporting duties	
	Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators?	yes

115.62 (a)	Agency protection duties	
	When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate?	yes
115.63 (a)	Reporting to other confinement facilities	
	Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred?	yes
115.63 (b)	Reporting to other confinement facilities	
	Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?	yes
115.63 (c)	Reporting to other confinement facilities	
	Does the agency document that it has provided such notification?	yes
115.63 (d)	Reporting to other confinement facilities	
	Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?	yes

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

115.67 (a)	Agency protection against retaliation	
	Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff?	yes
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes
115.67 (b)	Agency protection against retaliation	
	Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations?	yes

115.67 (c)	Agency protection against retaliation	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff?	yes
	Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?	yes
115.67 (d)	Agency protection against retaliation	
	In the case of inmates, does such monitoring also include periodic status checks?	yes

115.67 (e)	Agency protection against retaliation	
	If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?	yes
115.68 (a)	Post-allegation protective custody	
	Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43?	yes
115.71 (a)	Criminal and administrative agency investigations	
	When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
	Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
115.71 (b)	Criminal and administrative agency investigations	
	Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34?	yes
115.71 (c)	Criminal and administrative agency investigations	
	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
	Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
	Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes
115.71 (d)	Criminal and administrative agency investigations	
	When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?	yes

115.71 (e)	Criminal and administrative agency investigations	
	Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes
115.71 (f)	Criminal and administrative agency investigations	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes
	Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?	yes
115.71 (g)	Criminal and administrative agency investigations	
	Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?	yes
115.71 (h)	Criminal and administrative agency investigations	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
115.71 (i)	Criminal and administrative agency investigations	
	Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	yes
115.71 (j)	Criminal and administrative agency investigations	
	Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?	yes
115.71 (l)	Criminal and administrative agency investigations	
	When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).)	na

115.72 (a)	Evidentiary standard for administrative investigations	
	Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?	yes
115.73 (a)	Reporting to inmates	
	Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	yes
115.73 (b)	Reporting to inmates	
	If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)	na
115.73 (c)	Reporting to inmates	
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the inmate's unit?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility?	yes

115.73 (d)	Reporting to inmates	
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility?	yes
	Following an inmate's allegation that he or she has been sexually 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
115.73 (e)	Reporting to inmates	
	Does the agency document all such notifications or attempted notifications?	yes
115.76 (a)	Disciplinary sanctions for staff	
	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes
115.76 (b)	Disciplinary sanctions for staff	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes
115.76 (c)	Disciplinary sanctions for staff	
	Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories?	yes
115.76 (d)	Disciplinary sanctions for staff	
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies(unless the activity was clearly not criminal)?	yes
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?	yes

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

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

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

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

115.83 (h)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)	yes
115.86 (a)	Sexual abuse incident reviews	
	Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded?	yes
115.86 (b)	Sexual abuse incident reviews	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes
115.86 (c)	Sexual abuse incident reviews	
	Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?	yes

115.86 (d)	Sexual abuse incident reviews	
	Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?	yes
	Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility?	yes
	Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?	yes
	Does the review team: Assess the adequacy of staffing levels in that area during different shifts?	yes
	Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?	yes
	Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?	yes
115.86 (e)	Sexual abuse incident reviews	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes
115.87 (a)	Data collection	
	Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions?	yes
115.87 (b)	Data collection	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes
115.87 (c)	Data collection	
	Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice?	yes

115.87 (d)	Data collection	
	Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?	yes
115.87 (e)	Data collection	
	Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.)	yes
115.87 (f)	Data collection	
	Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)	yes
115.88 (a)	Data review for corrective action	
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?	yes
	Does the agency review data collected and aggregated pursuant 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
115.88 (b)	Data review for corrective action	
	Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse?	yes
115.88 (c)	Data review for corrective action	
	Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means?	yes

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

115.401 (b)	Frequency and scope of audits	
	Is this the first year of the current audit cycle? (Note: a “no” response does not impact overall compliance with this standard.)	no
	If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.)	yes
	If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)	na
115.401 (h)	Frequency and scope of audits	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes
115.401 (i)	Frequency and scope of audits	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes
115.401 (m)	Frequency and scope of audits	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes
115.401 (n)	Frequency and scope of audits	
	Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes
115.403 (f)	Audit contents and findings	
	The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or, in the case of single facility agencies, there has never been a Final Audit Report issued.)	yes