

PREA Facility Audit Report: Final

Name of Facility: Cass County Jail

Facility Type: Prison / Jail

Date Interim Report Submitted: 01/25/2020

Date Final Report Submitted: 05/06/2020

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: Dave Andraska	Date of Signature: 05/06/2020

AUDITOR INFORMATION	
Auditor name:	Andraska, Dave
Address:	
Email:	ddafalls@hotmail.com
Telephone number:	
Start Date of On-Site Audit:	12/03/2019
End Date of On-Site Audit:	12/05/2019

FACILITY INFORMATION	
Facility name:	Cass County Jail
Facility physical address:	450 34th St S, Fargo, North Dakota - 58103
Facility Phone	
Facility mailing address:	

Primary Contact	
Name:	Lt. Katie Fuller
Email Address:	fullerk@casscountynd.gov
Telephone Number:	701-271-2966

Warden/Jail Administrator/Sheriff/Director	
Name:	Capt. Andrew Frobig
Email Address:	frobiga@casscountynd.gov
Telephone Number:	701-271-2958

Facility PREA Compliance Manager	
Name:	
Email Address:	
Telephone Number:	
Name:	Andrew Frobig
Email Address:	frobiga@casscountynd.gov
Telephone Number:	M: (701) 271-2958

Facility Health Service Administrator On-site	
Name:	Heidi McLean
Email Address:	McLeanH@casscountynd.gov
Telephone Number:	701-271-2942

Facility Characteristics	
Designed facility capacity:	348
Current population of facility:	268
Average daily population for the past 12 months:	276
Has the facility been over capacity at any point in the past 12 months?	No
Which population(s) does the facility hold?	
Age range of population:	18+
Facility security levels/inmate custody levels:	Min, Med, Max, Special Needs
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	100
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	15
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	69

AGENCY INFORMATION	
Name of agency:	Cass County Sheriff's Office
Governing authority or parent agency (if applicable):	
Physical Address:	450 34th St S, Fargo, North Dakota - 58103
Mailing Address:	
Telephone number:	7012712966

Agency Chief Executive Officer Information:	
Name:	Sheriff Jesse Jahner
Email Address:	jahnerj@casscountynd.gov
Telephone Number:	7012415810

Agency-Wide PREA Coordinator Information			
Name:	Katie Fuller	Email Address:	fullerk@casscountynd.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 Prison Rape Elimination Act (PREA) Audit for the Cass County Jail operated by the Cass County Sheriff's Office was conducted on December 3-5, 2019 by Department of Justice (DOJ) Certified PREA Auditor David Andraska. This was the second PREA audit for the facility. A line of communication was developed between the Jail Administrator, PREA Coordinator and the auditor to discuss the posting of audit notice, the PREA Online Audit System (OAS), Pre-Audit Questionnaire (PAQ) and logistics. The pre-audit preparations consisted of a thorough review of all documentation and materials submitted by the facility to include the PAQ, agency and facility policies, procedures, forms, posters, pamphlets, brochures, handbooks, educational materials, training curriculums, organizational charts, and other PREA related materials the facility provided to demonstrate compliance with each PREA standard. The auditor also viewed the Cass County website. The auditor contacted Just Detention International (JDI) in reference to any information previously submitted by inmates. Prior to the onsite audit, the Jail Administrator attended the PREA Implementation and Audit Preparedness Training for Jails in June 2019. As a result of the training, the Jail Administrator began revising and implementing changes to the facility PREA program.

The Auditor arrived at the Cass County Jail at approximately 8:00 a.m. on December 3, 2019 to begin the auditing process. An entrance meeting was held in the Jail Administrator's office with the Jail Administrator and PREA Coordinator. The tour of the facility began at approximately 8:30 a.m. The auditor was escorted by the PREA Coordinator throughout the tour. During the tour, the auditor reviewed staffing; logs; physical plant; sight lines; camera coverage; security mirrors. It was noted that a mirror or camera was needed in the kitchen storage area. The reporting hotline phone number was tested. Inmates were able to shower, dress and use the toilet facilities without exposing themselves to staff of the opposite gender. Informal and formal conversations with employees and inmates regarding the PREA standards were conducted. Areas visited during the tour included front lobby, administration, program area, all housing units including restrictive housing, medical, library, food service, visitation, Intake, laundry, recreation, and central control. An overview of the camera system and camera views was shown to the auditor after the tour was completed. PREA posters and notification of PREA audit visit was observed posted throughout all areas accessible to inmate and staff in both English and Spanish. The notification of the PREA audit visit was documented as posted on October 10, 2019.

In addition to a complete tour of the facility, the site visit consisted of a thorough review of inmate files, training records, personnel files, investigation reports, supporting documentation and formal interviews with staff and inmates. The auditor observed and intake and orientation process.

Cass County Jail employs 100 staff that may have contact with inmates. Cass County Jail contracts for medical/mental health services and food services. A total of 26 staff/contractors and one volunteer were interviewed during the audit. 15 staff were selected for random interviews that included security staff at work on both of the 12 hour shifts. 11 specialized staff were interviewed. The specialized staff interviewed included: Sheriff, Jail Administrator, PREA Coordinator, Investigator, intake and classification staff,

retaliation monitor, incident review team member, Shift Supervisor, Training sergeant, restrictive housing staff and contract medical staff. All staff served as a first responder and all staff interviewed was knowledgeable of their first responder duties and the agency's zero tolerance policy regarding sexual abuse and sexual harassment.

The Jail Administrator provided the auditor with an inmate roster that identified inmates by housing unit, booking date, date of birth, sex and race and the names of target group inmates. The inmate count was 256 on the first day of the on-site audit. The auditor conducted 27 formal interviews. 13 inmates were selected for random interviews. Inmates were chosen by a random selection from each housing unit, age and race. 14 inmates that were identified from the target group were interviewed as follows: five (5) inmates who reported sexual victimization during risk screening, three (3) inmates with a cognitive, two (2) inmates who reported sexual abuse, two (2) inmates that were LEP, one (1) inmate with a physical disability and one (1) inmate who identified as LGB. There were no inmates who were identified as meeting the following categories; youthful offender, blind, transgender or inmates in segregated housing for high risk of sexual victimization. One inmate refused to be interviewed. No inmates wrote a letter to the auditor prior to the auditor or requested to speak to the auditor during the onsite phase of the audit. All inmates interviewed were aware of the agency's zero tolerance policy regarding sexual abuse/harassment and the procedures for reporting. Overall inmates stated they felt safe at the facility.

There were seven allegations of sexual abuse and 14 allegations of sexual harassment reported in the past 12 months. All of the cases have been closed. There was one substantiated inmate on inmate sexual abuse and one substantiated inmate on inmate sexual harassment finding. 19 allegations were found to be either unsubstantiated or unfounded. The auditor reviewed the investigative files during the onsite visit.

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.

Cass County Jail is located at 450 34th St South in Fargo, North Dakota. The jail houses both male and female inmates and does not house youthful offenders. The Cass County Jail is comprised of one building of predominantly multiple occupancy cells. The jail has eight pods which are staffed as follows:

Work Release Dorm (Male)– 1 Deputy

Delta Pod (Male Pre-Classification) – 1 Deputy

Charlie Pod (Female Mixed Classification) - 1 Deputy (2 staffed when able during day hours)

Sigma Pod (Male Max/Restrictive) - 2 Deputies Day time, 1 Deputy when locked down,.

Dorm (Female Min) - No deputy assigned – ½ hour checks and video monitoring.

E Main Pod (Male Min) – 1 Deputy

G Main Pod (Male Min) – 1 Deputy

H Main Pod (Male Min/Med transition) 2 Deputies Day, 1 Deputy when locked down.

The building is equipped with video monitoring cameras to supplement rounds by security staff at the entrance to the building as well as in the corridors of each area of the building. The physical plant also includes a booking area, food service facility, laundry facility, visiting space, and administrative offices. The average length of stay at the Cass County Jail is over than one year. In house programing is provided by contractors and/or volunteers.

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:	0
Number of standards met:	45
Number of standards not met:	0

Upon completion of the on-site visit, an exit briefing was held to discuss the audit observations and findings. This briefing was held in the Jail Administrator's Office with the Jail Administrator, PREA Coordinator and Investigator. The facility staff was found to be cooperative and professional. Staff morale appeared to be good and the observed staff/inmate relationships were determined to be good. The auditor discussed the report process and indicated a corrective action plan would be required. The auditor thanked the Administrator and staff for their hospitality and professionalism.

The Interim PREA Audit Report, dated January 25, 2020 indicated Standard 115.41 was non-compliant. Therefore, a required corrective action period not to exceed 180 days began. The Auditor recommended corrective action for the facility which they agreed to and began immediate corrections of the Standard found to be in non-compliance. The Auditor reviewed all the submitted documentation to determine if full compliance was achieved. A summary of the evidentiary basis for determining full compliance is discussed within the standard that was originally non-compliant. As a result of successful corrective action, the facility demonstrated compliance with all Standards.

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: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Sheriff's Office Policy 600- Inmate Discipline 4. Inmate Handbook (revised September 2019) 5. Cass County Jail Organization Chart 6. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator <p>115.11(a). The Cass County Jail has a comprehensive written policy that mandates zero-tolerance toward all types of sexual abuse and sexual harassment. Policy 606 clearly outlines the agency's zero tolerance policy and identifies the agency's approach to the prevention, detection and response to sexual assault incidents in their facility. The policy includes definitions of prohibited behaviors regarding sexual abuse and sexual harassment, that are consistent with PREA standards. The policy also outlines sanctions for those that have participated in prohibited behaviors in the facility. Policy 600 and the Inmate Handbook contains information on inmate discipline.</p> <p>115.11(b). The agency has designated an agency wide PREA coordinator, who is assigned these duties along with duties in the Jail. The facility's organizational chart was provided for review. The chart shows the PREA Coordinator's position as a Lieutenant who reports directly to the Jail Administrator. The auditor interviewed the PREA Coordinator and confirmed that she has other responsibilities but has time to oversee the agency's efforts to comply with the PREA standards with help and assistance from the Jail Administrator. The facility does not have a dedicated staff for this role and could benefit by having a full time staff dedicated to PREA.</p> <p>115.11(c). The agency does not operate more than one facility,</p> <p>Based on the review of policy, organization chart, interviews and analysis, the auditor finds the facility compliant with all the provisions of this Standard.</p>

115.12	Contracting with other entities for the confinement of inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Interviews with the following: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator <p>Interviews with the Jail Administrator and PREA Coordinator indicated the Cass County Sheriff's Office does not contract with private agencies or other entities for the confinement of its inmates.</p>

115.13	Supervision and monitoring
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Sheriff's Office Policy 223- Staffing 4. Cass County Sheriff's Office Policy 214- Administrative and Supervisory Inspections 5. Post Orders 6. Cass County Jail Staffing Plan 7. Cass County Jail Master Schedule 8. PREA Comprehensive Plan for Prevention and Response to Sexual Abuse and Sexual Harassment 9. Tour of facility 10. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator c. Shift Supervisor d. Random staff <p>115.13(a). The facility provided a copy of the jail's staffing plan. The document is well written and provides a view of the activities and staffing in the facility. The plan includes a review of the inmate population, the programs and activities available for inmates, the medical and mental health care available, video monitoring, physical plant and the coverage plan for staff. The staffing plan is continuously being reviewed and modified as needed. The staffing plan mandated in this provision must take into account 11 considerations; 1) Generally accepted detention and correctional practices, 2) Any judicial findings of inadequacy, 3) Any findings of inadequacy from Federal investigative agencies, 4) Any findings of inadequacy from internal or external oversight bodies, 5) All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated), 6) The composition of the inmate population, 7) The number and placement of supervisory staff, 8) Institution programs occurring on a particular shift, 9) Any applicable State or local laws, regulations, or standards, 10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse, 11). Any other relevant factors. The overall staffing of the facility is consistent with accepted practices and standards and is based on full capacity of 348 inmates as is adequate. During the site review, the auditor identified an area in the kitchen (storage room) that would be considered blind spots in the facility. The Jail Administrator indicated additional cameras were approved in the 2020 budget and the storage room would be covered. The auditor reviewed all areas, including food service, medical and mental health department and all housing units. There are clearly visible cameras throughout the facility. The auditor interviewed the Jail Administrator, who confirmed the written staffing plan. The plan includes a review to ensure adequate staffing to meet the agency's efforts to prevent, detect and respond to incidents of sexual abuse. The video monitoring system is evaluated at least once per year to determine if the agency should make adjustments to better identify safety concerns. He stated that they utilize an overtime list to ensure proper coverage on each shift to avoid deviations which could lead to unsafe conditions in the facility. The Shift Supervisor reviews daily and weekly staffing reports</p>

and addresses any concerns immediately.

115.13(b). Cass County Jail reported it does not deviate from the staffing plan. The facility utilizes a system for overtime that allows them to avoid deviations from the plan.

115.13(c). The staffing plan provided was written. The review is an ongoing process to ensure staffing balance and make adjustments as needed. This is a joint effort between the Jail Administrator, PREA Coordinator and other mid-level supervisors.

115.13(d). Policy 214 addresses this provision. The policy is to establish both regularly scheduled and unannounced inspections of the facility's living and activity areas. During interviews with random inmates and staff, they stated they see supervisors come in the housing units often. Supervisors interviewed indicated that rounds are performed at all times of the day and night. The facility supplied several copies of event logs, which showed various upper level supervisors logging in PREA rounds throughout the facility.

Based on the review of policies, documentation, interviews and analysis, the auditor finds the facility compliant with all provisions of this Standard.

115.14	Youthful inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 505-Juvenile Housing 3. Booking reports with inmate's date of birth 4. Interviews with the following: <ol style="list-style-type: none"> a. Jail Administrator <p>Review of the booking report, policy and interview with the Jail Administrator, confirmed the Cass County Jail does not house Youthful Inmates.</p>

115.15	Limits to cross-gender viewing and searches
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Sheriff's Office Policy 512- Searches 4. Cass County Sheriff's Office Policy 806- Inmate Hygiene 5. Cross Gender Supervision 6. PREA training lesson plans 7. Cass County Jail Program Schedule 8. Tour of facility 9. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator c. Random staff d. Random Inmates <p>115.15(a). Policy 512 describes when and how searches are to be performed on inmates. This policy prohibits cross-gender strip searches and cross-gender body cavity searches of inmates. The policy also requires supervisory approval for body cavity searches, which are to be performed by medical staff only. The PAQ shows that no body cavity searches were performed in the past 12 months. During the site review, the auditor viewed the strip search room in the facility's intake area. This room has no window on the door and no camera inside. It is utilized only for strip searches following supervisor approval. Interviews with inmates confirmed that that they were never searched by a staff member of the opposite gender.</p> <p>115.15(b). Policy 512 states, "Male staff shall not conduct cross gender pat searches except in exigent circumstances. If exigent circumstances exist and a male staff member must conduct a cross gender pat search, it is recommended that a second witnessing staff member be present for the search. All cross-gender searches conducted by male staff shall be documented in an informational incident report . Female staff members are permitted to conduct cross gender pat searches, but should only do so when a male staff member is not immediately available to conduct the search." The auditor interviewed nine female inmates, and each stated clearly that they were never searched by a male staff member or witnessed a male staff member searching a female inmate. The female housing unit is always staffed by a female officer and there is always a female on duty to perform pat-down searches as necessary to accommodate movement. Per the PAQ there were zero pat-down searches of female inmates conducted by male staff.</p> <p>115.15(c). Policy 512 requires that that all cross-gender strip searches and cross-gender visual body cavity searches be documented. It also requires that all cross-gender pat-down searches of female inmates be documented. In the past 12 months there have been no cross gender searches.</p> <p>115.15(d). Policy 806 addresses the requirements of this provision. The policy states,</p>

"Inmates shall be permitted to shower, perform bodily functions and change clothing without non-medical staff of the opposite sex viewing their breasts, buttocks or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Staff of the opposite sex shall announce their presence when entering an inmate housing unit." During the on-site tour of the facility, the auditor visited all housing units and viewed the restroom and shower areas. These areas were appropriately equipped with barrier and PREA shower curtain to prevent viewing. Interviews with random inmates confirmed they had privacy to shower, perform bodily functions, and change clothing. The inmates interviewed stated that staff of the opposite gender usually announce their presence before entering an housing area. This was also confirmed during the tour of the facility as the auditor witnessed cross-gender announcements during entry into housing units. The auditor also viewed camera monitors and confirmed there were no camera views into the shower and restroom. During random interviews with staff members, they confirmed that cross-gender announcements are done every time someone enters a housing unit. Officers stated clearly that that they cannot see inmates in the showers and restrooms.

115.15(e). Policy 512 outlines the steps to take for identification of inmates who identify as transgender males and transgender females. The policy states, " Staff shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining genital status (see the Prison Rape Elimination Act Policy for transgender and intersex definitions). If genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records or, if necessary, by obtaining that information as part of a broader medical examination conducted in private by a qualified health care professional and prohibits security staff from viewing of the inmate's body in order to determine the gender of any inmate. During interviews with random staff members, the auditor asked about the strip search policy and the identification of transgender inmates. All staff members were aware of the policy regarding strip searches and identification of transgender inmates. There were no inmates in custody in the facility during the onsite phase of the audit that identified as transgender, so the auditor was not able to perform additional interviews.

115.15 (f) The facility provided the auditor a copy of the cross gender supervision training curriculum that is provided for staff.. The training identifies the need for staff members to perform pat searches using the bladed technique between and under the breasts to search for contraband. The training also requires the need to do searches in a professional and respectful manner, in the least intrusive manner possible. The auditor was provided training records for the last two years, which documents the completion of training for all staff members on the search module. During random staff interviews, all 20 staff members stated that they had received training on performing pat searches of transgender inmates. All those interviewed stated that searches must be done professionally and respectfully. Officers stated that searches of a transgender female would normally be done by a female staff member. There were no inmates in custody in the facility during the onsite phase of the audit that identified as transgender, so the auditor was not able to perform additional interviews to confirm this information.

Based on the review of policies, documentation, interviews and analysis, the facility is compliant with all provisions of this Standard.

115.16	Inmates with disabilities and inmates who are limited English proficient
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Sheriff's Office Policy 502- Inmate Handbook and Orientation 4. Cass County Sheriff's Office Policy 602- Inmate with Disabilities 5. Training rosters for training on Law Enforcement and Deaf and Hard of Hearing Community 6. Training rosters for training on Autism Awareness 7. PREA training lesson plans 8. Tour of facility 9. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator c. Random staff d. Inmates with disabilities <p>115.16(a). Policy 606 states, "Ensuring that within 30 days of intake, inmates are provided with comprehensive education, either in person or through video, regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding the office's policies and procedures for responding to such incidents. Policy 602 requires the Jail Administrator establishing guidelines for services, programs and activities for the disabled and ensuring that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the facility's efforts to prevent, detect and respond to sexual abuse and sexual harassment. The Jail Administrator is responsible for ensuring the Cass County Sheriff's Office jail is designed or adapted to reasonably accommodate inmates with disabilities. At a minimum this includes:</p> <ul style="list-style-type: none"> • Access to telephones equipped with a telecommunications device for the deaf (TDD) for inmates who are deaf, are hard of hearing or have a speech impairment. • If orientation videos are used to explain facility rules to newly admitted inmates, subtitles may be displayed on the video presentation to assist inmates who have impaired hearing. <p>Policy 502 states, "Inmates who cannot read, are visually impaired or have intellectual, psychiatric or speech disabilities or limited reading skills, shall have materials read to them by a staff member or presented to them using audible recorded media Inmates who are deaf or hard of hearing shall be provided with interpretation services. Reasonable efforts should be made by the staff to assist the inmate in understanding the information.</p> <p>The Inmate Handbook is provided in both English and Spanish. This handbook includes PREA information for inmates. The auditor was provided a list of staff members who can interpret several languages to assist inmates. During the site review, the auditor interviewed two inmates who spoke Spanish. Each of these inmates understood what PREA was and knew how to properly report an incident of sexual abuse, if needed. There were signs clearly posted in each of the housing units in English and Spanish. The auditor also interviewed with disabilities and each indicated PREA material was provided in a format they could understand. .This video provides initial PREA education is available in both English and Spanish. All</p>

inmates can watch the video and hear the speaker.

115.16(b). The policy states that inmate education regarding PREA and orientation information is provided to inmates orally, in writing or by video, in a language clearly understood by newly arrested inmates. The policy directs staff to utilize interpreters to assist inmates that are not proficient in English, are blind or deaf, or requires other interpretation services to understand the information provided. The Inmate Handbook is provided in both English and Spanish. The Auditor spoke with two inmates who spoke Spanish during inmate interviews. Both inmates confirmed that all information for orientation and PREA are readily available in Spanish and are easily understood. The jail has access to certified interpreters from a local non-profit refugee resettlement organization.

115.16(c). Policy 606 states, " Should an investigation involve inmates who have disabilities or who have limited English proficiency, the first responder shall not rely on inmate interpreters, inmate readers or other types of inmate assistants, except in limited circumstances where an extended delay in obtaining an interpreter could compromise inmate safety, the performance of first responder duties or the investigation of sexual abuse or sexual harassment allegations. During the onsite phase of the audit, the auditor interviewed random staff. All staff stated that the facility does not utilize inmates to interpret for other inmates. Staff members did indicate that more resources for dealing with limited speaking inmates would be helpful. It is recommended that the facility explore more options regarding interpretation services.

Based on a review of policy, documentation, interviews and analysis, the facility is compliant with all provisions of this Standard.

115.17	Hiring and promotion decisions
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Sheriff's Office Policy 107- Specialized Assignments and Promotions 4. Cass County Sheriff's Office Policy 108- Standards of Conduct 5. Cass County Sheriff's Office Policy 305- Selection Process 6. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator c. Human Resource Liaison <p>115.17(a). Policy 107 and 305 address the requirements of this provision. The policy states that every person who may have inmate contact as a member or contractor shall, prior to service. It further states, No person shall be hired who has:</p> <ol style="list-style-type: none"> (a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution (as defined in 42 USC § 1997). (b) Been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse. (c) Been civilly or administratively adjudicated to have engaged in the activity described in paragraph (b) of this section. <p>Policy 107 states, "The Cass County Sheriff's Office shall not promote, assign or transfer any member to a position that may allow contact with inmates if the member has:</p> <ol style="list-style-type: none"> (a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution as defined in 42 USC § 1997. (b) Been convicted of engaging in or attempting to engage in sexual activity that was facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse. (c) Been civilly or administratively adjudicated to have engaged in the activity described in paragraph (b) of this section." <p>The agency's employment application requires that the applicant answer affirmatively regarding any prior arrests for all felony charges, specifically sexual abuse related offenses. The criminal background check will verify that this information is correct.</p> <p>The Agency has a very thorough and extensive process of screening applicants. All employees of the Cass County Sheriff's Office undergo an extensive background check prior to being hired. This background includes a criminal records check, a review of law enforcement records in all communities where an applicant has previously lived, and verification of past employment and education. Employees undergo a polygraph examination, a psychological evaluation, and a credit review. All applicants to the jail, as part of their initial interview, are also required to provide details about any previous work that has been done</p>

within any facility or agency that is bound by any of the PREA Standards, and must also respond to inquiries about any previous substantiated PREA complaints. Whenever an applicant provides information that they have previously worked in a capacity bound by PREA, an inquiry is made with the previous employer(s) regarding any substantiated PREA complaints. Any dishonest responses are grounds for denial, as are any affirmative responses or discoveries of previous sexual misconduct, sexual harassment, or criminal sexual behavior.

All potential volunteers and contractors that will have inmate contact inside the secure facility must also have a completed background check performed prior to admission to the facility. During the onsite phase of the audit, the auditor met with the agency's human resources liaison. She provided the auditor with complete copies of the agency's applications and discussed the full hiring and review process. We then reviewed several staff employment records, where the auditor was able to see results for background checks and results. Each of the reviewed records contained the proper application questions and supportive documentation. The auditor confirmed through the interviews that the agency will not grant employment or approve an individual for volunteer work or as a contractor if he or she has engaged in sexual abuse in a corrections facility or been convicted of a sexual abuse related offense. In regard to promotions, Policy 107 prohibits promoting anyone to have engaged in sexual activity as stated above, but the agency was not conducting a criminal background check to verify. The agency revised their process immediately as follows: Effective immediately we're adding in a criminal record check for the top three promotional candidates.

115.17(b). The employment application for staff members and for volunteers and contractors includes a questionnaire that specifically asks applicants if he or she was the subject of a sexual harassment allegation. During the interview with human resources, she confirmed that sexual harassment allegations are taken into consideration during the approval and hiring process for all individuals.

115.17(c). As discussed in provision 115.17(a) above, the agency completes a criminal background check for all individuals during the hiring process. During the interview the human resources liaison, indicated all previous employers are contacted, this includes asking prior corrections employers if the individual had a substantiated sexual abuse allegation or resigned during an investigation of sexual abuse. The auditor reviewed background checks of newly hired staff that had previously worked at correctional facilities and confirmed the questions were asked.

115.17(d). As discussed in provision 115.17(a) above, the agency completes a criminal background check for all individuals seeking to provide volunteer services through the chaplain's office or in the programs department. This is also true for individuals that will work as contractors in the facility that will have inmate access. During the auditor's interview with the PREA Coordinator and Program's Sergeant, background checks are completed before any individual is approved for entry into the secure facility and their name is entered on the approved list.

115.17(e). Policy 305 states, "The Office shall either conduct follow-up criminal background records checks at least once every five years on members or contractors who may have contact with inmates or have in place a system for otherwise capturing such information." During the onsite phase of the audit, the auditor interviewed the human resources manager,

who confirmed it is part of their procedure. The auditor reviewed documentation showing 5 year background checks are being completed.

115.17(f). As discussed in Provision 115.17(a) no employee can be hired or promoted without first being vetted that they have not engaged in any form of sexual abuse/harassment while currently employed, during previous employment, or within the community setting. It is the responsibility of the employee, contractor or volunteer to divulge inappropriate conduct upon hiring, evaluations, or promotion process. During the auditor's interview with the human resources liaison , it was confirmed the agency follows this practice. She explained that questions regarding an individual's prior employment, sexual abuse and sexual harassment allegations, and prior criminal offenses are asked during the application and oral interview process. She also confirmed that all employees are required to report any arrests or allegations of sexual harassment.

115.17(g). Policy 305 states, "Material omissions regarding such misconduct, or the provision of materially false information, are grounds for termination. The agency's employment application was reviewed by the auditor. The application clearly provides the applicant with the statement that all statements on the application are true and any misstatement, misrepresentation or falsification of facts shall be grounds for termination. During the interview with the human resources liaison, the auditor confirmed that the agency will terminate any employee for false information provided during the application process or omissions of fact of any information, including sexual abuse and sexual harassment.

115.17(h). Policy 305 states, "The Cass County Sheriff's Office will provide information on substantiated allegations of sexual abuse by former employees when another institution requests the information after the former employee is an applicant for work at that institution. During the auditor's interview with the human resources liaison, it was confirmed that the agency would, in fact, provide potential new employers with information regarding a past employee's sexual abuse and sexual harassment allegations and/or investigations.

Based on review of policy, practice, documentation, interviews and analysis, the facility is compliant with all provisions of this Standard.

115.18	<p>Upgrades to facilities and technologies</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Observation while on-site 4. Interviews with the following: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator <p>115.18(a). Policy 606 states, "Ensuring that, when designing, acquiring, expanding, or modifying facilities, or when installing or updating a video-monitoring system, electronic surveillance system, or other monitoring technology, consideration is given to the office's ability to protect inmates from sexual abuse. The Agency had not designed or acquired any new facility or planned any substantial expansion or modification of existing facilities since the last PREA audit, Interviews with the Jail Administrator and the PREA Coordinator, confirmed that there have been no new acquisitions nor expansion or modifications to the existing facility. Both confirmed, however, that the PREA Coordinator would be part of any future agency growth to consider how the design, acquisition, expansion, or modification would affect the agency's ability to protect inmates from sexual abuse.</p> <p>115.18(b). The facility reported on the PAQ that all cameras were upgraded in 2019 to HD and capable of recording and retention for longer period which enhances the ability to deter, prevent, and investigate all manner of misconduct, including PREA violations. The auditor reviewed the camera system during the on-site visit. The PREA Coordinator was involved in the decision to upgrade the camera system.</p> <p>Based on the review of policy, observation, interviews and analysis, the auditor finds the facility in compliance with all provisions of this Standard.</p>
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115.21	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Informed Consent for Forensic Exam form 4. MOU for SART 5. Inmate Handbook (revised September 2019) 6. Red River Sexual Assault Response Team Protocol 7. Investigative Files 8. Interviews with: <ol style="list-style-type: none"> a. PREA Coordinator b. Investigator <p>115.21(a). Policy 606 states, " Evidence collection shall be based on a uniform evidence protocol that is developmentally appropriate for youth, if applicable, and adapted from or otherwise based on the most recent edition of the DOJ'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. The policy also states under the First Responders section that If the time period allows for collection of physical evidence, request that the alleged victim, and ensure that the alleged abuser, do not take any actions that could destroy physical evidence (e.g., washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, eating). Sexual Abuse allegations of inmate on inmate sexual abuse allegations and allegation of sexual abuse by contractors or volunteers are investigated by the Cass County sheriff's Office Defectives. Criminal referrals for investigations are made prior to administrative investigations. Sexual abuse allegations of staff on inmate are referred to the North Dakota Bureau of Criminal Investigations. The facility provided a copy of the Red River Sexual Assault Response Team protocol, which is a multi-county practice. During the onsite phase of the audit, the auditor interviewed a Cass County Sheriff's Office investigator. The investigator would collect and process evidence under the same protocols that are utilized at all crime scenes. These protocols are used for all evidence collection related to any criminal and administrative investigation in the County and are consistent with the National Protocol for Sexual Assault Medical Forensic Examinations,</p> <p>115.21(b). As stated in the above provision, Policy 606 language regarding evidence collection is consistent with the requirement of this standard. The Red River SART protocol is also consistent with National standard.</p> <p>115.21(c). Policy 606 states, " Inmates who are victims of sexual abuse shall be transported to the nearest appropriate location for treatment of injuries and collection of evidence, and for crisis intervention services. It also stated that Forensic medical examinations shall be performed as evidentiary or medically appropriate, without financial cost to the victim. Where possible, these examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs). If neither SAFEs nor SANEs are</p>

available, other qualified medical practitioners can perform the examination. The Office shall document its efforts to provide SAFEs or SANEs. If requested by the victim, a victim advocate shall accompany the victim through the forensic medical examination process and investigatory interviews. That person will provide emotional support, crisis intervention, information and referrals. During the onsite phase of the audit, the auditor interviewed the PREA Coordinator and investigator and they confirmed that all forensic examinations for sexual abuse victims would be completed at a local hospital where a SAFE nurse was on duty or on call. In the past 12 months there have been no examinations performed for inmate victims. The auditor reviewed investigations files and there were no sexual assault allegations that required a forensic examination.

115.21(d & e). Policy 606 states, "A victim advocate from a rape crisis center should be made available to the victim. Efforts to secure services from a rape crisis center shall be documented." The Cass County Jail has an agreement with the Rape and Abuse Crisis Center of Fargo/Moorhead to provide victim advocate services. The auditor contacted a representative from crisis center and confirmed services are provided to inmate victims from the Cass County Jail. There have been no incidents of sexual assault that would require the use a victim advocate over the past 12 months.

115.21(f). Sexual abuse allegations involving jail employee are referred to the North Dakota Bureau of Criminal Investigation. The Department follows the requirements of this provision.

115.21(h). The agency does not utilize their own staff members to provide victim advocate services.

Based on the review of policy, documents, interviews and analysis, the auditor finds the facility compliant with all provisions of this standard.

115.22	Policies to ensure referrals of allegations for investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Spreadsheet tracking PREA allegations 4. Investigative Files 5. Interviews with: <ol style="list-style-type: none"> a. PREA Coordinator b. Investigator <p>115.22(a). Policy 606 states, " An administrative investigation, criminal investigation or both shall be completed for all allegations of sexual abuse and sexual harassment. This policy clearly outlines the agency's requirement to perform either a criminal or administrative investigation for all allegations of sexual abuse and sexual harassment. The auditor reviewed the sexual abuse and sexual harassment allegations from the past 12 months. There were 21 allegations and all were properly investigated. The auditor interviewed the Jail Administrator, investigator and PREA Coordinator. They all confirmed that the agency investigates all allegations of sexual abuse and sexual harassment.</p> <p>115.22(b). As indicated in the provision above, Policy 606 clearly outlines the agency's requirement to perform either a criminal or administrative investigation for all allegations of sexual abuse and sexual harassment. The facility's PREA policy is clearly posted on the department's website. During the onsite phase of the audit, the auditor interviewed the investigator, PREA Coordinator and the Jail Administrator. They all confirmed that the agency investigates all allegations of sexual abuse and sexual harassment.</p> <p>115.22(c). Policy 606 includes information if allegations are referred to an outside agency. The ND Bureau of Investigations investigate staff on inmate sexual abuse of jail employees.</p> <p>Based on the review of policy, documentation, interviews, and analysis, the auditor finds the facility in compliance with all provisions of this Standard.</p>

115.31	Employee training
	<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="248 327 991 360">Evidence Reviewed (documents, interviews, site review):</p> <ol data-bbox="248 371 1286 831" style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Sheriff's Office Policy 309- Prison Rape Elimination Act Training 4. PREA Lesson Plan 5. PREA training rosters 6. Signed PREA Employee Training Acknowledgements 7. Interviews with: <ol data-bbox="272 674 544 831" style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator c. Training Sergeant d. Random staff <p data-bbox="248 887 1477 1178">115.31(a). Policy 309 requires that all staff members who have contact with inmates receive documented training related to sexual abuse/assault awareness, prevention, response, and reporting procedures under PREA. The policy also requires staff training on sexual abuse and sexual harassment and the requirement includes the ten topics required under this standard. The training curriculum is provided through classroom instruction and online courses. Training logs provided in the PAQ were from the last two years. They show completion of the annual training related to sexual abuse and sexual harassment and the date it was completed.</p> <p data-bbox="248 1223 1461 1514">During the onsite phase of the audit, the auditor interviewed 15 random staff members. Each person interviewed indicated that they received initial PREA education in 2016 if they were employed at that time or when hired if they started after that date. Each person interviewed confirmed training included the ten topics required under this standard. The auditor reviewed training records provided by the Training Sergeant. The auditor selected ten random records and located written verification that employee initial and annual refresher PREA training had been completed.</p> <p data-bbox="248 1570 1469 1693">115.31(b). The Cass County jail houses both male and female inmates. Training for staff, therefore, is consistent and there is no need to provide additional training related to a specific gender although cross gender supervision is emphasized.</p> <p data-bbox="248 1738 1477 2119">115.31(c). The Cass County Jail had previously been audited by a certified PREA auditor in 2016. All staff that were employed in 2016 would have received the required PREA training and education at that time. The Prison Rape Elimination Act requires that staff receive annual refresher training based upon the level of contact with inmates. Training logs provided to the auditor confirm that all staff complete refresher training annually. This was confirmed by reviewed ten random training records. The auditor also viewed a complete training log for the current year. This log showed a positive indicator for training completion for all staff members. Also, each of the staff members interviewed confirmed that they received annual PREA training and or reviewed the PREA policies. .</p>

115.31(d). Policy 309 requires that training should include written testing to validate knowledge and understanding of the material. The Training Sergeant shall document, through signature or electronic verification, that staff, volunteers and contractors have received and understand the training. The facility utilizes a PREA Employee Training Acknowledgement form to be signed and dated by staff. While on site the audited reviewed 10 acknowledgement form which indicated staff received and understood the PREA training. Records show full completion of the training by staff.

Based on the review of policies, documents, interviews and analysis, the facility is compliant with all provisions of this Standard.

115.32	Volunteer and contractor training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Sheriff's Office Policy 309- Prison Rape Elimination Act Training 4. PREA Lesson Plan 5. PREA training rosters 6. Signed PREA Employee Training Acknowledgements 7. PREA Handbook for Contractors and Volunteers 8. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator c. Training Sergeant d. Program Sergeant e. Random contractors f. Random Volunteer <p>115.32(a). Policy 309 requires that all staff, volunteers and contractors who may have contact with inmates shall receive office approved training on the prevention and detection of sexual abuse and sexual harassment. Kitchen and Medical contract staff and regular volunteers receive the same training as employees. The facility other volunteers and 4 county maintenance staff received training based on their level of inmate contact. This training includes information related to sexual abuse/assault awareness, prevention, response, and reporting procedures under PREA. During the onsite phase of the audit, the auditor interviewed one volunteers and three contractors and also reviewed training logs from the past three years. They all confirmed completion of the orientation program prior to being granted access to the secure facility. The facility's maintains a list of approved volunteers and contractors.</p> <p>115.32(b). The auditor reviewed the training curriculum, while onsite. The curriculum includes each of the required points listed in the standard. During the onsite phase of the audit, the auditor interviewed one volunteer and three contractors. They all confirmed completion of the orientation program prior to being granted access to the secure facility. They confirmed the orientation included education on sexual abuse and sexual harassment, how to report incidents of abuse and rules to avoid physical contact with an inmate. The auditor reviewed training records of random contractors and volunteers.</p> <p>115.32(c). The auditor was provided with training acknowledgments for all contractors and volunteers. They showed written proof that the volunteers and contractors had completed the required orientation material, which included the PREA education and understood the information. During the onsite phase of the audit, the auditor interviewed one volunteer and three contractors. They all confirmed completion of the orientation program prior to being granted access to the secure facility.</p>

Based on the review of policy, documents, interviews and analysis, the auditor finds the facility compliant with all provisions of this Standard.

115.33	Inmate education
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Sheriff's Office Policy 501- Booking Procedures 4. Cass County Sheriff's Office Policy 502- Inmate Handbook and Orientation 5. Signed PREA Inmate Education Acknowledgment form 6. Observation while onsite 7. Interviews with: <ol style="list-style-type: none"> a. PREA Coordinator b. Intake staff c. Classification staff d. Inmates <p>115.33(a). Policy 501 details the admission process which includes providing a PREA notification, screen and acknowledgment to be completed prior to general population assignment. The policy also indicates arrestees will not be placed in general population if they have not viewed the PREA educational video. If exigent circumstances do not allow for the video to be shown, housing officers receiving the new inmate must be notified so that arrangements can be made to show the video at the earliest reasonable opportunity. The facility provided a statement in the PAQ to confirm that all 9,160 inmates receive basic PREA information when they arrive to the facility. This happens in the intake area. During the onsite phase of the audit, the auditor observed an intake and saw the orientation playing on the television in a room in the booking area. There were signs hung in the booking area in English and Spanish, which provide inmates with the basic PREA information. The auditor interviewed two staff member who works in intake and they confirmed that all inmates are given the PREA information and watch the orientation video. The auditor interviewed 27 inmates during the onsite phase of the audit. All inmates indicated they received and understood the PREA information and how to ask for help or file a report.</p> <p>115.33(b). Policy 606 states, "Ensure that within 30 days of intake, inmates are provided with comprehensive education, either in person or through video, regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding the office's policies and procedures for responding to such incidents" . Policy 501 indicates the purpose of orientation is to assist with the inmate's transition into a custody environment, the orientation will include the following topics, supplemented by a more detailed inmate handbook that will be provided to each inmate. In regard to PREA this includes the Facility's zero-tolerance policy, Prevention and intervention, Instruction on how inmates can avoid being victims of sexual abuse and sexual harassment through self-protection techniques, Reporting sexual abuse or sexual harassment incidents, including how to report such incidents anonymously, Treatment and counseling for victims of sexual abuse or sexual harassment, Mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies,</p>

Information regarding confidentiality, monitoring and mandatory reporting. Inmate education is completed in multiple stages. As part of the initial intake procedures, inmates are screened for risk of vulnerability to abuse and for risk to offend. All inmates are given a copy of the Inmate Handbook, which explains the facility Zero-Tolerance Policy, the inmate rights, and all of the available reporting options. The inmate handbook provides all of the facility specific PREA information that an inmate would need to know. Inmates also watch a PREA Education video, published by the PREA Resource Center, which covers all of the general PREA education requirements. This video is typically shown to inmates prior to them being moved to their assigned housing unit. This is verified as part of the full classification interview, which typically occurs within three days of intake. Interviews with classification staff confirmed inmates receive PREA education in person, through the PREA video and in the inmate handbook.

115.33(c). The facility provides all inmates with education regarding PREA at intake and during orientation. The PREA coordinator stated that all inmates receive initial education at intake and then view the comprehensive PREA video and receive an inmate handbook. When inmates meet with classification staff, (usually within 2 days of arrival) they are provided additional PREA information in person and have an opportunity to ask questions about PREA. It is at this time that inmates sign a PREA Inmate Education Acknowledgement form.

115.33(d). Policy 501 states, "In addition to English, orientation information will be provided in the most commonly used languages for the inmate population. The Jail Administrator should consider enlisting the assistance of volunteers who are qualified and proficient in both English and the language in which they are providing translation assistance to translate the orientation information. Use of outside translation sources may also be considered. Interpretive services will be provided to inmates who do not speak English or any of the other languages in which the orientation information is available. Inmates who cannot read, are visually impaired or have intellectual, psychiatric or speech disabilities or limited reading skills, shall have materials read to them by a staff member or presented to them using audible recorded media. Inmates who are deaf or hard of hearing shall be provided with interpretation services. Reasonable efforts should be made by the staff to assist the inmate in understanding the information. Per interviews with intake and classification staff, it was found that the facility has PREA information and the Inmate Handbook available in English and Spanish. The facility provides inmate education in different formats on a case by case basis for other languages and/or disabilities. The PREA Coordinator did provide documentation to show that the facility has access to the language line and to American Sign Language interpreters, if needed." The auditor interviewed three inmate with a cognitive disability. The inmates were able to explain basic PREA information to the auditor. The auditor also interviewed two LEP inmates and they were also able to confirm the facility provided PREA information in a format they could understand.

115.33(e). In the past a log of inmates attending orientation was maintained. A new PREA Inmate Education Acknowledgement form was created and used starting 11/1/2019. The form is signed and dated by the inmate and retained in the classification file. The form indicates the inmate received PREA education including the Inmate handbook, and that the inmate understood the information provided. While onsite the auditor reviewed completed acknowledgments of a random sample of inmates booked after 11/1/2019. Interviews with classification staff verified the PREA education and documentation process. Interviews with inmates confirmed that they all received PREA education within 30 days of arriving at the

facility.

115.33(f). During the site review, the auditor could see many forms of PREA education readily available for inmates. In all housing units there are signs posted on the bulletin board. These signs remind inmates that sexual abuse is not tolerated and provides the hotline number.

Based on the review of policies, forms, documentation, interviews and analysis, the auditor finds the facility in compliant with all provisions of this Standard.

115.34	Specialized training: Investigations
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Sheriff's Office Policy 309- Prison Rape Elimination Act Training 4. PREA Lesson Plan 5. PREA training rosters 6. NIC Investigator Lesson Plan 7. Investigator training certificates 8. Signed PREA Employee Training Acknowledgements 9. Interviews with: <ol style="list-style-type: none"> a. PREA Coordinator b. Investigator <p>115.34(a). Policy 606 states, "Only investigators who have completed office-approved training on sexual abuse and sexual harassment investigation shall be assigned to investigate these cases. Policy 309 provides additional requirements as follows: Specialized investigative training for investigators shall include the uniform evidence protocol to maximize potential for obtaining usable physical evidence; techniques for interviewing sexual abuse victims; proper use of Miranda and Garrity warnings; sexual abuse evidence collection in confinement settings; and the criteria and evidence required to substantiate a case for administrative action or referral for prosecution. Included in the PAQ were copies of certificates received by investigators for completion of two National Institute of Corrections (NIC) class entitled PREA: Investigating Sexual Abuse in a Confinement Setting and PREA: Investigating Sexual Abuse in a Confinement Setting- Advanced Investigations. This training curriculum is known to the auditor and includes modules related to the four points required under this provision of the standard. The investigators also attended PREA Investigator Training from the North Dakota Department of Corrections and Rehabilitation (ND DOCR). The auditor interviewed two investigators during the onsite phase of the audit. They confirmed taking the online courses provided through the NIC and the investigator training through ND DOCR and had successfully received their certificates. The auditor reviewed training records to verify the investigators also received the general PREA training provided by the facility.</p> <p>115.34(b). As indicated in the provision above, all investigators completed the NIC classes which include modules related to the four points required under this provision of the standard. The auditor confirmed through an interviews with investigator that the online NIC class included information on the four points and they were able to explain the four points.</p> <p>115.34(c). As indicated in 115.34(a) above the facility provided certificates indicating investigators had successfully completed the online class.</p> <p>Based on the review of policies, documents, lesson plans, interviews and analysis, the auditor finds the facility compliant with all provisions of this Standard.</p>

115.35	Specialized training: Medical and mental health care
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Sheriff's Office Policy 309- Prison Rape Elimination Act Training 4. PREA Lesson Plan 5. PREA training rosters 6. Signed PREA Employee Training Acknowledgements 7. Interviews with: <ol style="list-style-type: none"> a. PREA Coordinator b. Medical staff <p>115.35(a). Policy 309 states, "All full- and part-time qualified health care and mental health professionals who work regularly in the facility shall receive all of the member training listed above, as well as training that includes: a) Detecting and assessing signs of sexual abuse and sexual harassment, (b) Preserving physical evidence of sexual abuse, (c) Responding effectively and professionally to victims of sexual abuse and sexual harassment, and (d) Reporting allegations or suspicions of sexual abuse and sexual harassment. Medical staff are contracted and work for Fargo Cass Public Health. Per interviews medical staff they confirmed they attended the National Institute of Corrections (NIC) class entitled Specialized Training: PREA Medical and Mental Care Standards. This online class is known to the auditor and it does include modules related to each of the four points in this provision.</p> <p>115.35(b). Medical staff at the facility do not perform forensic examinations. Any inmate who would require the forensic examination due to a sexual assault will be taken to a local hospital policy. Therefore, the facility medical staff do not receive training related to these exams.</p> <p>115.35(c). The Training sergeant maintains a file with the written proof that all medical and mental health care staff have completed the online class. The auditor viewed the list and confirmed that all eight current medical staff members had documented completion of the class.</p> <p>115.35(d). The medical staff are contracted. They receive the same general PREA training as all other Jail employees. Per policy, as stated in standard 115.31, all new staff members are required to complete the employee orientation program, which includes the required basic PREA training. Through interviews with medical staff, the auditor learned that all staff in the medical unit received PREA training from the facility. While onsite the auditor reviewed training records and verified medical staff received PREA training.</p> <p>Based on a review of policies, documents, training records, interviews and analysis, the audit finds the facility compliant with all provisions of this Standard.</p>

115.41	Screening for risk of victimization and abusiveness
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Sheriff's Office Policy 501- Booking Procedures 4. Cass County Sheriff's Office Policy 507- Inmate Classification 5. PREA Risk Assessment tool 6. Classification form 7. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator c. Classification staff <p>115.41(a) (b). Cass County Jail has several policies addressing the requirement for screening inmates for risk of victimization and abusiveness. Inmates are interviewed and screened in booking immediately upon arrival at the jail. The jail conducts a risk screening on all inmate intakes, which includes medical screening, mental health screening, suicide risk screening, and a PREA screening. Past known offenses and in-custody behavior are reviewed, as well as current charges, to determine an objective pre-classification housing decision. If an inmate is intoxicated upon arrival, the screening process is delayed until the inmate is able to respond to the screening questions. During the onsite phase of the audit, the auditor observed the booking/intake process. The auditor interviewed several staff that work in the booking area and they all confirmed that a PREA screening is completed on all inmates before they allowed to enter past the booking area. Interviews with random inmates also confirmed a PREA screening was completed as soon as they arrive at the Jail and recalled the specific questions asked. The auditor was provided copies of completed screening forms from random inmates.</p> <p>115.41(c). The facility provided a copy of the screening tool to the auditor in the PAQ. The auditor reviewed the screening tool to determine if it was objective. The auditor had concerns with the screening tool being used and discuss concerns with the Jail Administrator.</p> <p>115.41(d). The facility provided a copy of the screening tool to the auditor in the PAQ. The auditor reviewed the screening tool to determine if it considered at a minimum the ten criteria listed in this provision to to assess inmates for risk of sexual victimization. The auditor determined the screen tool did not address all the criteria and discuss concerns with the Jail Administrator.</p> <p>115.41(e). Policy 507 indicates the following criteria should be considered: Prior acts of sexual abuse, prior convictions for violent offenses and history of prior institutional violence or sexual abuse, as known to the Office. The facility provided a copy of the screening tool to the auditor in the PAQ. The auditor reviewed the screening tool to determine if it considers prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing inmates for risk of being sexually abusive. The inmate is asked directly about prior history and convictions regarding sexual abuse.</p>

During the onsite phase of the audit, the auditor interviewed several staff that work in book and they explained the pre-admission steps.

115.41(f). The policy includes a requirement that inmates are reassessed within 30 days from the date of admission to the facility. During the onsite phase of the audit, the auditor interviewed two classification staff. They both confirmed that all inmates are reassessed within 30 days of intake and provided copies of completed reassessments for random inmates. They also stated the re-screen is part of automatic reclassification review within 30 days, included with the full classification file so previous information can be assessed as well. All reassessments are done face to face with the inmate. During interviews with random inmates, the auditor asked if they were asked additional follow-up questions by classification staff. Most inmates housed at the jail for more than 30 days recalled meeting with classification staff within 30 days of arrival.

115.41(g). Policy 507 states, "Inmate risk levels shall be reassessed when required due to a referral, request, incident of sexual abuse, or receipt of additional information that increases the inmate's risk of sexual victimization or abusiveness." It also includes a statement which says, At any point during an inmate's incarceration, a staff member may request a review of the inmate's classification. During interviews with classification staff, staff stated that they will reassess an inmate at any time based on information that is received from other staff, inmates or through incident reports.

115.41(h). Policy 507 states, "Inmates may not be compelled by threat of discipline to provide information or answers regarding:

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

During classification staff interviews, the auditor learned that staff rarely have an inmate that refused to answer questions for the screening tool. They stated, however, that no inmate would be disciplined if they chose not to answer the questions. An interview with the PREA Coordinator also verified that inmates are not disciplined for refusing to answer questions during risk screening.

115.41(i). Policy 507 states, "Information obtained in response to screening questions shall be considered confidential and shall only be made available to those who have a legitimate need to know." During the onsite phase of the audit, the auditor spoke with the PREA Coordinator and classification staff. All confirmed that the information in the screening tool was only available for review by classification staff and the PREA Coordinator. The PREA coordinator stated that other staff may see the result of the inmate's vulnerability or predatory status, but they do not have access to the supporting information for the decision.

Corrected Action Plan:

Per discussion with the Jail Administrator, it was agreed that the jail would revise the PREA initial Screening form, the PREA Risk Screening Objective Assessment Tool and the Booking Classification form to meet the requirements of this standard. On December 26, 2019, the Jail

Administrator provided the auditor copies of the new forms. The auditor reviewed the form and determined they were acceptable and met the requirements of this standard. For a 90 day period, starting January 20, 2020 provide documentation that the use of the new forms have been implemented, staff have been trained on the new process and form and provide copies of completed forms for a random sample of inmates that arrive at the facility and were screened using the new forms. The auditor will contact the jail to select the random inmates to sample.

Verification of Corrective Action since the on-site Audit:

The Auditor was provided supplemental documentation during the corrective action period to evidence and demonstrate corrective action taken by the Cass County Jail regarding this Standard. This documentation is discussed below.

Additional Documentation Reviewed:

1. Email from Jail Administrator confirm all staff trained on new process
2. Spreadsheet of Jail bookings thru April 16, 2020
3. Copies of completed screening forms

The Jail Administrator confirmed all staff have been trained on the new forms and process. The auditor requested a listing of booking since the on-site audit. From the booking list the auditor selected 18 inmate files to review. The facility provided copies of the PREA initial screening form, the PREA Risk Screening Objective Assessment Tool, the Booking Classification form and if applicable the 30 day reassessment form for the selected inmates. All form were completed correctly and timely. This Standard is now compliant

115.42	Use of screening information
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Sheriff's Office Policy 507- Inmate Classification 4. PREA Risk Assessment tool 5. Primary Classification Assignment form 6. Inmate Contact log 7. Special Needs Placement Directive 8. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator c. Classification staff <p>115.42(a)& (b).Policy 507 states, "Housing, bed, work and program assignments should be made to separate inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. Inmates identified as being at high risk for sexually aggressive behavior will be monitored and housed in an area that will minimize the risk to other inmates and staff. All inmates identified as being at risk of victimization shall be monitored and housed in an area to minimize the risk to their safety. During the onsite phase of the audit, the auditor interviewed staff from classification, and they confirmed that housing assignments, classification and access to programs are all impacted by the information derived from the risk screening. The auditor reviewed completed primary classification forms and could see the final determination for housing was obtained through this document. it clear that all assignments for inmate housing and classification are made on an individual basis and are in the best interests of the safety of each inmate The Jail Administrator stated they would never house a potential victim and abuser in the same housing unit.</p> <p>115.42(c). Policy 507 states, "Housing and program assignments of a transgender or intersex inmate shall include individualized consideration for the inmate's health and safety and any related supervisory, management or facility security concerns. A transgender or intersex inmate's views with respect to his/her own safety shall be given serious consideration. Lesbian, gay, bisexual, transgender or intersex inmates shall not be placed in dedicated facilities, units or wings solely on the basis of such identification or status, unless such placement is pursuant to a consent decree, legal settlement or legal judgment. During the onsite phase of the audit, the auditor interviewed two classification staff members regarding the housing of transgender and intersex inmates and confirmed placement is reviewed on a case by case basis, which is consistent with the policy. There were no transgender or intersex inmates housed at the facility at the time of the on-site audit. Staff indicated they rarely receive transgender inmates and were not aware of ever housing an intersex inmate.</p> <p>115.42(d). Policy 507 states, "Housing and program assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats experienced by the inmate." The auditor interviewed classification staff and the PREA</p>

coordinator during the onsite phase of the audit. Staff confirmed that this review would be performed at least twice per year for the safety of the inmate, regardless of the inmate's sexual orientation or status as a transgender person or intersex.

115.42(e). Policy 507 states, "Housing and program assignments of a transgender or intersex inmate shall include individualized consideration for the inmate's health and safety and any related supervisory, management or facility security concerns. A transgender or intersex inmate's views with respect to his/her own safety shall be given serious consideration." During the onsite phase of the audit, the auditor interviewed staff from classification, and they confirmed that this question is asked by classification prior to making a decision on safe housing although it was not documented. After the onsite audit, the Jail Administrator created a new form titled, Inmate Statement of Housing Preference - Transgender and Intersex Inmates. This form is intended to give transgender and intersex inmates the opportunity to disclose a housing preference. Inmates who self-disclose a gender identity as Transgender Male or Transgender Female, and those who self-disclose intersex characteristics by birth, are offered this form to indicate their preference for the specific gender housing unit they prefer. There were no transgender or intersex inmates currently in custody during the audit for the auditor to interview.

115.42(f). There was no policy that clearly states that these inmates will be given the opportunity to shower separately from other inmates. During the onsite phase of the audit, the PREA Coordinator was interviewed and stated all showers at the jail were individual and confirmed that transgender or intersex inmates could shower separate from the other inmates.

115.42(g). As indicated previously, housing assignment are determined on a case by case basis. The facility does not have dedicated housing units to place lesbian, gay, bisexual, transgender, or intersex inmates in. The auditor interviewed one inmate who identified as gay during the onsite phase of the audit. That inmate was housed in general population and stated that he was not housed based on his sexual orientation and not housed in a specific location with other lesbian, gay, bisexual or transgender (LGBT) inmates. The PREA coordinator confirmed that the facility does not house inmates based on their identification as LGBT, and there are no such units in the facility.

As indicated in Standard 115.41, the screening tool and classification form have been revised. The facility has a system in place to use the screening information although it may not have been complete or accurate. Therefore, based on the review of policies, form, documentation, interviews and analysis, the auditor finds the facility compliant with all provisions of this Standard.

115.43	Protective Custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Sheriff's Office Policy 507- Inmate Classification 4. Cass County Sheriff's Office Policy 504- Special Management Inmates 5. Special Needs Placement form 6. Classification form 7. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator c. Classification staff d. Restrictive Housing staff <p>115.43(a).Policy 507 states, "inmates at high risk for sexual victimization shall not be placed in involuntary protective custody unless an assessment of all available alternatives has been made and it has been determined that there is no available alternative means of separation from likely abusers." During the onsite phase of the audit, the auditor interviewed a restrictive housing staff and stated no inmates were housed due to their high risk for sexual victimization. The auditor interviewed the Jail Administrator and he confirmed that the facility would not place inmates in involuntary segregation in order to keep them safe in custody. The auditor was told that inmates may request protective custody to remain safe, but this a voluntary placement. At the time of the audit there were no inmates held in involuntary segregation due to high risk of sexual victimization.</p> <p>115.43(b), (c) (d) & (e). Policy 504 addresses how the jail handles special management inmates. During the onsite phase of the audit, the Jail Administrator indicated there are never involuntary segregation placements due to risk of sexual victimization. The auditor interviewed classification staff, the PREA Coordinator and Jail Administrator. All confirmed inmates were reviewed at least once per month to determine if they would remain in segregated housing or if other alternatives were available. The auditor was provided with sufficient information to determine that this process is ongoing and part of the normal facility procedures.</p> <p>Based on the review of policy, procedures, interviews and analysis, the auditor finds the facility compliant with all provisions of this Standard.</p>

115.51	Inmate reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Sheriff's Office Policy 604- Foreign Nationals and Diplomats 4. Inmate Handbook (revised September 2019) 5. US Marshall Contract 6. North Dakota Correctional Facility Standards 7. PREA Lesson Plan 8. Emails documenting verbal reporting 9. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator c. Random Staff d. Random Inmates <p>115.51(a). Policy 606 – Prison Rape Elimination Act clearly defines the multiple ways that inmates can file reports of sexual abuse, sexual harassment, retaliation for making such reports and reports of staff neglect or lack of responsibility. The Inmate Handbook lists multiple ways that inmates can report abuse by leaving a message on the PREA hotline, directly to a staff member verbally, in writing, through a third party or an outside agency. During the onsite phase of the audit, the auditor completed a site review and visited all housing units. Signs informing inmates of the multiple reporting ways were clearly posted in all housing units on enclosed bulletin boards.</p> <p>The auditor interviewed 13 random inmates and all inmates could tell the auditor several ways that they could report abuse, harassment and concerns regarding staff neglect or lack of responsibility. Most inmates mentioned the PREA hotline as their first avenue to report abuse. That option is clearly marked by telephones throughout the facility. The auditor tested the inmate telephone and verified that the phone would connect with the hotline by dialing 222. The Jail Administrator reported to the auditor that the test message was received. The auditor interviewed 15 random staff members. All staff could list at least four different ways that inmates could report abuse.</p> <p>115.51(b) The facility provided a copy of the US Marshall Contract and the North Dakota Correctional Facility Standards which requires the facility to post contact information. These two agencies are the outside reporting options for the inmates and their contact information is posted in the housing units. Policy 604 requires inmates detained solely for civil immigration purposes be provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security. Information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security is available.</p> <p>115.51(c). Policy 606 and PREA training states that staff must accept verbal and written reports of sexual abuse and sexual harassment from inmates and from third parties and</p>

promptly report those reports to facility supervisors. The facility provided two examples of staff taking verbal reports from inmates and documenting the reports with an email to the PREA Coordinator and Investigator. During the onsite phase of the audit, the auditor interviewed 15 random staff members. All staff interviewed were aware of their responsibility to take verbal reports of abuse and immediately contact a supervisor to file that report. Random inmates interviewed confirmed inmates were aware that they could report sexual abuse directly to any staff member.

115.51(d). Policy 606 and PREA training provides staff with an avenue to privately report incidents of sexual abuse and harassment as an employee. The policy allows for reporting to facility supervisors, Jail Administrator, PREA Coordinator, Office of Professional Standards or the North Dakota DOC. The auditor interviewed 15 random staff members and they knew that they could privately reports incidents of sexual abuse and harassment.

Based on review of policy, documents, interviews and analysis, the auditor finds the facility in compliance with all provisions of this Standard.

115.52	Exhaustion of administrative remedies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Sheriff's Office Policy 609- Inmate Grievances 4. Inmate Handbook (revised September 2019) 5. Investigation Reports 6. Documentation of a grievance appeal 7. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator c. Random Inmates <p>115.52(a). The agency is not exempt from this standard, as it does have in place an administrative grievance procedure for inmates. Policy 609- Inmates Grievances establishes a process by which inmates may file grievances.</p> <p>115.52(b). Policy 609 outlines the four requirements in this provision . The policy does not impose a time limit for filing a grievance related to sexual abuse but does apply a time limit for other grievances and there is no requirement for inmates to use other informal grievance processes before filing the grievance regarding sexual abuse. The facility informs inmates of the grievance process during orientation and provides inmates with the procedure regarding grievances in the Inmate Handbook. The information provided in the inmate handbook does not conflict with the information in the facility policy. Per interviews during the onsite phase of the audit, staff and inmates were aware that inmates could file a grievance in order to make an allegation of sexual abuse. The grievances forms were available throughout the facility.</p> <p>115.52(c). The grievance policy allows for inmates to submit grievances to any staff member or Inmates may request to submit the grievance directly to a supervisor or mail it directly to the Jail Administrator. This allows an inmate to submit the grievance without having to give it to the staff member who is the subject of the complaint. The policy states a PREA grievance will be referred to the Shift Supervisor for investigation. Inmates and staff are not required to attempt to informally resolve grievances related to sexual abuse.</p> <p>115.52(d). Policy 609 clearly identifies the required time limits for completion of the grievance response and notifications to the inmate if an extension of time is necessary. The auditor reviewed completed sexual abuse investigations during the onsite phase of the audit. There was one allegation submitted through the inmate grievance during the previous 12 months. The investigation and response were completed within the 90 day period and an extension was not required.</p> <p>115.52(e). Policy 609 indicated the facility will accept grievances and allegations of sexual abuse from third parties, including inmates, family, advocates and attorneys. The policy allows for the inmate that is the alleged victim to declines the filing of the report. During the past 12</p>

months there was one allegation submitted directly by the alleged victim utilizing the grievance process. There were no third party grievance submitted.

115.52(f). Policy 609 includes a provision for an inmate who feels that he or she is subject to imminent substantial risk of sexual abuse to submit an emergency grievance. The provision includes the required time limitations for the facility to review the grievance and provide a written response. There were no emergency grievances alleging substantial risk of imminent sexual abuse that were filed in the past 12 months.

115.52(g). Policy 609 states that inmates will not be disciplined for filing an allegation that was filed in good faith that there is a reasonable belief that the alleged conduct could have occurred. In the past 12 months, there were no inmate grievances alleging sexual abuse that resulted in disciplinary action by the agency against the inmate for having filed the grievance in bad faith.

Based on the review of policy, documentation, interviews and analysis, the facility is in compliance with all provisions of this Standard.

115.53	Inmate access to outside confidential support services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Inmate Handbook (revised September 2019) 4. Investigation Reports 5. Red River Sexual Assault Team protocols 6. Rape and Abuse Crisis Center information handout 7. Call detail report 8. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator c. Intake staff d. Inmates <p>115.53(a). Policy 606 in section 3 states, "Making reasonable efforts to enter into agreements with community service providers to provide inmates with confidential emotional support services related to sexual abuse. The facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state, or national victim advocacy or rape crisis organizations. Persons detained solely for civil immigration purposes shall be given contact information for immigrant services agencies. The facility shall enable reasonable communication between inmates and these organizations and agencies in as confidential a manner as possible. The facility shall 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." Policy 606 in section 6 states, "A victim advocate from a rape crisis center should be made available to the victim. Efforts to secure services from a rape crisis center shall be documented. A rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 34 USC § 12511, to sexual assault victims of all ages." During the onsite phase of the audit, the auditor interviewed the Jail Administrator and he indicated the Jail does not have its own individual MOU with a rape crisis center but is cover in a county wide agreement. The auditor contacted a representative from the Rape and Abuse Crisis Center and confirmed the agency provides services to Cass County Jail inmates as required by this Standard. The auditor interviewed random and targeted inmates. Most of the inmates interviewed were aware that outside emotional support services were available. Inmates who had reported prior sexual abuse are provided with a Rape and Abuse Crisis Center handout which provides contact information. Calls to the crisis center are free and not recorded.</p> <p>115.53(b). Policy 606 states, "The facility shall enable reasonable communication between inmates and these organizations and agencies in as confidential a manner as possible. The facility shall inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the</p>

extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. The auditor was provided a log from their system that showed the number as an unrecorded line and there is no charge for the calls.

115.53(c). In the PAQ, the facility provided a copy of Red River Sexual Assault Team protocols, which is a multi-county protocol that includes inmate victim access to confidential emotional support services.

Based on the review of policies, documents, interviews and analysis, the auditor finds the facility compliant with all provisions of this Standard.

115.54	Third-party reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. PREA Guest Information brochure 4. Inmate Handbook (revised September 2019) 5. Cass County website 6. PREA Posters 7. Tour of the facility 8. Interviews with: <ol style="list-style-type: none"> a. PREA Coordinator b. Random Inmates <p>115.54(a). Policy 606, the Inmate Handbook and the PREA Guest Information Flyer addresses third party reporting and the process to make a report. The agency website also includes information on how to make a third-party report. Random inmate interviews disclosed that inmates were aware that family or friends could make reports on their behalf.</p> <p>Based on the review of policy, documents, interviews and analysis, the auditor finds the facility compliant with this Standard.</p>

115.61	Staff and agency reporting duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. PREA Lesson Plan 4. Investigative reports 5. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator c. Random Staff d. Medical staff <p>115.61(a). Policy 606 states, " Any employee, agency representative, volunteer or contractor who becomes aware of an incident of sexual abuse, sexual harassment or retaliation against inmates or staff shall immediately notify a supervisor, who will forward the matter to a sexual abuse investigator". Per review of the PREA lesson plan, staff are also trained to promptly report any knowledge or suspicion of sexual assault or sexual harassment of an inmate, whether or not the abuse occurred in their facility. Staff are also to report any information regarding retaliation against inmates or staff due to their reporting allegations of sexual abuse and knowledge of staff neglect or lack of responsibility. During the onsite phase of the audit, the auditor interviewed 15 random staff members. Every person interviewed clearly stated that they were required to immediately report all allegations of sexual assault or sexual harassment.</p> <p>115.61(b). Policy 606 states, "Threats or allegations of sexual abuse and sexual harassment, regardless of the source, shall be documented and referred for investigation. Sexual abuse and sexual harassment reports shall only be made available to those who have a legitimate need to know, and in accordance with this policy and applicable law. Random staff interviewed clearly understood the requirement to maintain confidentiality of sexual assault and sexual harassment cases. Each of the 15 random staff members interviewed reported that they were only allowed to discuss these cases with persons who needed to know the information.</p> <p>115.61(c). Policy 606 states, " Medical and mental health practitioners shall ensure that information related to sexual victimization that occurred in an institutional setting is limited to medical and mental health practitioners and other staff unless it is necessary to inform jail staff about security or management decisions. During the onsite phase of the audit, the auditor interviewed medical staff. Everyone interviewed confirmed that they are mandatory reporters of sexual abuse of inmates. Staff did confirm that they would inform the inmate of their duty to report and limits to the confidentiality of information learned from the inmate.</p> <p>115.61(d). Policy 606 states, " The health authority or mental health staff shall obtain informed consent from inmates before reporting information to jail staff about prior sexual victimization that occurred somewhere other than an institutional setting, unless the inmate is under the age of 18". Cass county Jail does not house youthful offenders. The PREA Coordinator stated</p>

that it would be unusual for the jail to house an inmate considered a vulnerable adult under a State statute, but was aware of the reporting requirement.

115.61(e). Policy 606 states, "The facility shall provide information to all visitors or third parties on how they may report any incident, or suspected incident, of sexual abuse or sexual harassment to a staff member. Inmates may report sexual abuse or sexual harassment incidents anonymously or to any staff member they choose. Staff shall accommodate all inmate requests to report allegations of sexual abuse or harassment. Staff shall accept reports made verbally, in writing, anonymously or from third parties and shall promptly document all verbal reports. Threats or allegations of sexual abuse and sexual harassment, regardless of the source, shall be documented and referred for investigation". The auditor interviewed the PREA Coordinator who confirmed that the facility investigates all allegations of sexual abuse and sexual harassment. All allegations are forwarded to the investigators.

Based on the review of policy, documentation, interviews and analysis, the auditor finds the facility compliant with all provisions of this Standard.

115.62	Agency protection duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Sheriff's Office Policy 504- Special Management Inmates 4. Cass County Sheriff's Office Policy 507- Inmate Classification 5. PREA Lesson plan 6. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. Random staff <p>Policy 606 outlines prevention efforts employed to further the agency's zero tolerance policy. The auditor interviewed the Jail Administrator during the onsite phase of the audit. He made it clear that all staff members are trained and directed to immediately take action to protect any inmate if they become aware that he or she is in imminent danger of being abused. The auditor interviewed 15 random staff members. All stated that they always react immediately if they see someone in imminent danger and separated the victim from the abuser. Reported in the PAQ, there were no times the agency or facility determined that an inmate was subject to a substantial risk of imminent sexual abuse in the past 12 months.</p> <p>Based on the review of policies, interviews and analysis, the auditor finds the facility compliant with this Standard.</p>

115.63	Reporting to other confinement facilities
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Notification Letter 4. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator <p>115.63(a), (b) (c). Policy 606 states, " If there is an allegation that an inmate was sexually abused while he/she was confined at another facility, the Jail Administrator shall notify the head of that facility as soon as possible but not later than 72 hours after receiving the allegation. The Jail Administrator shall ensure that the notification has been documented. During the onsite phase of the audit, the auditor interviewed the Jail Administrator and he reported that there was one notification made in the past 12 months. The auditor reviewed the notification and verified it was made within 72 hours and was documented.</p> <p>115.63(d). Policy 606 states, "This office has zero tolerance with regard to sexual abuse and sexual harassment in this facility. This office will take appropriate affirmative measures to protect all inmates from sexual abuse and harassment, and promptly and thoroughly investigate all allegations of sexual abuse and sexual harassment If the facility is contacted by another agency or corrections facility, the facility will immediately begin an investigation based on the inmate's allegation of abuse. This was confirmed through an interview with the Jail Administrator. In the past 12 months there was one such notification that came from another facility. Upon review of the notification, it was found that this allegation was already reported and investigated at the Jail.</p> <p>Based on the review of policy, documentation, interview and analysis, the auditor finds the facility compliant with all the provisions of this Standard.</p>

115.64	Staff first responder duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. PREA Handbook for Contractors and Volunteers 3. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator c. Random Staff <p>115.64(a), (b) Policy 606 contains a section on first responder responsibilities as follows: If an allegation of inmate sexual abuse is made, the first deputy to respond shall;</p> <ol style="list-style-type: none"> (a) Separate the parties. (b) Request medical assistance as appropriate. If no qualified health care or mental health professionals are on-duty when a report of recent abuse is made, staff first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate qualified health care and mental health professionals. (c) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence. (d) If the time period allows for collection of physical evidence, request that the alleged victim, and ensure that the alleged abuser, do not take any actions that could destroy physical evidence (e.g., washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, eating). (e) Consider whether a change in classification or housing assignment for the victim is needed or whether witnesses to the incident need protection, both of which may include reassignment of housing. (f) Determine whether the alleged perpetrator should be administratively segregated or administratively transferred during the investigation. <p>If the first responder is not a deputy, the responder shall request the alleged victim to refrain from any actions that could destroy physical evidence and then immediately notify a deputy.</p> <p>The policy includes each of the points in this provision of the standard. The auditor interviewed 15 random staff members during the onsite phase of the audit. Each person interviewed was able to provide the auditor with these initial first responder steps. The policy also includes action to be taken by non-security staff.</p> <p>Per the PAQ, in the past 12 months there were no allegations that required the collection of forensic evidence.</p> <p>Based on the review of policy, interviews and analysis, the auditor finds the facility compliant with all provisions of this Standard.</p>

115.65	Coordinated response
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Jail PREA Comprehensive Plan for Prevention and Response to Sexual Abuse and Sexual Harassment 3. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator <p>115.65(a). The Cass County Jail PREA Comprehensive Plan for Prevention and Response to Sexual Abuse and Sexual Harassment contains the coordinated response plan. The plan covers duties and responsibilities for first responders, shift supervisors, medical staff, mental health staff, forensic examinations, investigators and the PREA Coordinator. The auditor reviewed the steps of the coordinated response plan with the PREA Coordinator. It was confirmed that all areas of the facility work together in response to any sexual abuse allegations.</p> <p>Based on the review of the coordinated plan, interview and analysis, the auditor finds the facility compliant with this Standard.</p>

115.66	Preservation of ability to protect inmates from contact with abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator <p>115.66(a). Policy 606 states, "The Office shall not enter into or renew any labor agreement or other agreement that limits the office's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted." Cass County Jail does not participate in collective bargaining with their staff. This was confirmed through an interview with the Jail Administrator.</p> <p>Based on this analysis, the auditor finds the facility in compliance with this Standard.</p>

115.67	Agency protection against retaliation
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Sheriff's Office Policy 315- Discriminatory Harassment 4. Cass County Sheriff's Office Policy 319-Standards of Conduct 5. Retaliation Monitoring form 6. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator c. Targeted inmates <p>115.67(a). Policy 606 states, "All inmates and staff who report sexual abuse or sexual harassment, or who cooperate with sexual abuse or sexual harassment investigations, shall be protected from retaliation. The Jail Administrator or the authorized designee shall assign a supervisor to monitor, for at least 90 days, the conduct and treatment of inmates or staff who report sexual abuse or sexual harassment, as well as inmates who were reported to have suffered sexual abuse, to determine if there is any possible retaliation. During the onsite phase of the audit the auditor interviewed the Jail Administrator and he indicated that himself or the PREA Coordinator would monitor retaliation and gather information from supervisors. The auditor interviewed the PREA Coordinator and she confirmed that one of her assigned duties is to monitor inmates for potential retaliation. She stated she does this by meeting with inmates while performing rounds in the facility.</p> <p>115.67(b). Policy 606 states, "Protective measures, including housing changes, transfers, removal of alleged abusers from contact with victims, administrative reassignment or reassignment of the victim or alleged perpetrator to another housing area, and support services for inmates or staff who fear retaliation shall be utilized. Through interviews with the Jail Administrator and PREA Coordinator, the auditor was able to confirm the use of multiple measures to protect inmates and staff from retaliation. The PREA Coordinator stated that she would ensure that any inmate that expressed a fear of retaliation or reported retaliation was always protected. There was one inmates in custody that reported sexual abuse and the auditor was to able to interview an inmate to confirm the use of protection measures or monitoring.</p> <p>115.67(c). Policy 606 addresses the requirement of this provision. Monitor is required to take place for at least 90 days, Monitoring may continue beyond 90 days if needed. During the onsite phase of the audit, the auditor interviewed the PREA Coordinator and she confirmed monitoring would be for at least 90 days unless the victim was released prior to this period. The PREA Coordinator stated that she meets with inmates while he performs rounds in the facility and could not recall a time when an inmate expressed a concern regarding retaliation. There were no written records available for the auditor to review. The auditor recommended that a form be developed to document retaliation monitoring. After the onsite audit, the Jail Administrator provided the auditor with a copy of a new retaliation monitoring form and the use</p>

of the form was implemented immediately.

115.67(d). Policy 606 states, "Inmate monitoring shall also include periodic status checks." The PREA Coordinator stated that she checks with inmates during her rounds through the facility, but these checks were not documented. The auditor recommended that a form be developed to document retaliation monitoring. After the onsite audit, the Jail Administrator provided the auditor with a copy of a new retaliation monitoring form and the use of the form was implemented immediately.

115.67(e). Policy 606 states, "If any other individual who cooperates with an investigation expresses a fear of retaliation, the facility shall take reasonable measures to protect that individual against retaliation. During the onsite phase of the audit, the auditor interviewed the Jail Administrator and he confirmed that the facility would take action against any inmate or staff member if it was proven they had retaliated against another person due to their participation in sexual abuse investigations. Per the information provided in the PAQ, there were no incidents of retaliation that occurred in the past 12 months.

Based on the review of policy, interviews and analysis, the auditor finds the facility compliant with all provisions of this Standard.

115.68	Post-allegation protective custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Sheriff's Office Policy 504- Special Management Inmates 4. Cass County Sheriff's Office Policy 507- Inmate Classification 5. Interviews with: <ol style="list-style-type: none"> a. PREA Coordinator b. Classification staff <p>115.68(a). Policy 507 regarding classification of inmates includes information on the use of protective custody and involuntary segregated housing and limits to their programs and activities. The auditor interviewed classification staff and the PREA Coordinator who confirmed use of this protective custody unit and the need to avoid segregation as a housing alternative to assure the safety of inmates. There were no inmates who allege to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 months.</p> <p>Based on the review of policies, interviews and analysis, the auditor finds the facility compliant with this Standard.</p>

115.71	Criminal and administrative agency investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Investigator Training Records 4. Completed Investigation Reports 5. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator c. Investigator <p>115.71(a). Policy 606 in the Investigation section, states An administrative investigation, criminal investigation or both shall be completed for all allegations of sexual abuse and sexual harassment. During the onsite phase of the audit, the auditor interviewed an PREA Coordinator. She stated that they investigate all incidents. An investigator would respond immediately to the facility if it were needed. The auditor reviewed the investigative reports while onsite. The investigations are well documented, objective and timely. It should be noted that most investigations were immediately investigated with a majority of cases completed within one week. In the past 12 months there were 21 allegations reported and investigated as follows:</p> <p>Five (5) Inmate on inmate sexual abuse of which one was substantiated and four were unfounded</p> <p>Two (2) Staff on inmate staff misconduct of which both were unfounded</p> <p>Twelve (12) Inmate-on-Inmate sexual harassment of which one was substantiated, seven were unsubstantiated and four were unfounded</p> <p>Two (2) Staff on Inmate sexual harassment of which both were unfounded</p> <p>115.71(b). Policy 606 states, "Only investigators who have completed office-approved training on sexual abuse and sexual harassment investigation shall be assigned to investigate these cases". PREA Investigators must complete specialized online training through the National Institute of Corrections (NIC) and must also attend a PREA Investigator course offered by the North Dakota Department of Corrections and Rehabilitation (NDDOCR). For cases involving sexual abuse where a criminal prosecution or internal employee investigation may be initiated, the Cass County Sheriff's Office will coordinate with detectives and investigators who specialize in those areas. The auditor had previously reviewed the written documentation in reference to standard 115.34, which references the requirements for specialized investigation training. The auditor was provided written proof of completed training for all investigators. The auditor met with an investigator and he confirmed that he had completed the two online training from the National Institute of Corrections and attended the NDDOCR training.</p> <p>115.71(c). Policy 606 states, "All administrative and/or criminal investigations shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings" Review of investigative reports and interviews with investigators confirm the facility completes</p>

the points of this provision when conducting investigations. Inmate victims are transported to a local hospital for forensic examination and evidence collection.

115.71(d). During the auditor's interview with the investigator compelled interviews were discussed. He would coordinate investigative efforts with the professional standards unit if an investigation involves a staff member. The facility standard practice is to suspend administrative investigations while the criminal investigation is completed. Criminal investigations of staff sexual misconduct are referred to an outside agency.

115.71(e). Policy 606 states, "Inmates alleging sexual abuse shall not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation. All administrative and/or criminal investigations shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings". During the onsite phase of the audit, the auditor interviewed an investigator. He explained to the auditor that the agency would never utilize truth-telling efforts to determine if any victim of sexual abuse was telling the truth. That is something that is not allowed per policy and would never be done by any investigator. He also confirmed that the agency would always review evidence from their investigation on its own and not allow the inmate victim's status as an inmate to affect the outcome of the investigation.

115.71(f). Policy 606 states, "Administrative investigations shall include an effort to determine whether the staff's actions or inaction contributed to the abuse. All administrative and/or criminal investigations shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. The auditor interviewed an investigator during the onsite phase of the audit. The investigator discussed investigations of staff members. Part of all such investigations includes a review to determine if there were any violations of policy and violations of law. He confirmed that he is required to write a report at the completion of all investigations. The report will include the allegation, evidence collected and reviewed, summary of interviews and the reasoning behind his final determination. The auditor reviewed the PREA investigations from the past 12 months, which included two investigations of staff misconduct. Each investigation involving a staff member included a review of the staff member's actions. Each of the two investigations were unfounded.

115.71(g). Policy, practice and training require an investigator to complete a report of investigation at the completion of all criminal investigations. The report is to contain a description of the allegation, a summary of the information received through interviews with inmates and staff members, a listing of the evidence collected, and a description of the credibility assessment and final determination. An investigator interviewed by the auditor confirmed that he is required to write a report at the completion of all investigations. The report will include the allegation, evidence collected and reviewed, summary of interviews and the reasoning behind his final determination. Each of the investigation files reviewed by the auditor contained a final report and evaluation of evidence, interviews and final determination.

115.71(h). Policy 606 states, "If criminal acts are identified as a result of the investigation, the case shall be presented to the appropriate prosecutor's office for filing of new charges". The investigator confirmed that all substantiated allegations of sexual abuse would be reviewed

and referred for prosecution. There were seven sexual abuse investigations during the previous 12 months. There was one substantiated case, which was for inmate on inmate sexual abuse. The abuser received internal discipline for that case. The auditor interviewed the PREA Coordinator. She agreed that the facility would refer all substantiated cases for prosecution, as the PREA standards require.

115.71(i). Policy 606 states, "The Office shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Office, plus five years. Per an interview with the Jail Administrator, all PREA reports and supplemental investigation materials are stored in a separate confidential and dedicated software system and retained per policy.

115.71(j). Policy 606 states, "The departure of the alleged abuser or victim from the employment or control of the jail or office shall not provide a basis for terminating an investigation. The auditor interviewed the Jail Administrator and the investigator during the onsite phase of the audit. They stated that once an investigation was opened, the facility would continue with that investigation even if the alleged abuser or victim is no longer employed or housed in the facility. The investigator stated clearly that this is their normal procedure for any investigation, regardless of where it occurred.

115.71(l). Policy 606 states, "If the investigation is referred to another agency for investigation, the Office shall request that the investigating agency follow the requirements as provided in 28 CFR 115.21 (a) through (e). The referral shall be documented. The Office shall cooperate with the outside agency investigation and shall request to be informed about the progress of the investigation. The investigator stated the jail has a good working relationship with local, county and state agencies. The facility would cooperate with the investigation and also maintain communication and stay informed.

Based on the review of policies, documents, interviews and analysis, the auditor finds the facility compliant with all provisions of this standard.

115.72	Evidentiary standard for administrative investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Completed Investigation Reports 4. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. Investigator <p>115.72(a). Policy 606 states, "All completed written investigations shall be forwarded to the Jail Administrator or if the allegations may reasonably involve the Jail Administrator, to the Sheriff. The Jail Administrator or Sheriff shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence." The auditor interviewed the Jail Administrator and an investigator during the onsite phase of the investigation. Both confirmed that the preponderance of evidence is the standard utilized for all sexual abuse and sexual harassment investigations in the facility.</p> <p>Based on the review of policy, interviews and analysis, the auditor finds the facility compliant with this Standard.</p>

115.73	Reporting to inmates
	<p data-bbox="252 170 898 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="252 248 523 282">Auditor Discussion</p> <p data-bbox="252 327 991 360">Evidence Reviewed (documents, interviews, site review):</p> <ol data-bbox="252 371 1171 745" style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Notification Letter to inmates 4. Completed Investigation Reports 5. Interviews with: <ol data-bbox="276 584 549 745" style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator c. Investigator d. Targeted Inmate <p data-bbox="252 797 1484 1256">115.73(a). Policy 606 states, "The Jail Administrator or the authorized designee shall inform a victim inmate in writing whether an allegation has been substantiated, unsubstantiated or unfounded. All notifications or attempted notifications shall be documented. When notification is made while the inmate is in custody, the inmate will sign a copy of the notification letter. The letter will be added to the case file." During the onsite phase of the audit, the auditor interviewed the PREA Coordinator and Investigator and they both stated this is a standard procedure. In addition to the victim the facility also notifies the abuser of the outcome of an investigation. The auditor reviewed the facility's seven sexual abuse investigation files from the past 12 months and could find written notifications to inmates. The auditor was able to interview one inmate who had filed an allegation of sexual abuse. The inmate stated he was notified of the outcome.</p> <p data-bbox="252 1312 1484 1514">115.73(b). Policy 606 states, "If the Office did not conduct the investigation, the Office shall request relevant information from the investigative agency in order to inform the inmate." During the onsite phase of the audit, the auditor interviewed the PREA Coordinator and she stated this is a standard procedure. There were no allegations of sexual abuse investigated by an outside agency in the past 12 months. Therefore there were no files to review.</p> <p data-bbox="252 1570 1484 1906">115.73(c). Policy 606 states, "If a staff member is the accused (unless the Office has determined that the allegation is unfounded), the inmate shall also be informed whenever: (a) The staff member is no longer assigned to the inmate's unit or employed at the facility. (b) The Office learns that the staff member has been indicted or convicted on a charge related to sexual abuse within the facility." During the onsite phase of the audit, the auditor interviewed the PREA Coordinator and she indicated the facility would follow the requirement per policy. In the past 12 months there were two allegations of staff sexual misconduct. Both of these allegations were determined to be unfounded.</p> <p data-bbox="252 1962 1484 2152">115.73(d). Policy 606 states, "If another inmate is the accused, the alleged victim shall be notified whenever the Office learns that the alleged abuser has been indicted or convicted on a charge related to sexual abuse within the facility." During the onsite phase of the audit, the auditor interviewed the PREA Coordinator and investigator. They both agreed that this type of notification would be made, although there have been no substantiated allegations where the</p>

alleged abuser was indicted or convicted on a charge related to sexual abuse within the facility.

115.73(e). Policy 606 states, "All notifications or attempted notifications shall be documented. When notification is made while the inmate is in custody, the inmate will sign a copy of the notification letter. The letter will be added to the case file. During the onsite phase of the audit, the auditor reviewed the seven investigation files from the past 12 months. A copy of the letter notifying the inmate of the outcome of the investigation was maintained in the investigation file.

Based on the review of policy, documentation, interviews and analysis, the auditor finds the facility compliant with all provisions of this Standard.

115.76	Disciplinary sanctions for staff
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Investigative Files 4. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator <p>115.76(a). The policy includes definition of sexual abuse and sexual harassment. It states sexual abuse and sexual harassment between staff, volunteers or contract personnel and inmates is strictly prohibited and that staff shall be subject to disciplinary sanctions, up to and including termination, for violating this policy. The auditor reviewed the investigations files for the previous 12 months. There were no substantiated allegations against a staff member. The auditor confirmed through conversations with the PREA Coordinator that in the past 12 months, there has been zero staff from the facility who has been disciplined, terminated, or resigned prior to termination for violating agency sexual abuse or sexual harassment policies. Additionally, in the past 12 months, there has been zero staff that has been reported to law enforcement or licensing boards for violating agency policies.</p> <p>115.76(b). The policy prohibits sexual abuse of an inmate. The policy states that termination shall be the presumptive disciplinary sanction for staff members who have engaged in sexual abuse. There were no substantiated allegations of sexual abuse against a staff member. The auditor confirmed through conversations with the PREA coordinator that there have been no substantiated allegations. In the past 12 months, there were zero staff from the facility who have been terminated (or resigned prior to termination) for violating agency sexual abuse or sexual harassment policy.</p> <p>115.76(c). The policy prohibits sexual abuse of an inmate. All discipline shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. During the onsite phase of the audit, the auditor reviewed the investigations files for the previous 12 months. There were no substantiated allegations against a staff member. In the past 12 months, there were zero staff from the facility who have been disciplined, short of termination, for violation of agency sexual abuse or sexual harassment policies (other than actually engaging in sexual abuse).</p> <p>115.76(d). The policy prohibits sexual abuse of an inmate. The policy states all terminations for violations of sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to the law enforcement agency that would handle any related investigation and to any relevant licensing bodies. During the onsite phase of the audit, the auditor reviewed the investigations files for the previous 12 months. There were no substantiated allegations against a staff member. In the past 12 months, there were zero staff from the facility who have been disciplined, short of</p>

termination, for violation of agency sexual abuse or sexual harassment policies (other than actually engaging in sexual abuse)

Based on the review of policy, investigative files, interviews and analysis, the auditor finds the facility in compliance with all provisions of this Standard.

115.77	Corrective action for contractors and volunteers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Completed Investigation Report 4. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator <p>115.77(a) and (b) Policy 606 states, "Sexual abuse and sexual harassment between staff, volunteers or contract personnel and inmates is strictly prohibited. The fact that an inmate may have initiated a relationship or sexual contact is not a defense to violating this policy. Any contractor or volunteer who engages in sexual abuse within the facility shall be immediately prohibited from having any contact with inmates. He/she shall be promptly reported to the law enforcement agency that would investigate such allegations and brought to the attention of any relevant licensing bodies."</p> <p>Based on the review of policy, documents, interviews and analysis, the auditor finds the facility compliant with all the provisions of this Standard.</p>

115.78	Disciplinary sanctions for inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Sheriff's Office Policy 600- Inmate Discipline 4. Inmate handbook 5. Investigative reports 6. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator <p>115.78(a). The facility has a formal disciplinary process. Policy 600 outlines the disciplinary action for inmates and states, "Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse The Inmate handbook contains information on inmate rules and the disciplinary procedure and process. During the onsite phase of the audit, the auditor reviewed the sexual abuse investigation files from the past 12 months. The auditor identified one of the investigations where the investigation led to administrative disciplinary sanctions for an inmate.</p> <p>115.78(b). Policy 600 states, "Discipline shall be commensurate with the nature and circumstances of the offense committed, the inmate's disciplinary history and the sanctions imposed for comparable offenses by other inmates with similar histories." During the onsite phase of the audit, the auditor confirmed through an interview with the Jail Administrator that administrative sentences for inmates are based on the policy, the nature of the incident, inmate history and prior sanctions imposed for similar offenses.</p> <p>115.78(c). Policy 600 states, "The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to the inmate's behavior when determining what type of discipline, if any, should be imposed." The Jail Administrator confirmed that the facility would take into account the inmate's mental illness or mental disabilities before imposing any sanctions for sexual abuse or sexual harassment.</p> <p>115.78(d). In the PAQ, it was noted that the facility does not offer therapy, counseling, or other interventions designed to address and correct the underlying reasons or motivations for abuse.</p> <p>115.78(e). Policy 600 states, no discipline may be imposed for sexual contact with staff unless there is a finding that the staff member did not consent to such contact. The PREA Coordinator was interviewed and stated that there have been no such incidents of sexual contact between staff and inmates. The auditor reviewed the sexual abuse investigations from the previous 12 months, and there are no cases where inmates had sexual contact with a staff member.</p>

115.78(f). Policy 600 states, no inmate may be disciplined for falsely reporting sexual abuse or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation, if the report was made in good faith based upon a reasonable belief that the alleged conduct occurred.

115.78(g). Consensual sexual contact is not specifically prohibited. Discipline may be imposed for sexual activity between inmates. However, such activity shall not be considered sexual abuse for purposes of discipline unless the activity was coerced.

Based on a review of policies, documentation, interviews and analysis, the facility is in compliance with all provisions of this standard.

115.81	Medical and mental health screenings; history of sexual abuse
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Sheriff's Office Policy 708- Health Appraisals 4. Special Needs Placement Directive 5. Medical Assessment records 6. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator c. Medical staff d. Intake staff e. Classification staff <p>115.81(a) Cass County Jail is not a prison and this provision does not apply.</p> <p>115.81(b). Cass County Jail is not a prison and this provision does not apply.</p> <p>115.81(c). Policy 708 states, "Inmates who have an identified history of sexual victimization shall be offered a follow-up meeting with a qualified health care or mental health provider within 14 days of intake screening". The policy also requires that all inmates receive a comprehensive health examination within 14 days of incarceration. Per interviews with the intake and classification staff, all inmates who reported prior sexual victimization during the initial PREA screening are provided information regarding services available and contact information. Medical staff during interviews also indicated inmate victims are offered mental health services during the comprehensive health exam. The referrals are documented in the medical assessment records.</p> <p>115.81(d). Policy 507 states, "Information obtained from the use of the screening instrument or during inmate interviews is considered confidential and is to be used solely to assist in determining appropriate classification, program and housing assignments." The PREA Coordinator confirmed this practice during an interview.</p> <p>115.81(e). Policy 606 states, "The health authority or mental health staff shall obtain informed consent from inmates before reporting information to jail staff about prior sexual victimization that occurred somewhere other than an institutional setting, unless the inmate is under the age of 18. During the onsite phase of the audit, the auditor met with the medical staff. They stated that all medical and mental health staff obtains informed consent from inmates. They all understand the requirement to disclose to inmates the needs of the facility and the reasoning behind such disclosures.</p> <p>Based on the review of policies, practice, interviews and analysis, the auditor finds the facility compliant with all provisions of this Standard.</p>

115.82	Access to emergency medical and mental health services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Sheriff's Office Policy 708- Health Appraisals 4.. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator c. Medical staff d. Random staff <p>115.82(a). Policy 606 states, "Inmates who are victims of sexual abuse shall be transported to the nearest appropriate location for treatment of injuries and collection of evidence, and for crisis intervention services. Depending on the severity of the injuries, transportation may occur by a staff member or by ambulance, in either case with appropriate security to protect the staff, the inmate, and the public, and to prevent escape." During the onsite phase of the audit, the auditor interviewed the medical services director. She provided information regarding the services available for sexual abuse victims but indicated victims are usually transported to a local hospital. Each inmate, however, is immediately evaluated for the need to receive emergent medical care. Forensic examinations are provided at a local hospital. The auditor reviewed PREA investigations from the past 12 months. Notes show a referral offered to a mental health counselor.</p> <p>115.82(b). Policy 606 requires first responders request medical assistance as appropriate. If no qualified health care or mental health professionals are on-duty when a report of recent abuse is made, staff first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate qualified health care and mental health professionals. During an interview with the medical staff, they indicated inmate victims would be transported to a local hospital for services. Interviews with random staff confirmed staff were aware of the step to take regarding a sexual abuse incident including medical care.</p> <p>115.82(c). Policy 606 indicates that inmate victims of sexual abuse while incarcerated are 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. During interviews with medical staff, they stated the services noted in this provision would be provided as part of the forensic examination.at a local hospital. The medical services director confirmed that medical would receive a treatment plan from the hospital and would follow that plan to ensure the health and safety of the inmate. The auditor reviewed PREA investigative files from the past 12 months. There were no investigations that contained an allegation of sexual abuse that led to the need for a forensic examination of any inmate. Also, there were no allegations of physical contact that could have led to sexually transmitted infections or pregnancy.</p> <p>115.82(d). Policy 606 requires that all inmates who are victims of sexual abuse or sexual</p>

assault in the facility will be provided medical and mental health services at no cost to the victim. The policy does not require that the victim participate in the investigation. Through interviews with the PREA Coordinator, the auditor learned that all inmate victims will receive these services at no cost.

Based on the review of policy, practice, documentation and interviews, the auditor finds the facility compliant with all provisions 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>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Sheriff's Office Policy 708- Health Appraisals 4. Special Needs Placement Directive 5. Medical Assessment records 6. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator c. Medical staff <p>115.83(a). Policies 606 and 708 provided information regarding the facility's medical and mental health policies, procedures and available inmate services. Medical and mental health services are available to all inmates. During the onsite phase of the audit, the auditor confirmed through interviews with the medical staff, that inmates who report prior victimization are provided services, treatment and counseling by medical and/or mental health staff. The auditor reviewed PREA investigative files from the past 12 months. There were no investigations that contained an allegation of sexual abuse that led to the need for a forensic examination of any inmate. Also, there were no allegations of physical contact that could have led to a pregnancy.</p> <p>115.83(b). Policy 606 states, "Victims shall be provided with 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. The auditor interviewed the medical staff during the onsite phase of the audit and confirmed that the facility works with community healthcare providers for follow-up and treatment of inmates.</p> <p>115.83(c). Policy 606 states, "Treatment services consistent with the community level of care shall 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." During the onsite phase of the audit, the auditor met with medical staff and they indicated that all inmates do receive care and services that are consistent with what is available in the community.</p> <p>115.83(d) & (e). Policy 606 states, "Victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. If pregnancy results from the abuse, such victims shall receive comprehensive information about, and access to, all lawful pregnancy-related medical. This shall be done in a timely manner. The auditor interviewed the medical services director and confirmed this policy. There were no medical records available for an inmate who was victimized in the facility that could be reviewed by the auditor.</p> <p>115.83(f). Policy 606 addresses this provision and indicates, Provisions shall be made for testing the victim for sexually transmitted diseases. Victims shall be offered information about, and given access to, emergency contraception, prophylaxis for sexually transmitted infections</p>

and follow-up treatment for sexually transmitted diseases. This shall be done in a timely manner. Medical staff confirmed that any inmate victim would be offered tests for sexually transmitted infections.

115.83(g). Policy 600 states, "Treatment services consistent with the community level of care shall 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. The medical staff confirmed this is the practice they follow.

115.83(h). Cass County Jail is not a prison and this provision does not apply.

Based on the review of policy, practice, interviews and analysis, the auditor finds the facility compliant with all provisions of this Standard.

115.86	Sexual abuse incident reviews
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. PREA Investigative reports 4. Sexual Abuse Incident Review reports 5. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator b. PREA Coordinator <p>115.86(a). Policy 600 states, "An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors, investigators and qualified health care and or mental health professionals, as appropriate:</p> <ol style="list-style-type: none"> (a) Consider whether the investigation indicates a need to change policy or practice in order to better prevent, detect or respond to sexual abuse. (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification status or perceived status; gang affiliation; or other group dynamics at the facility. (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers may enable abuse. (d) Assess the adequacy of staffing levels in the area during different shifts. (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff. (f) Prepare a written report of the team's findings, including, but not limited to, determinations made pursuant to paragraphs (a)-(e) of this section, and any recommendations for improvement. The report should be submitted to the Sheriff and the PREA coordinator. <p>The Jail Administrator or the authorized designee shall implement the recommendations for improvement or document the reasons for not doing so."</p> <p>The PAQ contained 5 sexual abuse investigation files and incident reviews from the past 12 months. Each of the files reviewed contained written proof that an incident review took place.</p> <p>115.86(b). Policy 606 contains language that an incident review is to be completed within 30 days of the completion of every sexual abuse or sexual harassment investigation, unless the allegation was unfounded. There were five allegations of sexual abuse with a finding of substantiated or unsubstantiated in the past 12 months. An incident review took place and the date of the review was within 30 days of the conclusion of the investigation for all five cases.</p> <p>115.86(c). The auditor reviewed all five incident reviews completed in the past 12 months. The staff members listed on the review team included the Jail Administrator, PREA Coordinator and investigator. During the onsite phase of the audit, the auditor interviewed the all three incident review members. They confirmed that the facility takes all incidents of sexual abuse</p>

seriously and conducts the incident review at the conclusion of the investigation.

115.86(d). The facility provided the auditor copies of incident review reports. The policy and interviews with team members indicated that the review team properly questioned the five points noted in this provision. The auditor reviewed the five incident review reports from the past 12 months. The reports do not specifically list the five points from this provision, but would only indicate if there was an exception to one of the points. The reports were complete with the assessment and any recommendations for improvement. It is recommended that the facility creates an incident review form to document the team reviewed all five points.

115.86(e). The auditor reviewed the five incident review reports completed during the past 12 months. Several of the reports recommended additional cameras for the housing units. This was not completed in 2019 due to funding, but funding was approved for 32 additional cameras to be installed in 2020.

Based on review of policy, investigative reports, incident review reports, interviews and analysis, the auditor finds the facility in compliance with all provisions of this Standard.

115.87	Data collection
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Annual PREA Report 4. Automated online software system to used to collect data 5. 2018 Survey of Sexual Violence (SSV) Report 6. Sexual Abuse Incident Review reports 7. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator <p>115.87(a). Policy 606 includes a section entitled Data Reviews. This section outlines the agency and facility guidelines for the collection of data from the facility's sexual abuse and sexual harassment allegations. The data collection is through a standardized instrument utilizing an online software. The auditor was provided a copy of the facility's annual report for 2018. The set of definitions utilized for the data collection and listed in the report are in line with the definitions listed on the Survey of Sexual Violence conducted by the Department of Justice (DOJ).</p> <p>115.87(b). Per policy 606, the Agency collects data regarding the sexual abuse incidents in the facility and aggregates it for an annual report.</p> <p>115.87(c). The facility provided the auditor with a copy of the facility's annual reports from 2018 and the 2018 SSV report.</p> <p>115.87(d). Policy 606 requires that the agency collect data from all available incident reports and documents, investigation files and sexual abuse incident reviews.</p> <p>115.87(e). The agency does not contract with any outside facilities for the housing of inmates.</p> <p>115.87(f). The agency completes the Survey of Sexual Violence (SSV) when the request is received from the Department of Justice.</p> <p>Based on the review of policy, reports, documentation, interview and analysis, the auditor finds the facility compliant with all provisions of this Standard.</p>

115.88	Data review for corrective action
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Annual PREA Report 4. Sexual Abuse Incident Review reports 5. Agency website 6. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator <p>115.88(a). Policy 606 outlines the agency's annual data collection and review of the data. The policy states that the purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training by:</p> <ol style="list-style-type: none"> (a) Identifying problem areas. (b) Identifying corrective actions taken. (c) Recommending corrective actions. (d) Comparing current annual data and corrective actions with those from prior years. (e) Assessing the office's progress in addressing sexual abuse. <p>The auditor reviewed five sexual abuse incident reviews from the past 12 months. Action items identified from these reviews were included in the annual report. The auditor reviewed the agency's annual reports for 2018, and confirmed that the reports contain information related to this provision. The auditor interviewed the Jail Administrator during the onsite phase of the audit. He confirmed that the agency reviews annual data to determine if there is a need to take corrective action to prevent additional sexual abuse incidents.</p> <p>115.88(b). The auditor reviewed the agency's annual reports for 2018 and confirmed that the reports contain information related to this provision. The report included a comparison of the current year's sexual abuse incident data and corrective actions with those from prior years.</p> <p>115.88(c). The auditor reviewed the agency's website and found the agency's annual report posted.</p> <p>115.88(d). The auditor reviewed the 2018 annual report and did not identify any information that personally identified any inmate. The Jail Administrator confirmed that any reports written and posted to their website would only contain unidentified information regarding aggregated sexual abuse data.</p> <p>Based on the review of policy, reports, agency website, interview and analysis, the auditor finds the facility in compliance with all provisions of this Standard.</p>

115.89	Data storage, publication, and destruction
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Cass County Sheriff's Office Policy 606- Prison Rape Elimination Act 3. Cass County Annual PREA Report 4. Agency website 5. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator <p>115.89(a). Policy 606 includes language regarding the retention of sexual abuse data. The policy states, "All case records and reports associated with a claim of sexual abuse and sexual harassment, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment or counseling, shall be retained in accordance with confidentiality laws. The auditor interviewed the Jail Administrator. He provided the auditor an overview of the automated online system that is used to collect and store data and views and reports it can generate. The system is password protected and only the Jail Administrator, PREA Coordinator and Investigator have access.</p> <p>115.89(b). Policy 606 requires the agency to make all aggregated sexual abuse data available to the public at least annually through the agency website. The auditor reviewed the agency's website and found the agency's annual report posted.</p> <p>115.89(c). The auditor reviewed the 2018 annual report and did not identify any information that personally identified any inmate. The Jail Administrator confirmed that any reports written and posted to their website would only contain unidentified information regarding aggregated sexual abuse data.</p> <p>115.89(d). The facility includes language regarding the retention of sexual abuse data in Policy 606. The policy mandates all data collected pursuant to this policy shall be securely maintained for at least 10 years after the date of the initial collection, unless federal, state or local law requires otherwise. During the onsite phase of the audit, the auditor interviewed the Jail Administrator and he confirmed the sexual abuse data is secured and maintained for at least 10 years.</p> <p>Based on the review of policy, agency website, reports, interviews and analysis, the auditor finds the facility in compliance with all provisions of this Standard.</p>

115.401	Frequency and scope of audits
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Final PREA Audit Report dated October 7, 2016 3. Agency Website 4. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator <p>115.401(a). The first audit of the Cass County Jail was completed in October 2016. The audit report is posted on the agency's website and available for public review. The Cass County jail is the only facility operated by the Cass County Sheriff's Office. The auditor confirmed with the Jail Administrator that the 2016 audit is their only completed PREA audit.</p> <p>15.401(b). This is the first year of the second PREA audit cycle. This audit will be completed prior to the end of the second cycle.</p> <p>115.401(h). During the onsite phase of the audit, the auditor was given the opportunity to complete a full site review. This included full access to all areas of the facility, so the auditor could assess all operations and talk with staff and inmates.</p> <p>115.401(i). During the onsite phase of the audit, the auditor was provided with all documentation requested in order to properly review and verify all operations related to the PREA standards.</p> <p>115.401(m). During the onsite phase of the audit, the auditor interviewed a total of 27 inmates. One inmate refused the interview, but was brought to the interview room to personally see the auditor and refuse. The facility provided a private room for the auditor to meet with each inmate for the interview.</p> <p>115.401(n). The facility posted the required audit notice in every housing unit, printed in English and Spanish on October 10, 2019. The notices were also seen in public areas throughout the facility, in the public lobby and in the visitation room. The audit notice included the auditor's contact information and explained the process to send confidential information or correspondence.</p> <p>Based on review of documents, Pictures of audit notices posted, Agency website, interviews and analysis, the auditor finds the facility compliant with all provisions of the Standard.</p>

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Reviewed (documents, interviews, site review):</p> <ol style="list-style-type: none"> 1. Cass County Jail Completed Pre-Audit Questionnaire (PAQ) 2. Final PREA Audit Report dated October 7, 2016 3. Agency Website 4. Interviews with: <ol style="list-style-type: none"> a. Jail Administrator <p>The auditor was provided information in the PAQ regarding the facility's first PREA audit. Their first audit was completed in October 2016. The audit report is posted on the agency's website and available for public review. The Cass County Jail is the only facility operated by the Cass County Sheriff's Office. The auditor confirmed with the Jail Administrator that the 2016 audit is their only completed PREA audit.</p> <p>Based on the review of previous report, interview and analysis, the auditor finds the facility in compliance with 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.)	na
	Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.)	na
115.12 (a)	Contracting with other entities for the confinement of inmates	
	If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	na
115.12 (b)	Contracting with other entities for the confinement of inmates	
	Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	na
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.)	na
115.13 (c)	Supervision and monitoring	
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan?	yes
115.13 (d)	Supervision and monitoring	
	Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment?	yes
	Is this policy and practice implemented for night shifts as well as day shifts?	yes
	Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility?	yes
115.14 (a)	Youthful inmates	
	Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na

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

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.)	yes
115.21 (a)	Evidence protocol and forensic medical examinations	
	If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes

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

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

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

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

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

115.33 (e)	Inmate education	
	Does the agency maintain documentation of inmate participation in these education sessions?	yes
115.33 (f)	Inmate education	
	In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats?	yes
115.34 (a)	Specialized training: Investigations	
	In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators receive training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.34 (b)	Specialized training: Investigations	
	Does this specialized training include techniques for interviewing sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include proper use of Miranda and 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.)	na
	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.)	yes
115.51 (c)	Inmate reporting	
	Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Does staff promptly document any verbal reports of sexual abuse and sexual harassment?	yes
115.51 (d)	Inmate reporting	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?	yes
115.52 (a)	Exhaustion of administrative remedies	
	Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse.	no

115.52 (b)	Exhaustion of administrative remedies	
	Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)	yes
	Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.)	yes
115.52 (c)	Exhaustion of administrative remedies	
	Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from 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).)	yes

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

115.73 (d)	Reporting to inmates	
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility?	yes
	Following an inmate's allegation that he or she has been sexually 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?	no
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.)	na
115.81 (a)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison).	na
115.81 (b)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)	na
115.81 (c)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a jail).	yes
115.81 (d)	Medical and mental health screenings; history of sexual abuse	
	Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?	yes

115.81 (e)	Medical and mental health screenings; history of sexual abuse	
	Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior 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.)	yes
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.)	yes
115.83 (f)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes
115.83 (g)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes

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

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

115.87 (d)	Data collection	
	Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?	yes
115.87 (e)	Data collection	
	Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.)	na
115.87 (f)	Data collection	
	Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)	yes
115.88 (a)	Data review for corrective action	
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?	yes
	Does the agency review data collected and aggregated pursuant 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.)	yes
	If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.)	na
	If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)	na
115.401 (h)	Frequency and scope of audits	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes
115.401 (i)	Frequency and scope of audits	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes
115.401 (m)	Frequency and scope of audits	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes
115.401 (n)	Frequency and scope of audits	
	Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes
115.403 (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