

PREA Facility Audit Report: Final

Name of Facility: Naselle Youth Camp

Facility Type: Juvenile

Date Interim Report Submitted: NA

Date Final Report Submitted: 11/24/2021

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: Joel T. Whitt	Date of Signature: 11/24/2021

AUDITOR INFORMATION	
Auditor name:	Whitt, Joel
Email:	joel.whitt@zajonc-corp.com
Start Date of On-Site Audit:	10/11/2021
End Date of On-Site Audit:	10/13/2021

FACILITY INFORMATION	
Facility name:	Naselle Youth Camp
Facility physical address:	11 Youth Camp Lane, Naselle, Washington - 98638
Facility Phone	
Facility mailing address:	

Primary Contact	
Name:	Kourtney Scudder
Email Address:	Kourtney.scudder@dcyf.wa.gov
Telephone Number:	360-484-3223 Ext

Superintendent/Director/Administrator	
Name:	Patrick Escamilla
Email Address:	patrick.escamilla@dcyf.wa.gov
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Facility PREA Compliance Manager	
Name:	Kourtney Scudder
Email Address:	kourtney.scudder@dcyf.wa.gov
Telephone Number:	

Facility Health Service Administrator On-Site	
Name:	Troy Wasmundt
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Facility Characteristics	
Designed facility capacity:	55
Current population of facility:	43
Average daily population for the past 12 months:	60
Has the facility been over capacity at any point in the past 12 months?	No
Which population(s) does the facility hold?	Males
Age range of population:	16-20
Facility security levels/resident custody levels:	Institutional minimum
Number of staff currently employed at the facility who may have contact with residents:	96
Number of individual contractors who have contact with residents, currently authorized to enter the facility:	17
Number of volunteers who have contact with residents, currently authorized to enter the facility:	1

AGENCY INFORMATION	
Name of agency:	Washington Department of Children, Youth, and Families
Governing authority or parent agency (if applicable):	Washington Department of Social and Health Services
Physical Address:	1115 Washington St. SE, Olympia, Washington - 98504
Mailing Address:	
Telephone number:	3609028499

Agency Chief Executive Officer Information:	
Name:	Felice Upton
Email Address:	Felice.upton@dcyf.wa.gov
Telephone Number:	360-338-2300

Agency-Wide PREA Coordinator Information			
Name:	Eric Crawford	Email Address:	eric.crawford@dcyf.wa.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.

J.R. serves Washington state's highest-risk youth. J.R. requested a PREA Audit for the facility known as the Naselle Youth Camp Facility (NYC) in August of 2020. However, due to the COVID-19 pandemic, the audit was delayed until October of 2021. NYC is located at 11 Youth Camp Ln, Naselle, Washington, and the pre-audit work began on August 31, 2021, and the onsite portion of the PREA Audit occurred between October 11, 2021, and October 13, 2021. (NOTE: For this PREA Report, the term "Agency" always represents J.R. and the term "Facility" always represents Naselle Youth Camp).

The Data Audit Framework used by this auditor to assess the Agency's and Facility's compliance with the PREA Standards included the following: (1) Agency policies, (2) Facility procedures, (3) Interviews with 30 people [Acting Facility Head, PREA Compliance Manager, HR Staff, Investigator, Facility Director, Staff who perform Screening for Risk of Victimization and Abusiveness, Intake Staff, and Staff Responsible for Retaliation Monitoring, 13 security staff and 13 residents], (4) the Pre-Audit Questionnaire, (5) 20 client files, (6) 15 staff files and (7) associated attachments. Further, the Data Audit Framework relied on interviews of local area service providers [e.g., local area rape crisis center and local hospitals that would be used for forensic exams] and interviews with local police department staff and local school district staff.

To complete this audit, this auditor used a triangulated audit methodology. First, all submitted and related documentation was reviewed. This included policies, procedures, organizational charts, forms, etc. After a thorough review of the documentation was completed, this auditor conducted interviews [semi-structured and unstructured] of staff, residents, and other stakeholders [local community-based organizations who provide victim advocacy services to residents, as well as interviewing staff from the agencies responsible for investigating sexual abuse and sexual harassment allegations at the facility]. Once the interviews were completed, the auditor reviewed files and reports. This allowed the auditor to determine if the agency and facility were complying with all related PREA standards.

During the Audit, Co-Auditor Kyle Barrington completed the Agency Audit. This included interviews with the Agency Head, PREA Administrator (Coordinator) PREA Compliance Manger for the Agency, PREA Supervisor, HR Manager, and also reviewed all policies and procedures received for this audit.

An important part of the audit methodology was the site tour and review. On October 11, 2021, this auditor toured NYC. A review of the facility allowed the auditor to: (1) note obvious blind-spots; (2) observe the areas where residents typically shower, change clothes or perform bodily functions; (3) note staff locations and movements; (4) record resident supervision levels; and (5) observe the types and abundance of communications between the facility and residents, via posters and notices.

To ensure that the audit process was fair and transparent, the auditor utilized a random selection process, when possible, by using a random number generator to identify security staff, residents, and files for review. At the beginning of the audit, the auditor asked for five lists. The lists were: (1) Current security staff; (2) Current residents; (3) Staff who were promoted within the past 12-months; (4) List of contractors and volunteers; and (5) Residents who were discharged within the past 12-months. This auditor placed a number next to each name on each list, starting with the number one (1) and moving upward in a sequential manner. Once all current security staff members were numbered, this auditor utilized a computerized random number generator to identify the selected security staff for interviews. This ensured that every security staff member had an equal chance of being selected for an interview. Careful attention was paid to ensure that security staff from all shifts were selected and that security staff assigned to different housing areas were selected. Once this was completed, this auditor repeated this process for each of the remaining lists. In all, this auditor interviewed 13 security staff, 13 residents of 42 on site, 1 contractor, 1 medical staff, 1 non-security staff (kitchen), 1 mental health staff, 1 PCM, acting Facility Head, 2 staff who complete unannounced rounds, and reviewed 15 staff files, and 20 files of residents

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.

Naselle Youth Camp is located in the forest near the Pacific coast of Washington State's Southwest corner. A former military camp for a radar facility, the campus has staff apartments a five-minute walk away. Part of the multi-acre campus is shared with the Department of Natural Resources, which maintains an office and garages and employed some of the youth before Covid-19.

Arriving at the NYC daily there was Covid-19 precautions that included a questionnaire and temperature check. The facility is gated to prevent unexpected traffic and for visitor clearance. The Administration building houses a receptionist, HR staff, Facility Head, and other administrative staff.

Visitation is a large stand-alone building with staff by the front door. Was interrupted by Covid-19 and had only recently opened up and schedule to ensure distancing and safety.

Eagle Lodge houses mental health staff in several offices, along with a breakroom, a small kitchen, and bathrooms. The Dining and Kitchen building is next. The dining area is large and has an open kitchen area. There is a Chapel building that has not been in use due to Covid-19. There is a commissary and storage building. The facility has a medical building with a PA on site and dental services also on site. There is a large Maintenance Building that you are not allowed to enter. There is a school with a center area for the Library and supportive supervision. All doors on the tour were locked and opened by key. A 1:8 ratio is maintained, and teachers are included in the ratio during school. There is a security supervisor assigned to the school who assists in supervision and monitoring. Next two the school are some open outdoor recreation spaces.

Past these buildings and out of the primary area of the camp the Department of Natural Resources has their building that pre-pandemic would teach skills for employment including firefighting.

There are four lodges which house the youth: Cougar, Mariner, Harbor and Moolock. Moolock is not used for housing at this time. Harbor is split-level, while the other lodges are single level with similar layouts. The entrance is next to the program manager's office. Currently the facility is at 50% capacity roughly with 42 residents. This has allowed the facility to utilize single rooms for residents and further ensure safety.

The Facility is located in a scenic forest environment with a stream passing through it. Residents participate in a fish hatchery that stocks local lakes with native fish. There are gardening areas and a greenhouse that ensures residents have access to a variety of therapeutic activities.

New cameras were pointed out on the tour that closed blind spots and ensure resident safety as the majority of the area's residents can be in are on camera and would show intentional departure from the camera areas by staff or residents. This adds to the overall safety of the residents at the facility.

AUDIT FINDINGS

Summary of Audit Findings:

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

Number of standards exceeded:	1
Number of standards met:	42
Number of standards not met:	0

Number of Standards Exceeded: 1

Number of Standards Met: 42

Number of Standards Not Met: 0

As a co-auditor was completing the Agency Audit at the same time and assisting with components of this Audit, the Initial Report was delayed to allow the Agency to resolve the posting of Agregate Data on-line. These were compelted during the interim and verified on-line. NYC had no ares for corrective action but a review was made to ensure that the teachers training was equal to requirements identied in standards for security staff. It was determined upon review of standard, FAQs, and Auditor Handbook that the level of training completed by the teachers met standard.

Interviews with youth presented NYC in a very positive light. The residents felt well cared for, trusted the staff, spoke highly of the staffs response to PREA realted allegations and ensure their safety. Overall the audit found that PREA has become a central part of NYC and the intent of the standards are met and have been institutionalized.

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.

115.311	<p>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</p> <p>Auditor Overall Determination: Exceeds Standard</p> <p>Auditor Discussion</p> <p>REQUIREMENTS: 115.311: This standard has three components (a) An agency shall have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency's approach to preventing, detecting, and responding to such conduct; (b) An agency shall employ or designate an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities; and (c) Where an agency operates more than one facility, each facility shall designate a PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.</p> <p>EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, this auditor reviewed the following: 1) J.R. Policy number 5.90 [Signed 5/21/2019]; 2) J.R. Community Facility Standard 10 [Signed 12/11/2017], 3) Naselle Youth Camp Facility Preamble 4) Interviews with the Agency Head, 5) Interview notes with the PREA Coordinator [entitled the PREA Administrator within the agency], 6) Interview with the acting Facility Superintendent, 7) Interviews with the Facility PREA Compliance Manager, 8) the Pre-Audit Questionnaire; 9) J.R.'s Organizational Chart; 10) The Facility's Organizational Chart, and 11) Interviews with staff.</p> <p>OBSERVATIONS: The Agency's 5.90 Policy covers all required elements of 115.311; The Agency employs a PREA coordinator, entitled the PREA Administrator, with sufficient time to develop, implement, and oversee the efforts to comply with the PREA standards in all its facilities. Based on interviews with the Agency Head and the PREA Coordinator (called the PREA Administrator), the PREA Administrator does appear to be "upper level," and it appears the PREA Coordinator is an "agency-wide" position. The Agency Head noted that the PREA Administrator has access to her anytime for a PREA related need. In addition, the facility does have a designated PREA Compliance Manager, and the PREA Compliance Manager does believe they have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards. Further, the agency employs an Agency PREA Compliance Manager who assists the PREA Administrator with PREA related investigations and with helping facilities comply with J.R. Policy 5.90.</p> <p>DETERMINATION: The agency and facility exceed this standard.</p> <p>RATIONALE: First, the agency has well-developed, written policies and procedures related to PREA. The policies and procedures mandate zero tolerance toward all forms of sexual abuse and sexual harassment and outline the agency's approach to preventing, detecting, and responding to such conduct. Second, the agency employs an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with its PREA standards. Third, Naselle Youth Camp has a designated PREA Compliance Manager with sufficient time and authority to coordinate the facility's compliance with the PREA standards. Fourth, the agency employs an Agency level PREA Compliance Manager who assists the PREA Administrator with ensuring that the agency and facilities are complying with the PREA standards.</p>
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115.312	Contracting with other entities for the confinement of residents
	Auditor Overall Determination: Meets Standard
	<p data-bbox="229 192 1509 255">Auditor Discussion</p> <p data-bbox="229 255 1509 403">REQUIREMENTS: 115.312: This standard has two components: (a) A public agency that contracts for the confinement of its residents with private agencies or other entities, including other government agencies, shall include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards; (b) Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards.</p> <p data-bbox="229 403 1509 551">EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, this auditor reviewed the following: 1) the Pre-Audit Questionnaire; 2) Interview with the Contract Specialist at DCYF; and 3) Interview(s) with the Agency Head, PREA Coordinator, acting Facility Superintendent, and the NYC PREA Compliance Manager.</p> <p data-bbox="229 551 1509 676">OBSERVATIONS: Interviews with the Agency Head, PREA Coordinator (called PREA Administrator), DCYF Contract Specialist, and the Facility's P.C.M. supported the agency's contention that the agency does not contract for the confinement of its residents with private agencies or other entities, including other government agencies.</p> <p data-bbox="229 676 1509 716">DETERMINATION: The agency meets this standard.</p> <p data-bbox="229 716 1509 810">RATIONALE: There is no evidence that the agency contracts for the confinement of any of its residents with private agencies or other entities.</p>

115.313	<p>Supervision and monitoring</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>REQUIREMENTS: 115.313: This standard has four components: (a) a staffing plan has been created; (b) deviations from the staffing plan are documented; (c) the staffing plan is reviewed annually; and (d) for secure facilities, where unannounced rounds occur, the staff is prohibited from alerting other staff that such rounds are occurring.</p> <p>EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the facility submitted or provided to this auditor the following: 1) Agency policy 5.90; 2) the Pre-Audit Questionnaire; 3) Facility's Staffing Plan dated November 2020; 4) Interviews with staff; 5) School Personel training records; and 6) Facility Security Training Content and Requirements.</p> <p>OBSERVATIONS: The facility developed, implemented, and documented a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring to protect residents against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, the facility did take into consideration: (1) Generally accepted juvenile detention and correctional/secure residential 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 residents may be isolated); (6) The composition of the resident 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; and (11) Any other relevant factors. The latest version of the staffing plan did include the change in state law that allows the facility to include youth aged 12 to 25. The staffing plan, dated November 2020, noted blind spots and areas off limites to residents.</p> <p>No deviations from the staffing plan were noted by staff during staff interviews, and no deviations were reported in the Pre-Audit Questionnaire. However, staff deviation forms were available if a deviation was reported.</p> <p>The Staffing Plan presented to the auditor did include signatures from November 2020. Thus, it does appear the staffing plan is updated annually.</p> <p>During the facility tour it was apparent that school personnel were included in the ratio while residents were attending school. Interviews with staff and the PREA Compliance Manager that school personnel were included. At this time the request for documentation of training for school personnel and security personnel be provided to determine if school personel received the same training as security personnel. Evidence of training was provided. The only variance between between non-school security and trained school personnel was that school personnel were not trained for "Physical Take Downs". However, PREA Standards do not cite this as requirement for inclusion as security personnel in the standard. Review of the curriculum, training records, and interviews with school personnel indicated that they had received training consistant to the requirements specifically stated by Standards for school staff be included in ratio. the student to teacher ratio was 1:8 and the facility also provided a superviory security officer to the school for additional supervision crisis management. Based the staffing plan, interviews, review of training records, review of PRC's FAQs and definitions of security staff, and the review of training materials it was determined that the Staffing Plan met the standard.</p>
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115.315	Limits to cross-gender viewing and searches
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>REQUIREMENTS: 115.315: This standard has six components: (a) The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners; (b) The agency shall not conduct cross-gender pat-down searches except in exigent circumstances; (c) The facility shall document all cross-gender strip searches and cross-gender visual body cavity searches, and shall document all cross-gender pat-down searches of residents; (d) The facility shall implement policies and procedures that enable residents 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. Such policies and procedures shall require staff of the opposite gender to announce their presence when entering an resident housing unit; (e) The facility shall not search or physically examine a transgender or intersex resident for the sole purpose of determining the resident's genital status.; and (f) The agency shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex residents, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.</p> <p>EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the facility submitted or provided to this auditor the following: 1) J.R. policies; 2) the Pre-Audit Questionnaire; 3) Interviews with twelve security staff; 3) Review of staff training files; and 4) Interviews with residents both randomly selected and specialized resident interviews (12 total).</p> <p>OBSERVATIONS: Based on observation, document review, and interviews, the facility does not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners. The agency does not allow, and the facility ensures that staff does not conduct cross-gender pat-down searches except in exigent circumstances. The facility does have the forms to document all cross-gender strip searches and cross-gender visual body cavity searches, and the staff would document all cross-gender pat-down searches; however, none were reported; thus, no forms were reviewed. The facility does implement policies and procedures that enable residents 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. Further, the policies and procedures require the staff of the opposite gender to announce their presence when entering a resident's room or housing area. The facility does not search or physically examine a transgender or intersex resident for the sole purpose of determining the resident's genital status. The agency trains security staff to conduct cross-gender pat-down searches and searches of transgender and intersex residents, professionally and respectfully, and in the least intrusive manner possible, consistent with security needs.</p> <p>DETERMINATION: It was determined that the facility meets this standard.</p> <p>RATIONALE: The facility design provides each resident with the ability to shower, perform bodily functions, and change clothing without any staff viewing their breasts, buttocks, or genitalia, except in exigent circumstances. Further, all residents reported that they are never required to undress, use the bathroom, or shower in front of cross gender staff. Residents and staff noted that searching a resident to determine their genital status would be a PREA violation and would have to be reported. All staff and residents stated that strip searches are never permitted. Further, all staff and residents were able to state that cross-gender pat searches are not permitted, except in exigent circumstances. Residents are required to change in the bathroom/shower room in their pod to limit cross incidental viewing and both staff and resident interviews confirmed this was the rule and practice and exposure would be intentional. The design of the facility limits incidental viewing; however, one resident reported that there was a resident who had intentionally exposed himself and he had reported it and that the staff had moved the resident who violated the rules and PREA education residents receive. Interviews with staff and reports confirmed that action was taken and the offending youth was moved to another area of the facility.</p>

115.316	Residents with disabilities and residents who are limited English proficient
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>REQUIREMENTS: 115.316: This standard has three components: (a) The agency shall take appropriate steps to ensure that residents with disabilities (including, for example, residents who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment; (b) The agency shall 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 residents who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary; and (c) The agency shall not rely on resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties under §115.64, or the investigation of the resident's allegations.</p> <p>EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the facility submitted or provided to this auditor the following: 1) J.R. policies; 2) the Pre-Audit Questionnaire; 3) Interviews with thirteen security staff; 3) Review of staff training files; 4) Review of the training materials used by staff to inform residents about their rights to be free from sexual abuse and sexual harassment; and 5) Interviews with residents.</p> <p>OBSERVATIONS: The facility has used training tailored to identify youth with disabilities and to identify the best means to communicate with these youth. The agency maintains a contract for Interpreter Services with an outside service that is utilized as needed. This auditor called this number, and interpreter services were immediately available. Further, the facility had access to certified interpreters. In interviews with security staff, all thirteen reported that they would either access the translation services or secure approval from the supervisor to do so. Further, all the staff reported that they would NOT allow residents to interpret for other residents unless it was an exigent circumstance. The facility has multiple English/Spanish Bilingual security staff. Additionally, all 12 residents interviewed noted they received and understood the information they were provided.</p> <p>DETERMINATION: It was determined that the facility meets this standard.</p> <p>RATIONALE: The facility provides each resident, even those with disabilities (including residents who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), with equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. The agency provides for, and the facility staff takes 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 residents who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. This is accomplished by having access to trained and certified translators in the predominant languages at the facility. Further, all staff and residents affirmed that staff does not rely on resident interpreters, resident readers, or other types of resident assistants except in limited exigent circumstances.</p>

115.317	Hiring and promotion decisions
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 210 451 235">Auditor Discussion</p> <p data-bbox="240 271 1485 999"> REQUIREMENTS: 115.317: This standard has eight components: (a) The agency shall not hire or promote anyone who may have contact with residents, and shall not enlist the services of any contractor who may have contact with residents, who— [(1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997); (2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or (3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section]; (b) The agency shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents; (c) Before hiring new employees who may have contact with residents, the agency shall: [(1) Perform a criminal background records check; and (2) 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]; (d) The agency shall also perform a criminal background records check before enlisting the services of any contractor who may have contact with residents; (e) The agency shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with residents or have in place a system for otherwise capturing such information for current employees; (f) The agency shall ask all applicants and employees who may have contact with residents directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct; (g) Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination; and (h) Unless prohibited by law, the agency shall 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. </p> <p data-bbox="240 1032 1469 1126"> EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the facility submitted or provided to this auditor the following: 1) J.R. policies (5.90 and 1.23); 2) the Pre-Audit Questionnaire; 3) Interviews with facility H.R. staff; 4) PREA Compliance Manager, 5) Review of staff files; 6) Review of contractor files, and 7) Review of volunteer files. </p> <p data-bbox="240 1160 1485 1854"> OBSERVATIONS: In a review of thirteen staff files and interviews with H.R. staff found that background checks were performed on all new hires and for staff employed for more than four years. Child abuse registries were checked prior to staff being employed. Further, former institutional employers were contacted. The agency does not hire or promote anyone who may have contact with residents, who— [(1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997); (2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or (3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section]. The agency and facility staff do consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with residents. Before hiring new employees, who may have contact with residents, the agency does: [(1) Perform a criminal background records check; and (2) 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]. The agency does conduct criminal background records checks at least every five years of current employees who may have contact with residents. The agency asks all applicants and employees who may have contact with residents directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews current employees. The agency does also impose upon employees a continuing affirmative duty to disclose any such misconduct. Agency policy notes that material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination. Agency staff noted that unless prohibited by law, the agency would 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. </p> <p data-bbox="240 1888 1485 1982"> The facility has not utilize volunteers at NYN since March 2020 due to pandemic. Prior to that the facility utilized volunteers. It does continue to have contractors. Specifically, the contractors are teachers from the local school district. A review of the contractors' and file found that all requirements of this standard relating to contractors was adhered to. </p> <p data-bbox="240 2011 1034 2038"> DETERMINATION: It was determined that the agency does meet this standard. </p> <p data-bbox="240 2067 1485 2157"> RATIONALE: First, the agency does not hire or promote anyone who may have contact with residents and does not enlist the services of any contractor who may have contact with residents who have violated, criminally or civilly, any of the PREA restricted offenses. Second, the agency considers all incidents of sexual harassment in determining whether to hire or </p>

promote anyone or enlist the services of any contractor who may have contact with residents. Third, before hiring new employees who may have contact with residents, the agency performs a criminal background records check; and, 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. Fourth, the agency performs a criminal background records check before enlisting the services of any contractor who may have contact with residents. Fifth, the agency conducts background records checks at least every five years on current employees and contractors who may have contact with residents. Sixth, the agency asks all applicants and employees who may have contact with residents directly about previous misconduct related to PREA offenses in written applications or during interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. Seventh, the agency does impose upon employees a continuing affirmative duty to disclose any such misconduct related to a PREA offense. Eighth, any material omissions regarding such misconduct, or the provision of materially false information, are grounds for termination. Ninth, unless prohibited by law, the agency does 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.

115.318	<p>Upgrades to facilities and technologies</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>REQUIREMENTS: 115.318: This standard has two components: (a) When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the agency shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect residents from sexual abuse; and (b) When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect residents from sexual abuse.</p> <p>EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, this Auditor 1) Reviewed material submitted by the facility, 2) Reviewed the Pre-Audit Questionnaire, 3) Conducted a facility tour, 4) Interviewed staff (specifically, the Agency Head designee, acting Facility Superintendent, PREA Compliance Manager, and the facility's staff), 5) Interviewed residents.</p> <p>OBSERVATIONS: Though there have been no significant structural changes to the facility since the last PREA audit, the facility has upgraded its video monitoring with additional cameras. Increased coverage provides the agency and facility staff significantly improved the quality of the video security system and the number of cameras added. In addition, the staff were very aware of existing blind spots and gaps between one camera and the next. NYC has a large area to cover and is in a forest area with large trees. It was explained where many additional cameras were added and how that decision was made to enhance resident safety. Further, observation of the system and interviews with staff and residents confirmed that no cameras were placed or had an angle that permitted viewing into areas where residents could be showering, changing clothes, or performing bodily functions.</p> <p>DETERMINATION: It was determined that the agency meets this standard.</p> <p>RATIONALE: First, there have been no significant renovations, nor are significant renovations planned for this facility. There has been a reduced number of placements during the Pandemic which has allowed for higher levels of supervision and individual rooms for residents. Second, the facility just underwent enhancements to the facility's security system. This meant installing or updating the video monitoring system, electronic surveillance system, and other monitoring technology. During this process, the agency considered how such technology might enhance the agency's ability to protect residents from sexual abuse.</p>
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115.321	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 1493 1234"> REQUIREMENTS: 115.321: This standard has eight components: (a) To the extent the agency is responsible for investigating allegations of sexual abuse, the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions; (b) The protocol shall be developmentally appropriate for youth and, as appropriate, shall be 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; (c) The agency shall offer all residents who experience sexual abuse access to forensic medical examinations whether onsite or at an outside facility, without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The agency shall document its efforts to provide SAFEs or SANEs; (d) The agency shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the agency shall make available to provide these services a qualified staff member from a community-based organization or a qualified agency staff member. Agencies shall document efforts to secure services from rape crisis centers. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages. The agency may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services; (e) As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals; (f) To the extent the agency itself is not responsible for investigating allegations of sexual abuse, the agency shall request that the investigating agency follow the requirements of paragraphs (a) through (e) of this section; (g) The requirements of paragraphs (a) through (f) of this section shall also apply to: [(1) Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in juvenile facilities; and (2) Any Department of Justice component that is responsible for investigating allegations of sexual abuse in juvenile facilities.] (h) For the purposes of this standard, a qualified agency staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general. </p> <p data-bbox="240 1267 1442 1391"> EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the facility submitted or provided to this auditor the (1) Pre-Audit Questionnaire, (2) J.R. policies and procedures, (3) Interviews with the PREA Administrator, (4) Interviews with the J.R. Investigator, (5) Interviews with the PREA Compliance Manager (P.C.M.); (6) Interviews with the local hospital staff that employs SAFE or SANE nurses; and (7) Interviews with local area victim services programs. </p> <p data-bbox="240 1424 1493 2152"> OBSERVATIONS: The agency is not responsible for investigating allegations of sexual abuse as all sexual abuse investigations would be immediately referred to the agency with the legal authority to conduct such an investigation (law enforcement and/or Child Protective Services). The agency has requested that law enforcement (local police department) and Child Protective Services (C.P.S.) follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. Facility staff has requested that these investigating agencies utilize a protocol that is developmentally appropriate for youth and, as appropriate, shall be 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. Documented evidence and interviews with local victim advocacy groups supported that facility staff would offer all residents who experience sexual abuse access to forensic medical examinations, whether onsite or at an outside facility, without financial cost, where evidentiary or medically appropriate. Such examinations would be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. The facility has made arrangements to make available to the victim a victim advocate from a rape crisis center. Interviews with this agency supported the fact a trained advocate would be made available 24 hours a day, seven days a week. If requested by the victim, the victim advocate would be allowed to accompany and support the victim through the forensic medical examination process and investigatory interviews and would provide emotional support, crisis intervention, information, and referrals. There is documentation that local law enforcement and/or local hospitals whose staff may perform a forensic exam were asked to utilize 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. Currently, the hospital that has the SANE nurses utilize a protocol that was developed in 2014. A reconfirmation of this request was received by the local law enforcement agency in October of 2021. </p>

DETERMINATION: It was determined that the agency meets this standard.

RATIONALE: First, the agency is not responsible for investigating allegations of sexual abuse; that responsibility is with Child Protective Services and/or local law enforcement. Second, the agency does offer all residents who experience sexual abuse access to forensic medical examinations outside the facility at the local hospital. These services would be provided without financial cost to the resident, where evidentiary or medically appropriate. Such examinations would be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs). Third, the agency does attempt to make available to the victim a victim advocate from a rape crisis center. Fourth, if requested by the victim, a victim advocate would accompany and support the victim through the forensic medical examination process and investigatory interviews and would provide emotional support, crisis intervention, information, and referrals. Fifth, since the agency is not responsible for investigating allegations of sexual abuse, the agency has requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section. Sixth, the agency understands that the requirements of paragraphs (a) through (f) of this section shall also apply to: (1) Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in juvenile facilities; and (2) Any Department of Justice component that is responsible for investigating allegations of sexual abuse in juvenile facilities.

115.322	<p>Policies to ensure referrals of allegations for investigations</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>REQUIREMENTS: 115.322: This standard has five components: (a) The agency shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment; (b) The agency shall have in place a policy 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. The agency shall publish such policy on its website or, if it does not have one, make the policy available through other means. The agency shall document all such referrals; (c) If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity; (d) Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in juvenile facilities shall have in place a policy governing the conduct of such investigations; (e) Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in juvenile facilities shall have in place a policy governing the conduct of such investigations.</p> <p>EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the facility submitted or provided to this auditor the (1) Pre-Audit Questionnaire, (2) J.R. Policies and Procedures (5.90 and 1.22), (3) Review of the Coordinated Response Plan; (4) Interviews with staff (specifically, the acting Facility Superintendent, PREA Compliance Manager and the Agency investigator); (5) Copies of completed investigations, (6) the Agency's Conducting PREA Criminal Investigations narrative off the DCYF website, and (7) Interviews with Residents.</p> <p>OBSERVATIONS: The Agency and Facility do have policies that all allegations of sexual abuse and sexual harassment would be investigated. It is the policy and practice of the agency and facility to refer all allegations of sexual abuse and sexual harassment to an agency with the legal authority to conduct criminal investigations (e.g., law enforcement and Child Protective Services). If these agencies determine that the allegation does not involve potentially criminal behavior, then the J.R. investigation staff would be responsible for conducting an administrative investigation. The facility does document all referrals of sexual abuse and sexual harassment allegations to the appropriate agency. The agency's policies describe the responsibilities of both the agency and the investigating entity.</p> <p>DETERMINATION: It was determined that the agency meets this standard.</p> <p>RATIONALE: First, the agency ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. Second, the agency has a policy 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. Third, the agency publishes such policy on its website at Prison Rape Elimination Act Compliance Washington State Department of Children, Youth, and Families. Fourth, as a separate entity is responsible for conducting criminal investigations, a responsibilities document that describes the responsibilities of both the agency and the investigating entity is published on the agency's website. Fifth, the agency does have a policy governing the conduct of investigations. Sixth, the Department of Justice is not responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in juvenile facilities operated by the agency.</p>
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115.331	Employee training
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>REQUIREMENTS: 115.331: This standard has four components: (a) The agency shall train all employees who may have contact with residents on 11 required topics; (b) Such training shall be tailored to the unique needs and attributes of residents of juvenile facilities and to the gender of the residents at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only male residents to a facility that houses only female residents, or vice versa; (c) All current employees who have not received such training shall be trained within one year of the effective date of the PREA standards, and the agency shall 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. In years in which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies; and (d) The agency shall document, through employee signature or electronic verification, that employees understand the training they have received.</p> <p>EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the facility submitted or provided to this auditor the (1) Pre-Audit Questionnaire, (2) Agency and facility policies and procedures, (3) interviews with staff, (4) Training forms, and (5) Training curricula.</p> <p>OBSERVATIONS: All 12 of the security staff interviewed noted that they did receive all the required PREA training. All of the interviewees noted they felt they received training that was specific to the "unique needs and attributes and gender of the residents at the Facility." In a review of staff files, it was apparent that staff received the required PREA training prior to having contact with residents. Further, interviews with new staff noted that they received the required PREA training prior to first contact with residents.</p> <p>The Agency and Facility provides two types of training, Instructor-Led Training (I.L.T.) and an online version. In a review of the training files, all 12 security staff files reviewed showed that staff completed an online PREA training in the past 24-months using the agency's online training system. For staff taking training via the online system, each staff member is provided a unique name and password. Staff cannot complete the training without having to attest that they attended and understood the training. As each staff member completing online training must note that they attended and understood the training, it was determined that the agency does document via electronic verification that employees understood the training they received. Further, for some training, the staff are also required to pass a test to ensure that the staff understood the training. This was in addition to the required electronic verification that they attended and understood the training.</p> <p>In the past 12-months, PREA training was not offered, but PREA refresher information was provided to staff between July and September of 2021. Staff interviews confirmed that this refresher information was provided.</p> <p>DETERMINATION: It was determined that the agency meets this standard.</p> <p>RATIONALE: First, all staff has completed an online PREA training that covers all elements required by this standard in the past 24-months. Second, the online system captures electronic verification that staff completed and understood the training. Third, as PREA training is not required every year, and because staff acknowledged that PREA refresher information was provided in the past 12-months, the agency is found to meet this standard.</p>

115.332	<p>Volunteer and contractor training</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>REQUIREMENTS: 115.332: This standard has three components: (a) The agency shall ensure that all volunteers and contractors who have contact with residents have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures; (b) 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 residents, but all volunteers and contractors who have contact with residents shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents; and (c) The agency shall maintain documentation confirming that volunteers and contractors understand the training they have received.</p> <p>EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the facility submitted or provided to this auditor the (1) Pre-Audit Questionnaire, (2) Agency and facility policies and procedures, (3) Interviews with staff, (4) Training forms, (5) Training curricula, and (6) Interviews with Contractor.</p> <p>OBSERVATIONS: The agency provides access to training for all volunteers and contractors prior to their first contact with a resident. The training included their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures. The level of training and type of training provided to volunteers and contractors is based on the services they provide and the level of contact they have with residents, but all volunteers and contractors who have contact with residents are notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. Further, the agency does maintain documentation confirming that volunteers and contractors understood the training they received. Further, an interview with a contractor confirmed that they were trained before working with residents at the facility. No volunteers were interviewed as no volunteers have been allowed in the facility since spring of 2020 due to the COVID-19 pandemic.</p> <p>DETERMINATION: It was determined that the agency meets this standard.</p> <p>RATIONALE: First, the agency ensures that all volunteers (policy though none have been used since Spring 2020) and contractors who have contact with residents were trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures. School District employees receive the same PREA Training as the security staff. Second, based on a review of the training curriculum, the level and type of training provided to volunteers and contractors was based on the services they provide and the level of contact they have with the resident. Third, all volunteers and contractors who have contact with residents were notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. Fourth, the agency maintained documentation confirming that volunteers and contractors understand the training they have received.</p>
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115.333	<p>Resident education</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>REQUIREMENTS: 115.333: This standard has six components: (a) During the intake process, residents shall receive information explaining, in an age appropriate fashion, the agency's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment; (b) Within 10 days of intake, the agency shall provide comprehensive age-appropriate education to residents 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 agency policies and procedures for responding to such incidents; (c) Current residents who have not received such education shall be educated within one year of the effective date of the PREA standards, and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the resident's new facility differ from those of the previous facility; (d) The agency shall provide resident education in formats accessible to all residents, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to residents who have limited reading skills; (e) The agency shall maintain documentation of resident participation in these education sessions; and (f) In addition to providing such education, the agency shall ensure that key information is continuously and readily available or visible to residents through posters, resident handbooks, or other written formats.</p> <p>EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the facility submitted or provided to this auditor the (1) Pre-Audit Questionnaire, (2) Agency and facility policies and procedures, (3) Interviews with residents, (4) Training forms, (5) Training curricula, and (6) A review of 20 resident files (both current and former residents).</p> <p>OBSERVATIONS: A review of nine current residents' files and ten former resident files found all 20 out of 20 received the required training within the timeframe permitted by this standard. Further, residents signed that they received and understood the training.</p> <p>DETERMINATION: It was determined that the facility meets this standard.</p> <p>RATIONALE: First, during the intake process, residents stated they received information explaining, in an age-appropriate fashion, the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. Second, within ten days of intake, the facility provided comprehensive age-appropriate education to residents in person and 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 agency policies and procedures for responding to such incidents. Third, the facility provided resident education in formats accessible to all residents, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to residents who have limited reading skills. This was confirmed via interviews with residents who self-disclosed their personal disabilities. Fourth, the facility maintains documentation of resident participation in these education sessions. Fifth, the facility ensures that key information is continuously and readily available or visible to residents through posters, resident handbooks, or other written formats as observed via the facility tour.</p>
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115.334	Specialized training: Investigations
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 210 453 237">Auditor Discussion</p> <p data-bbox="240 271 1485 633"> REQUIREMENTS: 115.334: This standard has four components and one variation: (a) In addition to the general training provided to all employees pursuant to § 115.331, the agency shall ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings; (b) Specialized training shall include techniques for interviewing juvenile sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral; (c) The agency shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations; and (d) Any State entity or Department of Justice component that investigates sexual abuse in juvenile confinement settings shall provide such training to its agents and investigators who conduct such investigations. In addition, the following variation in the standard is noted for Juvenile Facilities. The variation is it specifically requires that investigators receive specialized training that includes techniques for interviewing juvenile sexual abuse victims. </p> <p data-bbox="240 667 1465 757"> EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the facility submitted or provided to this auditor the (1) Pre-Audit Questionnaire, (2) PREA Policy 5.90, and J.R. Policy 1.22, (3) interviews with Agency and Facility investigators, and (4) Training forms. </p> <p data-bbox="240 790 1453 913"> OBSERVATIONS: Agency provided evidence that all investigators had completed the required PREA training related to investigations. Further, the agency provided documentation that the J.R. investigators were trained in techniques for interviewing juvenile sexual abuse victims. Further, each investigator took additional training related to investigations, and each investigator has conducted over a dozen investigations. </p> <p data-bbox="240 947 770 974"> DETERMINATION: The agency meets this standard. </p> <p data-bbox="240 1008 1417 1097"> RATIONALE: Though it is a best practice to have an independent group of investigators available to complete all investigations, it was determined that the agency does meet this standard as the agency has trained and experienced investigators who ensure that all allegations of sexual abuse and sexual harassment are investigated. </p>

115.335	<p>Specialized training: Medical and mental health care</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>REQUIREMENTS: 115.335: This standard has four components: (a) The agency shall ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in [(1) How to detect and assess signs of sexual abuse and sexual harassment; (2) How to preserve physical evidence of sexual abuse; (3) How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment; and (4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment]; (b) If medical staff employed by the agency conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations; (c) The agency shall maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere; and (d) Medical and mental health care practitioners shall also receive the training mandated for employees under §115.331 or for contractors and volunteers under §115.332, depending upon the practitioner’s status at the agency.</p> <p>EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the facility submitted or provided to this auditor the (1) Pre-Audit Questionnaire, (2) Agency and facility policies and procedures, (3) Interviews with medical and mental health staff, and (4) Interviews with residents.</p> <p>OBSERVATIONS: NYN has a medical clinic on site that includes physical and dental care. Tour of the facility and interviews with staff found that mental health and medical care providers had been trained. Review of files also showed that these care providers had received the required PREA Training. No forensic exams are complete at NYN; however, medical staff may be required to ensure initial safety or injury prior to transport and understood the principals of maintaining evidence protocols. Review of records found that all medical and mental health staff reviewed receive the same training as security staff. Interviews indicated an understanding of PREA in policy and practice.</p> <p>DETERMINATION: The agency meets this standard.</p> <p>RATIONALE: Based on the Agency and Facility policies and procedures, Pre-Audit Questionnaire, and the Onsite Audit (including the Facility tour and the staff and resident interviews), it was determined that the agency does employ and/or contract for medical or mental health services at this facility. The four components of the standard were met as 1) Interviews with staff and review of training records indicated that the training requirements had been met and documented. 2) Interviews and file review provided evidence that staff understood how to preserve physical evidence of sexual abuse. 3) Medical and Mental Health Staff were trained in how to respond effectively and professionally to juvenile victims of sexual abuse or sexual harassment. 4). Interviews indicated that Medical and Mental Health providers onsite knew how and to whom to report allegations or suspicions of sexual abuse and/or sexual harassment. 5). Forensic examinations are completed offsite but Medical and Mental Health Providers had completed the mandated training per 115.331 and 115.332.</p>
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115.341	Obtaining information from residents
	<p data-bbox="240 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 273 1489 566">REQUIREMENTS: 115.341: This standard has five components: (a) Within 72 hours of the resident's arrival at the facility and periodically throughout a resident's confinement, the agency shall obtain and use information about each resident's personal history and behavior to reduce the risk of sexual abuse by or upon a resident; (b) Such assessments shall be conducted using an objective screening instrument; (c) At a minimum, the agency shall attempt to ascertain 11 pieces of required information (see standard); (d) This information shall be ascertained through conversations with the resident during the intake process and medical and mental health screenings; during classification assessments; and by reviewing court records, case files, facility behavioral records, and other relevant documentation from the resident's files; and (e) The agency shall implement 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 resident's detriment by staff or other residents.</p> <p data-bbox="240 598 1489 757">EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the facility submitted or provided to this auditor the: (1) Pre-Audit Questionnaire, (2) Agency and facility policy and procedures (5.90 and 3.20 [signed 5/20/2019]), (3) interviews with staff (specifically, counseling staff responsible for assessing the risk), (4) the Sexually Aggressive or Vulnerable Youth (SAVY) form; (5) Sexual Orientation Gender Identity Screen (SOGIE), and (6) A review of 20 resident files (both current and former residents).</p> <p data-bbox="240 788 1489 1182">OBSERVATIONS: This auditor reviewed related policies and procedures, reviewed 20 resident records, including former resident files, interviewed facility staff responsible for conducting a risk screening, and interviewed all residents at the facility at the time of the PREA audit. Based on these efforts, it was determined that the facility did complete the risk assessment, called a SAVY, within 72 hours of the resident's arrival at the facility for all 20 out of 20 files reviewed. Further, periodic reassessments were conducted approximately every six months. Staff interviews noted and confirmed that information obtained from the SAVY, along with the resident's historical files, personal history, and behavior, are used to reduce the risk of sexual abuse by or upon a resident. The assessment is conducted using an objective screening instrument that includes 10 of the 11 pieces of required information per this PREA standard. The information is ascertained through conversations with the resident during the intake process and via medical and mental health screenings and by reviewing court records, case files, facility behavioral records, and other relevant documentation from the resident's files. The facility has 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 resident's detriment by staff or other residents.</p> <p data-bbox="240 1214 1489 1373">Based on staff interviews, the facility does consider whether "any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the resident may, therefore, be vulnerable to sexual abuse" by utilizing another assessment called the Sexual Orientation Gender Identity Screen (SOGIE). Staff interviews confirmed that staff uses the results of the SAVY and SOGIE and other methods to place residents in rooms, and these documents are reviewed prior to placement in rooms with other residents.</p> <p data-bbox="240 1404 978 1431">DETERMINATION: It was determined that the facility meets this standard.</p> <p data-bbox="240 1462 1489 1621">RATIONAL: 1) Documentation showed that all residents files reviewed showed that the risk assessment was done within 24 hours except one that was completed in 72 hours. 2) The objective screening instrument collected all 11 pieces of required information. 3) There was evidence that conversations with the youth occurred to include their perceptions, reviews of court records and past assessments. 4). These data are kept in a secure encrypted database that requires password protected and hard copies kept separately from the youth's standard file.</p>

115.342	Placement of residents
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>REQUIREMENTS: 115.342: This standard has nine components: (a) The agency shall use all information obtained pursuant to § 115.341 and subsequently to make housing, bed, program, education, and work assignments for residents with the goal of keeping all residents safe and free from sexual abuse; (b) Residents may be isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other residents safe, and then only until an alternative means of keeping all residents safe can be arranged. During any period of isolation, agencies shall not deny residents daily large-muscle exercise and any legally required educational programming or special education services. Residents in isolation shall receive daily visits from a medical or mental health care clinician. Residents shall also have access to other programs and work opportunities to the extent possible; (c) Lesbian, gay, bisexual, transgender, or intersex residents shall not be placed in particular housing, bed, or other assignments solely on the basis of such identification or status, nor shall agencies consider lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive; (d) In deciding whether to assign a transgender or intersex resident to a facility for male or female residents, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether the placement would present management or security problems; (e) Placement and programming assignments for each transgender or intersex resident shall be reassessed at least twice each year to review any threats to safety experienced by the resident; (f) A transgender or intersex resident's own views with respect to his or her own safety shall be given serious consideration; (g) Transgender and intersex residents shall be given the opportunity to shower separately from other residents; (h) If a resident is isolated pursuant to paragraph (b) of this section, the facility shall clearly document: [(1) The basis for the facility's concern for the resident's safety; and (2) The reason why no alternative means of separation can be arranged]; and (i) Every 30 days, the facility shall afford each resident described in paragraph (h) of this section a review to determine whether there is a continuing need for separation from the general population.</p> <p>EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the facility submitted or provided to this auditor the (1) Pre-Audit Questionnaire, (2) Agency and facility policy and procedures (5.90 and 3.20 [signed 5/20/2019]), (3) interviews with staff (specifically, counseling staff responsible for assessing the risk), (4) the Sexually Aggressive or Vulnerable Youth (SAVY) form; (5) Sexual Orientation Gender Identity Screen (SOGIE), and (6) A review of 19 resident files (both current and former residents).</p> <p>OBSERVATIONS: Interviews with staff and residents affirmed that the agency does use all information obtained pursuant to § 115.341 to make housing, bed, program, education, and work assignments for residents with the goal of keeping all residents safe and free from sexual abuse. Staff interviews did note that staff would do whatever is required to keep residents' staff, including having never left them alone; all staff affirmed that isolation of a resident would not be done except in an extreme exigent circumstance and that any isolation would last only minutes, if at all. Staff and resident interviews also affirmed that Lesbian, gay, bisexual, transgender, or intersex residents are not placed in particular housing, bed, or other assignments solely on the basis of such identification or status, nor shall agencies consider lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of the likelihood of being sexually abusive. Interviews with transgender youth and staff confirmed that when making housing and programming assignments, the agency does consider on a case-by-case basis whether a placement would ensure the resident's health and safety and whether the placement would present management or security problems. It was further determined via case file reviews and interviews that placement and programming assignments for each transgender or intersex resident are reassessed at least twice each year to review any threats to safety experienced by the resident. Further, interviews with residents, including transgender residents, noted that their own views with respect to his or her own safety are given serious consideration. Interviews and a tour of the facility affirmed that each resident in the facility could shower separately from other residents. Though some facility staff did not know if a transgender or intersex resident had been in the facility, each staff interviewed recognized that there were no areas of the facility designated as housing areas for these residents. However, it should be noted that some staff was not fully informed about the importance of using the subjective part of the SOGIE to make housing and programming decisions, which should be addressed in future training.</p> <p>DETERMINATION: It was determined that the agency meets this standard.</p> <p>RATIONALE: The agency and facility utilized the results of assessments to make informed decisions related to programming and housing decisions for each resident. Further, since the SOGIE was completed for each resident and staff completed the SOGIE correctly, it was determined that the agency meets this standard.</p>

115.351	Resident reporting
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>REQUIREMENTS: 115.351: This standard has five components: (a) The agency shall provide multiple internal ways for residents to privately report sexual abuse and sexual harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents; (b) The agency shall also provide at least one way for residents to report abuse or harassment to a public or private entity or office that is not part of the agency and that is able to receive and immediately forward resident reports of sexual abuse and sexual harassment to agency officials, allowing the resident to remain anonymous upon request. Residents detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security; (c) Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports; (d) The facility shall provide residents with access to tools necessary to make a written report; and (e) The agency shall provide a method for staff to privately report sexual abuse and sexual harassment of residents.</p> <p>EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) Agency and Facility policies and procedures, (3) Interviews with residents, (4) Interviews with staff, (5) Access to the phone system to make a call to an outside agency; (6) Review of allegations and investigations of those allegations; and (7) Tour of facility.</p> <p>OBSERVATIONS: All staff and residents were able to identify multiple internal ways for youth to report privately to facility officials about sexual abuse, sexual harassment, retaliation, and staff neglect or violation of responsibilities that may have contributed to any such incidents. All the interviewed residents noted that they would tell a staff member, use the posted phone numbers and/or report to their parent or guardians and/or lawyer. Posters with the hotline numbers were observed posted in each residential unit at the Facility. A test of the End Harm hotline noted that the call was answered immediately and by a "live" person. Further, it was found that a "live" person answered the phone 24/7 and that the proper authorities in the agency and facility would be immediately notified. Further, it was determined that a resident calling this number could remain anonymous if they so choose. As for residents detained solely for civil immigration purposes, this practice is not allowed per interviews with agency and facility staff. All staff, who were interviewed, acknowledged that they must report all verbal reports, anonymous reports, written reports, and reports from third parties regarding allegations of sexual abuse and sexual harassment. There is also a grievance box located in each living area, there are forms provided and a secretary collects them daily. Residents may report through this process without leaving a name and if it is PREA related it is provided to the PREA Compliance Manager for further response. Both staff and residents indicated that this process is followed and a resident indicated he had reported sexual harassment through this process and it was address immediately.</p> <p>DETERMINATION: It was determined that the agency meets the requirements for this standard.</p> <p>RATIONALE: First, the agency provides multiple internal ways for residents to privately report sexual abuse and sexual harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. These ways include a complaint box; further, residents can tell a staff, tell a teacher, go offsite and tell an employer, talk with their parents, and talk with their lawyers. Second, the agency provides access to the END-HARM phone number. This is a public entity that is not part of the agency, and that is able to receive and immediately forward resident reports of sexual abuse and sexual harassment to agency officials, allowing the resident to remain anonymous upon request. Third, the agency does not house residents detained solely for civil immigration purposes. Fourth, staff stated they accept reports made verbally, in writing, anonymously, and from third parties and would promptly document any verbal reports. Fifth, this auditor observed, and residents verified that the facility provides residents with access to tools necessary to make a written report. Sixth, the agency provides multiple methods for staff to report sexual abuse and sexual harassment of residents privately.</p>

115.352	Exhaustion of administrative remedies
	<p data-bbox="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 210 451 239">Auditor Discussion</p> <p data-bbox="242 271 1485 1402"> REQUIREMENTS: 115.352: This standard has seven components: (a) An agency shall be exempt from this standard if it does not have administrative procedures to address resident grievances regarding sexual abuse; (b)(1) The agency shall not impose a time limit on when a resident may submit a grievance regarding an allegation of sexual abuse; (2) The agency may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse; (b)(3) The agency shall not require a resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse; (b)(4) Nothing in this section shall restrict the agency's ability to defend against a lawsuit filed by a resident on the ground that the applicable statute of limitations has expired; (c) The agency shall ensure that [(1) A resident who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and (2) Such grievance is not referred to a staff member who is the subject of the complaint]; (d)(1) The agency shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance; (d)(2) Computation of the 90-day time period shall not include time consumed by residents in preparing any administrative appeal; (d)(3) The agency may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the resident in writing of any such extension and provide a date by which a decision will be made; (d)(4) At any level of the administrative process, including the final level, if the resident does not receive a response within the time allotted for reply, including any properly noticed extension, the resident may consider the absence of a response to be a denial at that level; (e)(1) Third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, shall be permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of residents; (e)(2) If a third party, other than a parent or legal guardian, files such a request on behalf of a resident, 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; (e)(3) If the resident declines to have the request processed on his or her behalf, the agency shall document the resident's decision; (e)(4) A parent or legal guardian of a juvenile shall be allowed to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of such juvenile. Such a grievance shall not be conditioned upon the juvenile agreeing to have the request filed on his or her behalf; (f)(1) The agency shall establish procedures for the filing of an emergency grievance alleging that a resident is subject to a substantial risk of imminent sexual abuse; (f)(2) After receiving an emergency grievance alleging a resident is subject to a substantial risk of imminent sexual abuse, the agency shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final agency decision within 5 calendar days. The initial response and final agency decision shall document the agency's determination whether the resident is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance; and (g) The agency may discipline a resident for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the resident filed the grievance in bad faith. </p> <p data-bbox="242 1435 1474 1563"> EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) Agency and Facility policies and procedures (5.90 and 2.10), (3) Interviews with Agency Staff, including the Agency Head designee, (4) Interviews with facility staff, and (5) Review of civil lawsuits against the agency. </p> <p data-bbox="242 1597 1485 2056"> OBSERVATIONS: Based on interviews with staff and a review of current litigation cases, it was affirmed that there are no limitations. Specifically, the agency does not impose a time limit on when a resident may submit a grievance regarding an allegation of sexual abuse, and the agency does not require a resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. The agency has established procedures for the filing of an emergency grievance alleging that a resident is subject to a substantial risk of imminent sexual abuse via a verbal or written request. After receiving an emergency grievance alleging a resident is subject to a substantial risk of imminent sexual abuse, the agency does 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 and does provide an initial response within minutes. Further, it was determined, via interviews, that a final agency decision would be issued within five calendar days, if not substantially sooner. The initial response and final agency decision would document the agency's determination whether the resident is at substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance. Further, Policy 2.10, subsection 15, notes that the agency may discipline a resident for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the resident filed the grievance in bad faith. </p> <p data-bbox="242 2119 991 2148"> DETERMINATION: It was determined that the agency meets this standard. </p>

115.353	<p>Resident access to outside confidential support services and legal representation</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>REQUIREMENTS: 115.353: This standard has four components: (a) The facility shall provide residents with access to outside victim advocates for emotional support services related to sexual abuse by providing, posting, or otherwise making accessible mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The facility shall enable reasonable communication between residents and these organizations and agencies, in as confidential a manner as possible; (b) The facility shall inform residents, 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; (c) The agency shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide residents with confidential emotional support services related to sexual abuse. The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements; and (d) The facility shall also provide residents with reasonable and confidential access to their attorneys or other legal representation and reasonable access to parents or legal guardians.</p> <p>EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) Agency and Facility policies and procedures (5.90 and 2.10), (3) Interviews with Agency Staff, including the Agency Head designee, (4) Interviews with facility staff, and (5) Interviews with community-based hospitals and victim advocate agencies.</p> <p>OBSERVATIONS: The Facility provided contact phone numbers and addresses to the local hospital and a local victim services agency. Interviews with the hospital and victim services agency noted that services are available 24/7 and that a trained victim advocate would be available to assist the resident. Further, it was determined via interviews that communications with these agencies and services would not be monitored. All interviews (staff and residents) confirmed and acknowledged that residents are provided with reasonable access to parents or legal guardians and that all residents are provided reasonable and confidential access to their attorneys or other legal representatives. Further, in an interview with the local hospital, it was found that if a SAFE/SANE nurse was unavailable, they would coordinate with other entities in the area to secure those services.</p> <p>DETERMINATION: It was determined that the facility meets this standard.</p>
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115.354	Third-party reporting
	Auditor Overall Determination: Meets Standard
	<p data-bbox="244 210 451 237">Auditor Discussion</p> <p data-bbox="244 271 1477 365">REQUIREMENTS: 115.354: This standard has one component: (a) The agency shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of a resident.</p> <p data-bbox="244 398 1490 490">EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) Agency and Facility policies and procedures (5.90, 5.91, and 2.10), (3) Interviews with Agency Staff, including the Agency Head designee, (4) Interviews with facility staff, and (5) Interviews with residents.</p> <p data-bbox="244 524 1469 680">OBSERVATIONS: This facility has multiple means of receiving third-party reports, including phone calls to resident's attorneys and via the End Harm hotline. A test of this system was conducted, and a response was forthcoming. Further, the Facility's website has a process for families to report sexual abuse and sexual harassment via email. Based on interviews with staff, it was determined that a link on the DCYF website would allow a person to make a third-party report. This auditor found this link and attempted to test the email system. All test emails were successfully received and responded to.</p> <p data-bbox="244 714 991 741">DETERMINATION: It was determined that the agency meets this standard.</p>

115.361	Staff and agency reporting duties
	<p data-bbox="240 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 273 1497 900"> REQUIREMENTS: 115.361: This standard has six components: (a) The agency shall require all staff to report immediately and according to agency policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against residents or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation; (b) The agency shall also require all staff to comply with any applicable mandatory child abuse reporting laws; (c) Apart from reporting to designated supervisors or officials and designated State or local services agencies, staff shall be prohibited 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; (d)(1) Medical and mental health practitioners shall be required to report sexual abuse to designated supervisors and officials pursuant to paragraph (a) of this section, as well as to the designated State or local services agency where required by mandatory reporting laws; (d)(2) Such practitioners shall be required to inform residents at the initiation of services of their duty to report and the limitations of confidentiality; (e)(1) Upon receiving any allegation of sexual abuse, the facility head or his or her designee shall promptly report the allegation to the appropriate agency office and to the alleged victim's parents or legal guardians, unless the facility has official documentation showing the parents or legal guardians should not be notified; (e)(2) If the alleged victim is under the guardianship of the child welfare system, the report shall be made to the alleged victim's caseworker instead of the parents or legal guardians; (e)(3) If a juvenile court retains jurisdiction over the alleged victim, the facility head or designee shall also report the allegation to the juvenile's attorney or other legal representative of record within 14 days of receiving the allegation; and (f) The facility shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators. </p> <p data-bbox="240 936 1465 1025"> EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) Agency and Facility policies and procedures, (3) Interviews with residents, and (4) Interviews with staff including the PREA Compliance Manager, Medical Staff, and Mental Health Staff. </p> <p data-bbox="240 1061 1497 1384"> OBSERVATIONS: Interviews of 12 staff revealed that staff is required to report immediately and according to agency policy, any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in the facility, whether or not it is part of the agency; retaliation against residents or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Resident interviews affirmed that staff always report any allegations. The policy requires, and staff interviews affirmed that staff report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the designated investigators (law enforcement, Child Protective Services, and agency investigators). All staff noted that they were mandatory reporters. The facility has medical and mental health care providers as employees they indicated in interviews that they are mandatory reporters and initiate services by explaining the limitations on confidentiality; specifically indicating sexual abuse and harassment. </p> <p data-bbox="240 1420 991 1447"> DETERMINATION: It was determined that the agency meets this standard. </p> <p data-bbox="240 1482 1497 1671"> RATIONAL: Agency Policy, staff interviews and residents interviews indicated that all staff are mandatory reporters and to report immediately. Interviews, past allegation records, and policy indicate the Agency and facility comply with all applicable mandatory reporting laws. These same methods determined that staff are prohibited from disclosing this information outside of to supervisors or designated officials. Policy and interviews indicate that medical and mental health service providers are also mandatory reporters and initiate services by providing youth with their duty to report and limitations of confidentiality. Policy and Interviews indicate that the facility head complies with the applicable reporting practices. </p>

115.362	Agency protection duties
	Auditor Overall Determination: Meets Standard
	<p data-bbox="229 192 1509 255">Auditor Discussion</p> <p data-bbox="229 255 1509 353">REQUIREMENTS: 115.362: This standard has one component: (a) When an agency learns that a resident is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the resident.</p> <p data-bbox="229 353 1509 474">EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) Agency and Facility policies and procedures, (3) Interviews with residents, and (4) Interviews with staff.</p> <p data-bbox="229 474 1509 698">OBSERVATIONS: During interviews, all staff noted that they would act immediately to protect a resident who was subject to a substantial risk of imminent sexual abuse. Further, all interviewed residents noted that they would "tell staff" if they felt they were at substantial risk of imminent sexual abuse, and each stated they felt the staff would protect them. Further, each staff member was able to articulate the steps they would utilize to keep the resident safe, including separating the resident from the alleged abuser or potential abuser and ensuring that a trusted staff member was with the resident until the appropriate authorities were notified and responded.</p> <p data-bbox="229 698 1509 739">DETERMINATION: It was determined that the agency, in all material ways, meets this standard.</p>

115.363	Reporting to other confinement facilities
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 1485 465">REQUIREMENTS: 115.363: This standard has four components: (a) Upon receiving an allegation that a resident was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred and shall also notify the appropriate investigative agency; (b) Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation; (c) The agency shall document that it has provided such notification; and (d) The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.</p> <p data-bbox="240 499 1453 591">EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) Agency and Facility policies and procedures, (3) Interviews with residents, (4) Interviews with facility staff, including the Facility Head, and (5) Interviews with the Agency Head's designee.</p> <p data-bbox="240 624 1465 882">OBSERVATIONS: Interviews with the Facility Head and staff, specifically intake staff and security staff, noted that the staff would immediately report an allegation that a resident was sexually abused while confined at another facility. Further, the Facility Head noted they would notify the head of the facility or appropriate office of the agency where the alleged abuse occurred and shall also notify the appropriate investigative agency. In interviews, it was determined that the Facility Head would make such a report within hours of the allegation but no later than 72-hours after receiving the allegation. Interviews with the Agency Head and the Facility Head noted that the agency would, and does, document that it has provided such notification. Further, the Facility Head noted they would ensure that the allegation is investigated in accordance with these standards.</p> <p data-bbox="240 916 1107 943">DETERMINATION: It was determined that the facility and agency meets this standard.</p>

115.364	Staff first responder duties
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 210 453 237">Auditor Discussion</p> <p data-bbox="240 271 1485 600"> REQUIREMENTS: 115.364: This standard has two components: (a) Upon learning of an allegation that a resident was sexually abused, the first staff member to respond to the report shall be required to: [(1) Separate the alleged victim and abuser; (2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence; and (3) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and (4) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating]; and (b) If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff. </p> <p data-bbox="240 629 1485 725"> EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) Agency and Facility policies and procedures, (3) Review of training curricula, and (4) Interviews with facility security staff. </p> <p data-bbox="240 754 1485 1084"> OBSERVATIONS: A review of training materials and interviews with staff confirmed that all security staff understood their role as it related to being a first responder. Specifically, each staff was able to note that they would, upon learning of an allegation that a resident was sexually abused, separate the alleged victim and abuser; preserve and protect any crime scene until appropriate steps can be taken to collect any evidence; and if the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and if the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. Staff also noted that they would immediately notify the appropriate facility administrative staff to begin securing video evidence. </p> <p data-bbox="240 1113 979 1140"> DETERMINATION: It was determined that the facility meets this standard. </p>

115.365	Coordinated response
	Auditor Overall Determination: Meets Standard
	<p data-bbox="244 210 453 237">Auditor Discussion</p> <p data-bbox="244 271 1477 365">REQUIREMENTS: 115.365: This standard has one component: (a) The facility shall develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership.</p> <p data-bbox="244 398 1453 490">EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) Agency and Facility policies and procedures, (3) NYC Coordinated Response Plan, (4) Interviews with staff, and (5) Interviews with the Facility Head.</p> <p data-bbox="244 524 1469 714">OBSERVATIONS: The facility presented its Coordinated Response Plan, which addressed all areas required by the standard. Specifically, the plan detailed the actions to be taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership. Further, the facility had a Coordinated Response Plan checkoff sheet that staff could use as step-by-step instructions on responding to an incident of sexual abuse. During interviews, staff were able to identify the steps of the plan. Two struggled with the step by step but indicated that they would immediately utilize the CRP and notify their supervisor after ensuring the safety of the resident.</p> <p data-bbox="244 748 979 775">DETERMINATION: It was determined that the facility meets this standard.</p> <p data-bbox="244 808 1477 866">RATIONALE: All the staff knew about the Coordinated Response Plan (CRP), and each staff member was able to locate the CRP when asked to do so by this auditor.</p>

115.366	Preservation of ability to protect residents from contact with abusers
	Auditor Overall Determination: Meets Standard
	<p data-bbox="229 192 1509 255">Auditor Discussion</p> <p data-bbox="229 255 1509 555">REQUIREMENTS: 115.366: This standard has two components: (a) Neither the agency nor any other governmental entity responsible for collective bargaining on the agency's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted, and (b) Nothing in this standard shall restrict the entering into or renewal of agreements that govern: [(1) The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §§ 115.372 and 115.376; or (2) Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated.]</p> <p data-bbox="229 555 1509 645">EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire and (2) Interview with the Agency Head's designee.</p> <p data-bbox="229 645 1509 833">OBSERVATIONS: An interview with the DCYF Agency Head noted that the agency/state has a collective bargaining agreement completed after August 2012. However, nothing in the current agreement limits the agency's ability to remove alleged staff sexual abusers from contact with residents pending the outcome of an investigation or determination of whether and to what extent discipline is warranted. Further, the agency head designee noted that the agency could reassign staff to another facility or building with no contact with residents pending a sexual abuse or sexual harassment investigation.</p> <p data-bbox="229 833 1509 887">DETERMINATION: It was determined that the agency, in all material ways, meets this standard.</p>

115.367	<p>Agency protection against retaliation</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>REQUIREMENTS: 115.367: This standard has six components: (a) The agency shall establish a policy to protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff and shall designate which staff members or departments are charged with monitoring retaliation; (b) The agency shall employ multiple protection measures, such as housing changes or transfers for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations; (c) For at least 90 days following a report of sexual abuse, the agency shall monitor the conduct or treatment of residents or staff who reported the sexual abuse and of residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff, and shall act promptly to remedy any such retaliation. Items the agency should monitor include any resident disciplinary reports, housing or program changes, or negative performance reviews or reassignments of staff. The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need; (d) In the case of residents, such monitoring shall also include periodic status checks; (e) If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation; and (f) An agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.</p> <p>EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) JR Policy 5.90 specifically subsection 28, (3) NYC Coordinated Response Plan; (4) Interviews with staff, (5) Interviews with residents; and (6) Review of reports and investigations of sexual abuse/sexual harassment allegations.</p> <p>OBSERVATIONS: JR policy 5.90 explicitly addresses this component. Interviews with staff responsible for retaliation monitoring resulted in the staff indicating they understood their responsibilities and would monitor for 90 days employing multiple protection measures that included housing changes, transfers, removal of the abuser to prevent contact. At the end of the 90 day period the determination would be made if they monitoring should continued based on the periodic status checks, population in the facility, and the residents own perception of safety. Staff were also aware of the responsibility to monitor and protect residents who cooperated in the investigation process. Based on Policy, interviews, and review of documentation compliance was determined.</p> <p>DETERMINATION: It was determined that the agency and facility met the standard.</p>
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115.368	Post-allegation protective custody
	Auditor Overall Determination: Meets Standard
	<p data-bbox="244 210 453 237">Auditor Discussion</p> <p data-bbox="244 271 1485 331">REQUIREMENTS: 115.368: This standard has one component: (a) Any use of segregated housing to protect a resident who is alleged to have suffered sexual abuse shall be subject to the requirements of § 115.342.</p> <p data-bbox="244 362 1453 454">EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) JR Policy 5.90, (3) JR Policy 5.50; (4) Interviews with staff, and (5) Interviews with residents.</p> <p data-bbox="244 486 1493 611">OBSERVATIONS: All staff interviewed supported the contention that the Facility “never” places a resident in isolation for their protection against sexual victimization. In a review of the policy (5.50) it was stated that the Facility could place a resident in isolation for short periods of time, not to exceed 15 minutes without reevaluation (subsection 21), and thus is compliant with 115.342.</p> <p data-bbox="244 642 1461 703">DETERMINATION: As the facility does not utilize segregated housing to protect a resident who is alleged to have suffered sexual abuse, it was determined that the facility meets this standard.</p>

115.371	Criminal and administrative agency investigations
	Auditor Overall Determination: Meets Standard
	<p data-bbox="242 210 451 237">Auditor Discussion</p> <p data-bbox="242 271 1493 1099"> REQUIREMENTS: 115.371: This standard has 13 components: (a) When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports; (b) Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations involving juvenile victims pursuant to § 115.334; (c) Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator; (d) The agency shall not terminate an investigation solely because the source of the allegation recants the allegation; (e) When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution; (f) The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as resident or staff. No agency shall require a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation; (g) Administrative investigations: [(1) Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and (2) 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]; (h) Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible; (i) Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution; (j) The agency shall retain all written reports referenced in paragraphs (g) and (h) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years, unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention; (k) The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation; (l) Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements; and (m) When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation. </p> <p data-bbox="242 1133 1493 1256"> EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) JR Policies and procedures (1.22, 5.90, 5.91, a document called the Conducting PREA Criminal Investigations), (3) Interviews with staff, (4) Interviews with Agency Investigators, and (5) Review of investigations. </p> <p data-bbox="242 1290 1493 2157"> OBSERVATIONS: All allegations of potential criminal sexual abuse or sexual harassment are immediately referred to law enforcement and Child Protective Services. The agency only conducts investigations after law enforcement or Child Protective Services have determined that the allegation does not rise to a criminal level. Based on a review of the data submitted and from interviews with staff and residents, all allegations of sexual abuse and sexual harassment are referred to law enforcement and/or Child Protective Services and these referrals are done promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. The agency and facility have requested that when law enforcement and/or Child Protective Services investigate an allegation alleging sexual abuse, that these agencies use investigators who have received special training in sexual abuse investigations involving juvenile victims pursuant to § 115.334. Further, interviews with law enforcement noted that their investigators would gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; would interview alleged victims, suspected perpetrators, and witnesses; and would review prior complaints and reports of sexual abuse involving the suspected perpetrator. Agency policy note and interviews with agency and facility staff affirmed that the agency would not terminate an investigation solely because the source of the allegation recants the allegation. Law enforcement and Child Protective Services investigators would, when the quality of evidence appears to support a criminal prosecution, conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. Agency staff and law enforcement investigators stipulated that the credibility of an alleged victim, suspect, or witness would be assessed on an individual basis and would not be determined by the person's status as a resident or staff. Agency and facility staff noted that the use of a polygraph examination or other truth-telling device would not be allowed. For non-criminal administrative investigations, the investigators affirmed that their investigations would include an effort to determine whether staff actions or failures to act contributed to the abuse and that all findings would 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]. Law enforcement and Child Protective Services interviews noted that criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and would include copies of all documentary evidence where feasible. Further, these investigators noted that any substantiated allegations of conduct that appears to be criminal would be referred for prosecution. The agency and facility do retain all written reports referenced in this section for as long as the alleged abuser is </p>

incarcerated or employed by the agency, plus five years, unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention. All interviews noted that the departure of the alleged abuser or victim from the employment or control of the facility or agency would not provide a basis for terminating an investigation. The agency has requested that any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements and when outside agencies investigate sexual abuse, the facility head shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

When the agency conducts its own administrative investigations into allegations of sexual abuse and sexual harassment, it does so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. The agency and facility investigators, who conduct only administrative investigations after law enforcement or Child Protective Services has ruled out criminal activity, are experienced. As evidence of this contention, the DCYF Agency investigators have been conducting administrative investigations since 2014, and some have been conducting them since 2001. As PREA does not define "experience" in relation to investigators, the fact that each agency and facility investigator have conducted prior investigations unrelated to PREA while employed by the Juvenile Rehabilitation (JR) division makes them experienced investigators as defined by PREA. Further, each trained investigator has completed all the required training specified in 115.334, plus the additional requirement articulated in the variance related to juvenile facilities (i.e., that investigators will receive specialized training that includes techniques for interviewing juvenile sexual abuse victims).

DETERMINATION: It was determined that the facility meets this standard.

115.372	Evidentiary standard for administrative investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>REQUIREMENTS: 115.372: This standard has one component: (a) The agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.</p> <p>EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) JR Policy 5.90, 5.91 and 2.10, and (3) Interviews with investigators.</p> <p>OBSERVATIONS: Staff noted that they would only use a standard of "preponderance of evidence" in determining whether allegations of sexual abuse or sexual harassment are substantiated. Further, Agency policy notes that the agency shall use the standard of preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated</p> <p>DETERMINATION: It was determined that the agency, in all material ways, meets this standard.</p>

115.373	Reporting to residents
	<p data-bbox="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 210 451 239">Auditor Discussion</p> <p data-bbox="242 271 1485 734"> REQUIREMENTS: 115.373: This standard has six components: (a) Following an investigation into a resident's allegation of sexual abuse suffered in an agency facility, the agency shall inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded; (b) If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the resident; (c) Following a resident's allegation that a staff member has committed sexual abuse against the resident, the agency shall subsequently inform the resident (unless the agency has determined that the allegation is unfounded) whenever [(1) The staff member is no longer posted within the resident's unit; (2) The staff member is no longer employed at the facility; (3) The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or (4) The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility]; (d) Following a resident's allegation that he or she has been sexually abused by another resident, the agency shall subsequently inform the alleged victim whenever: [(1) The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or (2) The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility]; (e) All such notifications or attempted notifications shall be documented; and (f) An agency's obligation to report under this standard shall terminate if the resident is released from the agency's custody. </p> <p data-bbox="242 763 1477 857"> EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) JR Policy 5.90, 5.91 and 2.10, (3) Interviews with facility staff, and (4) Review of sexual abuse and sexual harassment investigations. </p> <p data-bbox="242 887 1490 981"> OBSERVATIONS: Policy 2.10 addresses this Standard and, in interviews with staff, confirmed they would document these efforts. Further, a review of completed investigations showed that facility staff did update the resident about the status of their allegation. </p> <p data-bbox="242 1010 979 1039"> DETERMINATION: It was determined that the facility meets this standard. </p>

115.376	Disciplinary sanctions for staff
	Auditor Overall Determination: Meets Standard
	<p data-bbox="244 210 453 237">Auditor Discussion</p> <p data-bbox="244 271 1485 566">REQUIREMENTS: 115.376: This standard has four components: (a) Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies; (b) Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse; (c) Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories; (d) 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, shall be reported to law enforcement agencies unless the activity was clearly not criminal, and to any relevant licensing bodies.</p> <p data-bbox="244 600 1430 689">EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) JR Policy 5.90, (3) Interviews with PREA Administrator, (4) Interviews with Facility's PCM, (5) Interviews with HR staff; and (6) Review of completed sexual abuse investigations.</p> <p data-bbox="244 723 1493 813">OBSERVATIONS: JR Policy 5.90 addresses this standard. Interviews supported the contention that staff would be disciplined for violating the sexual abuse and/or sexual harassment policies. Further, JR Policy 5.90 notes that termination is the presumptive disciplinary sanction. It is noted that JR</p> <p data-bbox="244 846 1034 873">DETERMINATION: It was determined that the agency does meet this standard.</p>

115.377	Corrective action for contractors and volunteers
	Auditor Overall Determination: Meets Standard
	<p data-bbox="244 210 453 237">Auditor Discussion</p> <p data-bbox="244 271 1474 432">REQUIREMENTS: 115.377: This standard has two components: (a) Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with residents and shall be reported to law enforcement agencies unless the activity was clearly not criminal and to relevant licensing bodies; and (b) The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with residents, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.</p> <p data-bbox="244 465 1430 555">EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) JR Policy 5.90, 1.23, and 1.60, (3) Interviews with PREA Administrator, (4) Interviews with Facility's PCM, (5) Interviews with HR staff; and (6) Review of completed sexual abuse investigations.</p> <p data-bbox="244 589 1493 880">OBSERVATIONS: Policy 1.60 specifically address this standard. Staff interviews noted that " any service providers who violate this policy are subject to administrative discipline including termination of employment, criminal sanctions, or both." Further, it was noted that the service providers who violate this policy "shall be prohibited from contact with residents and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies." Interviews with administrative staff noted that they would prohibit further contact with residents in the case of any violation of agency sexual abuse or sexual harassment policies by a service provider or volunteer. In addition, the staff interviewed noted that HR would contact the appropriate licensing bodies. Further, facility administrative staff noted that they had the authority to remove any volunteer or contractor from their facility and would do so immediately upon an allegation or suspicion of sexual abuse or sexual harassment.</p> <p data-bbox="244 913 979 940">DETERMINATION: It was determined that the facility meets this standard.</p>

115.378	Interventions and disciplinary sanctions for residents
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>REQUIREMENTS: 115.378: This standard has seven components: (a) A resident may be subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative finding that the resident engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident-on-resident sexual abuse; (b) Any disciplinary sanctions shall be commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories. In the event a disciplinary sanction results in the isolation of a resident, agencies shall not deny the resident daily large-muscle exercise or access to any legally required educational programming or special education services. Residents in isolation shall receive daily visits from a medical or mental health care clinician. Residents shall also have access to other programs and work opportunities to the extent possible; (c) The disciplinary process shall consider whether a resident's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed; (d) If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to offer the offending resident participation in such interventions. The agency may require participation in such interventions as a condition of access to any rewards-based behavior management system or other behavior-based incentives, but not as a condition to access to general programming or education; (e) The agency may discipline a resident for sexual contact with staff only upon a finding that the staff member did not consent to such contact; (f) For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation; and (g) An agency may, in its discretion, prohibit all sexual activity between residents and may discipline residents for such activity. An agency may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.</p> <p>EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) JR Policy 5.90, (3) Interview with the PCM, (4) Interviews with security staff, (5) Interviews with residents, and (6) Interview with Facility Head.</p> <p>OBSERVATIONS: It was noted that JR Policy 5.90 deals with this standard. It notes that youth will be disciplined per the appropriate disciplinary code or code of conduct. Based on the pre-onsite visit conference calls with the Facility Head and via the Pre-Audit Questionnaire, and via interviews during the onsite, the Facility would not use isolation for resident-on-resident sexual abuse. Interviews with staff noted that they would consider whether a resident's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.</p> <p>DETERMINATION: It was determined that this standard was met.</p>

115.381	<p>Medical and mental health screenings; history of sexual abuse</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>REQUIREMENTS: 115.381: This standard has four components: (a) If the screening pursuant to § 115.341 indicates that a resident has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the resident is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening; (b) If the screening pursuant to § 115.341 indicates that a resident has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the resident is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening; (c) Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law; and (d) Medical and mental health practitioners shall obtain informed consent from residents before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the resident is under the age of 18.</p> <p>EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) JR and Facility policies and procedures, specifically 5.90 and 3.20, (3) Interview with the PCM, (4) Interview with Intake Staff, and (5) Interviews with acting Facility Head.</p> <p>OBSERVATIONS: Staff interviews acknowledge that staff is aware that medical or mental health practitioners must be offered to youth within 14 days of staff learning that the youth has experienced prior sexual victimization or has perpetrated sexual abuse. Further, in a review of resident files of residents who reported prior sexual victimization or sexual abuse perpetration, it was found that one resident had identified being sexually abused, and this resident was offered a follow-up meeting with a medical or mental health practitioner. It was noted that the resident declined additional assistance. During an interview with the resident, it was found that the resident acknowledged that the staff asked them if they wanted those additional services. The resident stated they declined those services. Further, all staff understood, via interviews, that any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.</p> <p>DETERMINATION: It was determined that the facility meets this standard.</p>
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115.382	Access to emergency medical and mental health services
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>REQUIREMENTS: 115.382: This standard has four components: (a) Resident victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment; (b) If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, staff first responders shall take preliminary steps to protect the victim pursuant to § 115.362 and shall immediately notify the appropriate medical and mental health practitioners; (c) Resident victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate; and (d) Treatment services 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.</p> <p>EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) JR and Facility policies and procedures, specifically policies and procedures 5.90, 5.91, and 4.30, and the facility's Coordinated Response Plan, (3) Interview with the PCM, (4) Interviews with security staff, and (5) Interviews with medical and mental health staff.</p> <p>OBSERVATIONS: The onsite visit interviews noted that resident victims of sexual abuse would be provided with unimpeded access to emergency medical treatment and crisis intervention services. All the interviews with security staff (100%), who are all trained as first responders, confirmed this component and noted that they are trained to protect the victim and to notify a supervisor who will notify the appropriate medical and mental health practitioners. Further, interviews acknowledged that resident victims of sexual abuse, while incarcerated, shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate onsite by the facilities medical staff or during the forensic exam at an area hospital.</p> <p>DETERMINATION: It was determined that the facility meets this standard.</p>

115.383	<p>Ongoing medical and mental health care for sexual abuse victims and abusers</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>REQUIREMENTS: 115.383: This standard has eight components: (a) The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility; (b) The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody; (c) The facility shall provide such victims with medical and mental health services consistent with the community level of care; (d) Resident victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests; (e) If pregnancy results from conduct specified in paragraph (d) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services; (f) Resident victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate; (g) Treatment services 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; and (h) The facility shall attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.</p> <p>EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) JR and Facility policies and procedures, specifically policies and procedures 5.90, 5.91, and 4.30, and the facility's Coordinated Response Plan, (3) Interview with the PCM, (4) Interviews with security staff, (5) Medical Staff, and (6) Mental Health Staff</p> <p>OBSERVATIONS: Interviews confirmed that the facility is compliant with this standard and each component. Staff indicated that they would refer residents to the appropriate mental health service providers as needed for any resident who reported past sexual abuse. These services would include medical and mental health evaluation and follow-up, including transition planning. Further, agency policy 4.30 specifically addresses this standard. Review of resident records did indicate residents reporting past abuse were offered mental health services. Residents also indicated these questions were asked at intake regarding any past sexual abuse or abusive behaviors.</p> <p>DETERMINATION: It was determined that the facility meets this standard.</p>
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115.386	<p>Sexual abuse incident reviews</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>REQUIREMENTS: 115.386: This standard has five components: (a) The facility shall 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; (b) Such review shall ordinarily occur within 30 days of the conclusion of the investigation; (c) The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners; (d) The review team shall: [(1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; (2) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or, gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility; (3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; (4) Assess the adequacy of staffing levels in that area during different shifts; (5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and (6) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager]; (e) The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.</p> <p>EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) JR policies and procedures, specifically 5.90, (3) Interview with the PCM, (4) Interviews with investigators, (5) Interview with acting Facility Head and (6) Documentation of team meetings to review incidents.</p> <p>OBSERVATIONS: Interviews with staff indicated that the Facility would conduct a sexual abuse incident review after every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded and that this review would be done within 30-days of the conclusion of the investigation. Policy 5.90 further reinforces the facility's adherence to this PREA standard. Review of meeting documentation showed compliance and how these reviews were an important part of identifying blind spots and improving resident safety.</p> <p>DETERMINATION: It was determined that the facility meets this standard.</p>
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115.387	Data collection
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>REQUIREMENTS: 115.387: This standard has six components: (a) The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions; (b) The agency shall aggregate the incident-based sexual abuse data at least annually; (c) The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice; (d) The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews; (e) The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its residents; and (f) Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.</p> <p>EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) JR policies and procedures, specifically 5.90, (3) Survey of Sexual Victimization, (4) Interview with the PCM, (5) Interviews with investigators, (6) Interview with Facility Head, and (7) Interview with the PREA Administrator.</p> <p>OBSERVATIONS: The agency did produce a Standardized instrument to collect accurate uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The instrument provided was the SSV. However, data from the JR website at https://www.dcyf.wa.gov/practice/practice-improvement/prea notes that aggregated data was not present for 2019 or 2020. An interview with the State of Washington's PREA Administrator indicated that JR maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. The PREA Administrator also noted that the agency, upon request, will provide data from the previous calendar year to the Department of Justice no later than June 30. However, the PREA Administrator noted that aggregate incident-based sexual abuse data was not yet collected for 2020.</p> <p>DETERMINATION: It was determined that the Agency does not meet this Standard.</p> <p>CORRECTIVE ACTION PLAN: The PREA Administrator will aggregate the incident-based sexual abuse data for 2020 and present this data to the auditor.</p> <p>CORRECTIVE ACTION PLAN PERIOD: Prior to the the initial PREA audit report being released, the PREA Administrator presented this auditor, on November 17, 2021, with evidence that the agency had aggregated the incident-base sexual abuse data for the past year.</p> <p>FINAL DETERMINATION: The agency is determined to meet this standard.</p>

115.388	<p>Data review for corrective action</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>REQUIREMENTS: 115.388: This standard has four components: (a) The agency shall review data collected and aggregated pursuant to § 115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including: [(1) Identifying problem areas; (2) Taking corrective action on an ongoing basis; and (3) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole]; (b) Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse; (c) The agency's report shall be 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; and (d) The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.</p> <p>EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) JR policies and procedures, specifically 5.90, (3) Survey of Sexual Victimization, (4) Interview with the PCM, (5) Interviews with investigators, (6) Interview with Facility Head, (7) Interview with the PREA Administrator, and (8) Review of the 2018 PREA Report.</p> <p>OBSERVATIONS: The last annual report posted at https://www.dcyf.wa.gov/sites/default/files/pdf/prea/JR%20Annual%20Report%202018%20Signed.pdf contained data from 2018. Thus, the agency is missing 2019 and 2020 annual reports.</p> <p>DETERMINATION: It was determined that the agency does not meet this standard.</p> <p>CORRECTIVE ACTION PLAN: The PREA Administrator will complete both the 2019 and the 2020 Annual Reports. These reports will be submitted to the DCYF Agency Head for review and, as warranted, approval. Upon approval from the Agency Head, the annual reports will be published on the agency's website. Further, the PREA Administrator will notify this auditor that the reports are approved and posted on the agency's website.</p> <p>CORRECTIVE ACTION PLAN PERIOD: Prior to the the initial PREA audit report being released, the PREA Administrator presented this auditor, on November 17, 2021, with evidence that the agency had published annual reports with data from 2018, 2019 and 2020. Further, this auditor verified the reports were posted on the agency's website at https://www.dcyf.wa.gov/practice/practice-improvement/prea. In addition, the agency now has a procedure in place to ensure that this report is written, approved, and posted annually.</p> <p>FINAL DETERMINATION: The agency is determined to meet this standard.</p>
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115.389	Data storage, publication, and destruction
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 210 453 237">Auditor Discussion</p> <p data-bbox="240 271 1485 465">REQUIREMENTS: 115.389: This standard has four components: (a) The agency shall ensure that data collected pursuant to § 115.387 are securely retained; (b) The agency shall 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; (c) Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers; and (d) The agency shall maintain sexual abuse data collected pursuant to § 115.387 for at least 10 years after the date of its initial collection unless Federal, State, or local law requires otherwise.</p> <p data-bbox="240 499 1481 624">EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) JR policies and procedures, specifically 5.90, (3) Survey of Sexual Victimization, (4) Interview with the PCM, (5) Interviews with investigators, (6) Interview with Facility Head, (7) Interview with the PREA Administrator, and (8) Review of the 2018 PREA Report.</p> <p data-bbox="240 658 1469 815">OBSERVATIONS: Interview with the PREA Administrator indicated that incident-based and aggregated data were securely retained. Data from the JR website at https://www.dcyf.wa.gov/sites/default/files/pdf/prea/JR%20Annual%20Report%202018%20Signed.pdf reveals that aggregated data is presented, and this is compliant with Agency policy. Further, interviews with the PREA Administrator indicated that sexual abuse data is collected and maintained for at least 10 years after the date of its initial collection unless Federal, State, or local law requires otherwise.</p> <p data-bbox="240 848 991 875">DETERMINATION: It was determined that the agency meets this standard.</p>

115.401	Frequency and scope of audits
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 210 453 237">Auditor Discussion</p> <p data-bbox="240 271 1490 566"> REQUIREMENTS: 115.401: This standard has six components: (a) During the three-year period starting on August 20, 2013, and during each three-year period thereafter, the agency shall ensure that each facility operated by the agency or by a private organization on behalf of the agency, is audited at least once.; (b) August 20, 2013, the agency shall ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, is audited. (c) The auditor shall have access to, and shall observe, all areas of the audited facilities; (d) The auditor shall be permitted to request and receive copies of any relevant documents (including electronically stored information), (e) The auditor shall be permitted to conduct private interviews with residents, residents, and detainees, and (f) Residents, residents, and detainees shall be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel. </p> <p data-bbox="240 600 1458 723"> EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) JR policies and procedures, specifically 5.90, (3) Interviews with residents, (4) Interview with the PCM, (5) Interview with Facility Head, (6) Interview with the PREA Administrator, and (8) Review of documents. </p> <p data-bbox="240 757 1490 1149"> OBSERVATIONS: Based on a published list of all facilities audited by year, and with the PREA Audit linked, it was determined that during the three-year period starting on August 20, 2014, and during each three-year period thereafter, the agency has ensured that each facility operated by the agency, or by a private organization on behalf of the agency, is audited at least once. Further, it was determined that since August 20, 2014, the agency has ensured that at least one-third of each facility type operated by the agency or by a private organization on behalf of the agency is audited. During the audit, this auditor did have access to and did observe all areas of the audited facility. This auditor was permitted to request and receive copies of any relevant documents (including electronically stored information). This auditor was permitted to conduct private interviews with residents, residents, and detainees. Interviews with residents confirmed that they were permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel. It was noted that facilities designated to be audited in the fall of 2020 did not have their audits conducted until 2021. This auditor determined that this was an exigent circumstance related to the COVID-19 pandemic. As the agency has initiated audits for these facilities in the fall of 2021, the agency was determined to meet this requirement of the standard. </p> <p data-bbox="240 1182 991 1209"> DETERMINATION: It was determined that the agency meets this standard. </p>

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	<p data-bbox="244 210 453 237">Auditor Discussion</p> <p data-bbox="244 271 1490 434">REQUIREMENTS: 115.403: This standard has two components: (a) The agency shall ensure that the auditor's final report is published on the agency's website if it has one, or is otherwise made readily available to the public, and (b) The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports within 90 days of issuance by the auditor. The review period is for prior audits completed during the past three years. In the case of single facility agencies, the auditor shall ensure that the facility's last audit report was published.</p> <p data-bbox="244 465 1461 591">EVIDENCE OF COMPLIANCE: As evidence of compliance with this Standard, the Facility submitted or provided to this Auditor the (1) Pre-Audit Questionnaire, (2) JR policies and procedures, specifically 5.90, (3) Interview with the PCM, (4) Interviews with investigators, (5) Interview with Facility Head, (6) Interview with the PREA Administrator, and (7) Review of the 2018 PREA Report.</p> <p data-bbox="244 622 1394 680">OBSERVATIONS: Previous audits of all agency facilities were posted at https://www.dcyf.wa.gov/practice/practice-improvement/prea. Previous audit reports, including those pending appeal, are posted.</p> <p data-bbox="244 712 991 741">DETERMINATION: It was determined that the agency meets this standard.</p>

Appendix: Provision Findings		
115.311 (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
115.311 (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
115.311 (c)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.)	yes
	Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.)	yes
115.312 (a)	Contracting with other entities for the confinement of residents	
	If this agency is public and it contracts for the confinement of its residents with private agencies or other entities including other government agencies, has the agency included the entity's obligation to adopt and 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 residents.)	na
115.312 (b)	Contracting with other entities for the confinement of residents	
	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 residents OR the response to 115.312(a)-1 is "NO".)	na

115.313 (a)	Supervision and monitoring	
	Does the agency ensure that each facility has developed a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect residents against sexual abuse?	yes
	Does the agency ensure that each facility has implemented a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect residents against sexual abuse?	yes
	Does the agency ensure that each facility has documented a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect residents against sexual abuse?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Generally accepted juvenile detention and correctional/secure residential practices?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Any judicial findings of inadequacy?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Any findings of inadequacy from Federal investigative agencies?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Any findings of inadequacy from internal or external oversight bodies?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: All components of the facility's physical plant (including "blind-spots" or areas where staff or residents may be isolated)?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: The composition of the resident population?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: The number and placement of supervisory staff?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Institution programs occurring on a particular shift?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Any applicable State or local laws, regulations, or standards?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Any other relevant factors?	yes

115.313 (b)	Supervision and monitoring	
	Does the agency comply with the staffing plan except during limited and discrete exigent circumstances?	yes
	In circumstances where the staffing plan is not complied with, does the facility fully document all deviations from the plan? (N/A if no deviations from staffing plan.)	na
115.313 (c)	Supervision and monitoring	
	Does the facility maintain staff ratios of a minimum of 1:8 during resident waking hours, except during limited and discrete exigent circumstances? (N/A only until October 1, 2017.)	yes
	Does the facility maintain staff ratios of a minimum of 1:16 during resident sleeping hours, except during limited and discrete exigent circumstances? (N/A only until October 1, 2017.)	yes
	Does the facility fully document any limited and discrete exigent circumstances during which the facility did not maintain staff ratios? (N/A only until October 1, 2017.)	yes
	Does the facility ensure only security staff are included when calculating these ratios? (N/A only until October 1, 2017.)	yes
	Is the facility obligated by law, regulation, or judicial consent decree to maintain the staffing ratios set forth in this paragraph?	yes
115.313 (d)	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: Prevailing staffing patterns?	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
115.313 (e)	Supervision and monitoring	
	Has the facility 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? (N/A for non-secure facilities)	yes
	Is this policy and practice implemented for night shifts as well as day shifts? (N/A for non-secure facilities)	yes
	Does the facility 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? (N/A for non-secure facilities)	yes
115.315 (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
115.315 (b)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting cross-gender pat-down searches in non-exigent circumstances?	yes

115.315 (c)	Limits to cross-gender viewing and searches	
	Does the facility document and justify all cross-gender strip searches and cross-gender visual body cavity searches?	yes
	Does the facility document all cross-gender pat-down searches?	yes
115.315 (d)	Limits to cross-gender viewing and searches	
	Does the facility implement policies and procedures that enable residents 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 a resident housing unit?	yes
	In facilities (such as group homes) that do not contain discrete housing units, does the facility require staff of the opposite gender to announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing? (N/A for facilities with discrete housing units)	yes
115.315 (e)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from searching or physically examining transgender or intersex residents for the sole purpose of determining the resident's genital status?	yes
	If a resident's genital status is unknown, does the facility determine genital status during conversations with the resident, 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
115.315 (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 residents in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes

115.316 (a)	Residents with disabilities and residents who are limited English proficient	
	Does the agency take appropriate steps to ensure that residents 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: Residents who are deaf or hard of hearing?	yes
	Does the agency take appropriate steps to ensure that residents 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: Residents who are blind or have low vision?	yes
	Does the agency take appropriate steps to ensure that residents 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: Residents who have intellectual disabilities?	yes
	Does the agency take appropriate steps to ensure that residents 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: Residents who have psychiatric disabilities?	yes
	Does the agency take appropriate steps to ensure that residents 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: Residents who have speech disabilities?	yes
	Does the agency take appropriate steps to ensure that residents 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 residents 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 residents with disabilities including residents who: Have intellectual disabilities?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with residents with disabilities including residents 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 residents with disabilities including residents who: Who are blind or have low vision?	yes
115.316 (b)	Residents with disabilities and residents 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 residents 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

115.316 (c)	Residents with disabilities and residents who are limited English proficient	
	Does the agency always refrain from relying on resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties under §115.364, or the investigation of the resident's allegations?	yes
115.317 (a)	Hiring and promotion decisions	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with residents 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 residents 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 residents who: Has been civilly or administratively adjudicated to have engaged in the activity described in the bullet immediately above?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with residents 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 residents 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 residents who: Has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
115.317 (b)	Hiring and promotion decisions	
	Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents?	yes
115.317 (c)	Hiring and promotion decisions	
	Before hiring new employees who may have contact with residents, does the agency: Perform a criminal background records check?	yes
	Before hiring new employees who may have contact with residents, does the agency: Consult any child abuse registry maintained by the State or locality in which the employee would work?	yes
	Before hiring new employees who may have contact with residents, 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
115.317 (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 residents?	yes
	Does the agency consult applicable child abuse registries before enlisting the services of any contractor who may have contact with residents?	yes

115.317 (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 residents or have in place a system for otherwise capturing such information for current employees?	yes
115.317 (f)	Hiring and promotion decisions	
	Does the agency ask all applicants and employees who may have contact with residents 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 residents 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
115.317 (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
115.317 (h)	Hiring and promotion decisions	
	Unless prohibited by law, 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
115.318 (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 residents from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)	yes
115.318 (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 residents 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
115.321 (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

115.321 (b)	Evidence protocol and forensic medical examinations	
	Is this protocol developmentally appropriate for youth? (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
115.321 (c)	Evidence protocol and forensic medical examinations	
	Does the agency offer all residents who experience 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
115.321 (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?	yes
	Has the agency documented its efforts to secure services from rape crisis centers?	yes
115.321 (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
115.321 (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 entity follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency is not responsible for investigating allegations of sexual abuse.)	yes
115.321 (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? (Check N/A if agency attempts to make a victim advocate from a rape crisis center available to victims per 115.321(d) above.)	na

115.322 (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
115.322 (b)	Policies to ensure referrals of allegations for investigations	
	Does the agency have a policy 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
115.322 (c)	Policies to ensure referrals of allegations for investigations	
	If a separate entity is responsible for conducting criminal investigations, does such publication describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.321(a))	yes
115.331 (a)	Employee training	
	Does the agency train all employees who may have contact with residents on: Its zero-tolerance policy for sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with residents 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 residents on: Residents' right to be free from sexual abuse and sexual harassment	yes
	Does the agency train all employees who may have contact with residents on: The right of residents 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 residents on: The dynamics of sexual abuse and sexual harassment in juvenile facilities?	yes
	Does the agency train all employees who may have contact with residents on: The common reactions of juvenile victims of sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with residents on: How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between residents?	yes
	Does the agency train all employees who may have contact with residents on: How to avoid inappropriate relationships with residents?	yes
	Does the agency train all employees who may have contact with residents on: How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents?	yes
	Does the agency train all employees who may have contact with residents on: How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?	yes
	Does the agency train all employees who may have contact with residents on: Relevant laws regarding the applicable age of consent?	yes

115.331 (b)	Employee training	
	Is such training tailored to the unique needs and attributes of residents of juvenile facilities?	yes
	Is such training tailored to the gender of the residents at the employee's facility?	yes
	Have employees received additional training if reassigned from a facility that houses only male residents to a facility that houses only female residents, or vice versa?	yes
115.331 (c)	Employee training	
	Have all current employees who may have contact with residents 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
115.331 (d)	Employee training	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes
115.332 (a)	Volunteer and contractor training	
	Has the agency ensured that all volunteers and contractors who have contact with residents have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes
115.332 (b)	Volunteer and contractor training	
	Have all volunteers and contractors who have contact with residents 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 residents)?	yes
115.332 (c)	Volunteer and contractor training	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes
115.333 (a)	Resident education	
	During intake, do residents receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do residents receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes
	Is this information presented in an age-appropriate fashion?	yes

115.333 (b)	Resident education	
	Within 10 days of intake, does the agency provide age-appropriate comprehensive education to residents either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?	yes
	Within 10 days of intake, does the agency provide age-appropriate comprehensive education to residents either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?	yes
	Within 10 days of intake, does the agency provide age-appropriate comprehensive education to residents either in person or through video regarding: Agency policies and procedures for responding to such incidents?	yes
115.333 (c)	Resident education	
	Have all residents received such education?	yes
	Do residents receive education upon transfer to a different facility to the extent that the policies and procedures of the resident's new facility differ from those of the previous facility?	yes
115.333 (d)	Resident education	
	Does the agency provide resident education in formats accessible to all residents including those who: Are limited English proficient?	yes
	Does the agency provide resident education in formats accessible to all residents including those who: Are deaf?	yes
	Does the agency provide resident education in formats accessible to all residents including those who: Are visually impaired?	yes
	Does the agency provide resident education in formats accessible to all residents including those who: Are otherwise disabled?	yes
	Does the agency provide resident education in formats accessible to all residents including those who: Have limited reading skills?	yes
115.333 (e)	Resident education	
	Does the agency maintain documentation of resident participation in these education sessions?	yes
115.333 (f)	Resident education	
	In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to residents through posters, resident handbooks, or other written formats?	yes
115.334 (a)	Specialized training: Investigations	
	In addition to the general training provided to all employees pursuant to §115.331, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.321(a).)	yes

115.334 (b)	Specialized training: Investigations	
	Does this specialized training include: Techniques for interviewing juvenile sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.321(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 115.321(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 115.321(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 115.321(a).)	yes
115.334 (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 115.321(a).)	yes
115.335 (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 juvenile 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
115.335 (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
115.335 (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

115.335 (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 §115.331? (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
	Do medical and mental health care practitioners contracted by and volunteering for the agency also receive training mandated for contractors and volunteers by §115.332? (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
115.341 (a)	Obtaining information from residents	
	Within 72 hours of the resident's arrival at the facility, does the agency obtain and use information about each resident's personal history and behavior to reduce risk of sexual abuse by or upon a resident?	yes
	Does the agency also obtain this information periodically throughout a resident's confinement?	yes
115.341 (b)	Obtaining information from residents	
	Are all PREA screening assessments conducted using an objective screening instrument?	yes
115.341 (c)	Obtaining information from residents	
	During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Prior sexual victimization or abusiveness?	yes
	During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the resident may therefore be vulnerable to sexual abuse?	yes
	During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Current charges and offense history?	yes
	During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Age?	yes
	During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Level of emotional and cognitive development?	yes
	During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Physical size and stature?	yes
	During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Mental illness or mental disabilities?	yes
	During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Intellectual or developmental disabilities?	yes
	During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Physical disabilities?	yes
	During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: The resident's own perception of vulnerability?	yes
	During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Any other specific information about individual residents that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other residents?	yes

115.341 (d)	Obtaining information from residents	
	Is this information ascertained: Through conversations with the resident during the intake process and medical mental health screenings?	yes
	Is this information ascertained: During classification assessments?	yes
	Is this information ascertained: By reviewing court records, case files, facility behavioral records, and other relevant documentation from the resident's files?	yes
115.341 (e)	Obtaining information from residents	
	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 resident's detriment by staff or other residents?	yes
115.342 (a)	Placement of residents	
	Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Housing Assignments?	yes
	Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Bed assignments?	yes
	Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Work Assignments?	yes
	Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Education Assignments?	yes
	Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Program Assignments?	yes
115.342 (b)	Placement of residents	
	Are residents isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other residents safe, and then only until an alternative means of keeping all residents safe can be arranged?	yes
	During any period of isolation, does the agency always refrain from denying residents daily large-muscle exercise?	yes
	During any period of isolation, does the agency always refrain from denying residents any legally required educational programming or special education services?	yes
	Do residents in isolation receive daily visits from a medical or mental health care clinician?	yes
	Do residents also have access to other programs and work opportunities to the extent possible?	yes

115.342 (c)	Placement of residents	
	Does the agency always refrain from placing: Lesbian, gay, and bisexual residents in particular housing, bed, or other assignments solely on the basis of such identification or status?	yes
	Does the agency always refrain from placing: Transgender residents in particular housing, bed, or other assignments solely on the basis of such identification or status?	yes
	Does the agency always refrain from placing: Intersex residents in particular housing, bed, or other assignments solely on the basis of such identification or status?	yes
	Does the agency always refrain from considering lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator or likelihood of being sexually abusive?	yes
115.342 (d)	Placement of residents	
	When deciding whether to assign a transgender or intersex resident to a facility for male or female residents, does the agency consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns residents 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 residents, does the agency consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether a placement would present management or security problems?	yes
115.342 (e)	Placement of residents	
	Are placement and programming assignments for each transgender or intersex resident reassessed at least twice each year to review any threats to safety experienced by the resident?	yes
115.342 (f)	Placement of residents	
	Are each transgender or intersex resident'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
115.342 (g)	Placement of residents	
	Are transgender and intersex residents given the opportunity to shower separately from other residents?	yes
115.342 (h)	Placement of residents	
	If a resident is isolated pursuant to paragraph (b) of this section, does the facility clearly document: The basis for the facility's concern for the resident's safety? (N/A for h and i if facility doesn't use isolation?)	na
	If a resident is isolated pursuant to paragraph (b) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged? (N/A for h and i if facility doesn't use isolation?)	na
115.342 (i)	Placement of residents	
	In the case of each resident who is isolated as a last resort when less restrictive measures are inadequate to keep them and other residents safe, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS?	yes

115.351 (a)	Resident reporting	
	Does the agency provide multiple internal ways for residents to privately report: Sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for residents to privately report: 2. Retaliation by other residents or staff for reporting sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for residents to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?	yes
115.351 (b)	Resident reporting	
	Does the agency also provide at least one way for residents 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 resident reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the resident to remain anonymous upon request?	yes
	Are residents detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security to report sexual abuse or harassment?	no
115.351 (c)	Resident reporting	
	Do staff members accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Do staff members promptly document any verbal reports of sexual abuse and sexual harassment?	yes
115.351 (d)	Resident reporting	
	Does the facility provide residents with access to tools necessary to make a written report?	yes
115.351 (e)	Resident reporting	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of residents?	yes
115.352 (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 resident grievances regarding sexual abuse. This does not mean the agency is exempt simply because a resident does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse.	yes
115.352 (b)	Exhaustion of administrative remedies	
	Does the agency permit residents 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 resident 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

115.352 (c)	Exhaustion of administrative remedies	
	Does the agency ensure that: A resident 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
115.352 (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 residents in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)	yes
	If the agency determines that the 90 day timeframe is insufficient to make an appropriate decision and claims an extension of time (the maximum allowable extension of time to respond is 70 days per 115.352(d)(3)) , does the agency notify the resident 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 resident does not receive a response within the time allotted for reply, including any properly noticed extension, may a resident consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)	yes
115.352 (e)	Exhaustion of administrative remedies	
	Are third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, permitted to assist residents 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 residents? (If a third party, other than a parent or legal guardian, files such a request on behalf of a resident, 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 resident declines to have the request processed on his or her behalf, does the agency document the resident's decision? (N/A if agency is exempt from this standard.)	yes
	Is a parent or legal guardian of a juvenile allowed to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of such juvenile? (N/A if agency is exempt from this standard.)	yes
	If a parent or legal guardian of a juvenile files a grievance (or an appeal) on behalf of a juvenile regarding allegations of sexual abuse, is it the case that those grievances are not conditioned upon the juvenile agreeing to have the request filed on his or her behalf? (N/A if agency is exempt from this standard.)	yes

115.352 (f)	Exhaustion of administrative remedies	
	Has the agency established procedures for the filing of an emergency grievance alleging that a resident 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 a resident 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 resident 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
115.352 (g)	Exhaustion of administrative remedies	
	If the agency disciplines a resident for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the resident filed the grievance in bad faith? (N/A if agency is exempt from this standard.)	yes
115.353 (a)	Resident access to outside confidential support services and legal representation	
	Does the facility provide residents with access to outside victim advocates for emotional support services related to sexual abuse by providing, posting, or otherwise making accessible 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?	yes
	Does the facility enable reasonable communication between residents and these organizations and agencies, in as confidential a manner as possible?	yes
115.353 (b)	Resident access to outside confidential support services and legal representation	
	Does the facility inform residents, 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
115.353 (c)	Resident access to outside confidential support services and legal representation	
	Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide residents 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

115.353 (d)	Resident access to outside confidential support services and legal representation	
	Does the facility provide residents with reasonable and confidential access to their attorneys or other legal representation?	yes
	Does the facility provide residents with reasonable access to parents or legal guardians?	yes
115.354 (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 a resident?	yes
115.361 (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 they receive 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 they receive regarding retaliation against residents 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 they receive regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation?	yes
115.361 (b)	Staff and agency reporting duties	
	Does the agency require all staff to comply with any applicable mandatory child abuse reporting laws?	yes
115.361 (c)	Staff and agency reporting duties	
	Apart from reporting to designated supervisors or officials and designated State or local services agencies, are staff prohibited 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
115.361 (d)	Staff and agency reporting duties	
	Are medical and mental health practitioners required to report sexual abuse to designated supervisors and officials pursuant to paragraph (a) of this section as well as to the designated State or local services agency where required by mandatory reporting laws?	yes
	Are medical and mental health practitioners required to inform residents of their duty to report, and the limitations of confidentiality, at the initiation of services?	yes

115.361 (e)	Staff and agency reporting duties	
	Upon receiving any allegation of sexual abuse, does the facility head or his or her designee promptly report the allegation to the appropriate office?	yes
	Upon receiving any allegation of sexual abuse, does the facility head or his or her designee promptly report the allegation to the alleged victim's parents or legal guardians unless the facility has official documentation showing the parents or legal guardians should not be notified?	yes
	If the alleged victim is under the guardianship of the child welfare system, does the facility head or his or her designee promptly report the allegation to the alleged victim's caseworker instead of the parents or legal guardians? (N/A if the alleged victim is not under the guardianship of the child welfare system.)	na
	If a juvenile court retains jurisdiction over the alleged victim, does the facility head or designee also report the allegation to the juvenile's attorney or other legal representative of record within 14 days of receiving the allegation?	yes
115.361 (f)	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
115.362 (a)	Agency protection duties	
	When the agency learns that a resident is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the resident?	yes
115.363 (a)	Reporting to other confinement facilities	
	Upon receiving an allegation that a resident 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
	Does the head of the facility that received the allegation also notify the appropriate investigative agency?	yes
115.363 (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
115.363 (c)	Reporting to other confinement facilities	
	Does the agency document that it has provided such notification?	yes
115.363 (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

115.364 (a)	Staff first responder duties	
	Upon learning of an allegation that a resident 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 a resident 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 a resident 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 a resident 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
115.364 (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
115.365 (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
115.366 (a)	Preservation of ability to protect residents 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 limits the agency's ability to remove alleged staff sexual abusers from contact with any residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes
115.367 (a)	Agency protection against retaliation	
	Has the agency established a policy to protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff?	yes
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes
115.367 (b)	Agency protection against retaliation	
	Does the agency employ multiple protection measures for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations, such as housing changes or transfers for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services?	yes

115.367 (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 residents or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by residents 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 residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents 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 resident 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: Resident 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: Resident 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
115.367 (d)	Agency protection against retaliation	
	In the case of residents, does such monitoring also include periodic status checks?	yes
115.367 (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
115.368 (a)	Post-allegation protective custody	
	Is any and all use of segregated housing to protect a resident who is alleged to have suffered sexual abuse subject to the requirements of § 115.342?	yes
115.371 (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 does not conduct any form of administrative or criminal investigations of sexual abuse or harassment. See 115.321(a).)	yes
	Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency does not conduct any form of administrative or criminal investigations of sexual abuse or harassment. See 115.321(a).)	yes

115.371 (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 involving juvenile victims as required by 115.334?	yes
115.371 (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
115.371 (d)	Criminal and administrative agency investigations	
	Does the agency always refrain from terminating an investigation solely because the source of the allegation recants the allegation?	yes
115.371 (e)	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
115.371 (f)	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 resident or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes
115.371 (g)	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
115.371 (h)	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
115.371 (i)	Criminal and administrative agency investigations	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
115.371 (j)	Criminal and administrative agency investigations	
	Does the agency retain all written reports referenced in 115.371(g) and (h) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention?	yes
115.371 (k)	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 facility or agency does not provide a basis for terminating an investigation?	yes

115.371 (m)	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 115.321(a).)	yes
115.372 (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
115.373 (a)	Reporting to residents	
	Following an investigation into a resident's allegation of sexual abuse suffered in the facility, does the agency inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	yes
115.373 (b)	Reporting to residents	
	If the agency did not conduct the investigation into a resident'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 resident? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)	yes
115.373 (c)	Reporting to residents	
	Following a resident's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the resident's unit?	yes
	Following a resident'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 a resident'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 a resident'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
115.373 (d)	Reporting to residents	
	Following a resident's allegation that he or she has been sexually abused by another resident, 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 a resident's allegation that he or she has been sexually abused by another resident, 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
115.373 (e)	Reporting to residents	
	Does the agency document all such notifications or attempted notifications?	yes

115.376 (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
115.376 (b)	Disciplinary sanctions for staff	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes
115.376 (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
115.376 (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
115.377 (a)	Corrective action for contractors and volunteers	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with residents?	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
115.377 (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 residents?	yes
115.378 (a)	Interventions and disciplinary sanctions for residents	
	Following an administrative finding that a resident engaged in resident-on-resident sexual abuse, or following a criminal finding of guilt for resident-on-resident sexual abuse, may residents be subject to disciplinary sanctions only pursuant to a formal disciplinary process?	yes

115.378 (b)	Interventions and disciplinary sanctions for residents	
	Are disciplinary sanctions commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories?	yes
	In the event a disciplinary sanction results in the isolation of a resident, does the agency ensure the resident is not denied daily large-muscle exercise?	yes
	In the event a disciplinary sanction results in the isolation of a resident, does the agency ensure the resident is not denied access to any legally required educational programming or special education services?	yes
	In the event a disciplinary sanction results in the isolation of a resident, does the agency ensure the resident receives daily visits from a medical or mental health care clinician?	yes
	In the event a disciplinary sanction results in the isolation of a resident, does the resident also have access to other programs and work opportunities to the extent possible?	yes
115.378 (c)	Interventions and disciplinary sanctions for residents	
	When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether a resident's mental disabilities or mental illness contributed to his or her behavior?	yes
115.378 (d)	Interventions and disciplinary sanctions for residents	
	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 offer the offending resident participation in such interventions?	yes
	If the agency requires participation in such interventions as a condition of access to any rewards-based behavior management system or other behavior-based incentives, does it always refrain from requiring such participation as a condition to accessing general programming or education?	yes
115.378 (e)	Interventions and disciplinary sanctions for residents	
	Does the agency discipline a resident for sexual contact with staff only upon a finding that the staff member did not consent to such contact?	yes
115.378 (f)	Interventions and disciplinary sanctions for residents	
	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
115.378 (g)	Interventions and disciplinary sanctions for residents	
	Does the agency always refrain from considering non-coercive sexual activity between residents to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between residents.)	yes
115.381 (a)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.341 indicates that a resident has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the resident is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening?	yes
115.381 (b)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.341 indicates that a resident has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the resident is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening?	yes

115.381 (c)	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
115.381 (d)	Medical and mental health screenings; history of sexual abuse	
	Do medical and mental health practitioners obtain informed consent from residents before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the resident is under the age of 18?	yes
115.382 (a)	Access to emergency medical and mental health services	
	Do resident 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
115.382 (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 staff first responders take preliminary steps to protect the victim pursuant to § 115.362?	yes
	Do staff first responders immediately notify the appropriate medical and mental health practitioners?	yes
115.382 (c)	Access to emergency medical and mental health services	
	Are resident 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
115.382 (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
115.383 (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 residents who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?	yes
115.383 (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
115.383 (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
115.383 (d)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are resident victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if all-male facility.)	na
115.383 (e)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If pregnancy results from the conduct described in paragraph § 115.383(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.)	na

115.383 (f)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are resident victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes
115.383 (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
115.383 (h)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners?	yes
115.386 (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
115.386 (b)	Sexual abuse incident reviews	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes
115.386 (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
115.386 (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 §§ 115.386(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?	yes
115.386 (e)	Sexual abuse incident reviews	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes
115.387 (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
115.387 (b)	Data collection	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes

115.387 (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
115.387 (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
115.387 (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 residents? (N/A if agency does not contract for the confinement of its residents.)	na
115.387 (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
115.388 (a)	Data review for corrective action	
	Does the agency review data collected and aggregated pursuant to § 115.387 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 § 115.387 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 § 115.387 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
115.388 (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
115.388 (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
115.388 (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
115.389 (a)	Data storage, publication, and destruction	
	Does the agency ensure that data collected pursuant to § 115.387 are securely retained?	yes
115.389 (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

115.389 (c)	Data storage, publication, and destruction	
	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes
115.389 (d)	Data storage, publication, and destruction	
	Does the agency maintain sexual abuse data collected pursuant to § 115.387 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise?	yes
115.401 (a)	Frequency and scope of audits	
	During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.)	yes
115.401 (b)	Frequency and scope of audits	
	Is this the first year of the current audit cycle? (Note: a "no" response does not impact overall compliance with this standard.)	no
	If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.)	yes
	If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)	yes
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, residents, and detainees 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