

PREA Facility Audit Report: Final

Name of Facility: Ely State Prison

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 04/03/2023

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input type="checkbox"/>
Auditor Full Name as Signed: Roger Lynn Benton	Date of Signature: 04/03/2023

AUDITOR INFORMATION	
Auditor name:	Benton, Roger
Email:	roger.benton@cdcr.ca.gov
Start Date of On-Site Audit:	10/03/2022
End Date of On-Site Audit:	10/05/2022

FACILITY INFORMATION	
Facility name:	Ely State Prison
Facility physical address:	4569 Nevada 490, Ely, Nevada - 89301
Facility mailing address:	PO Box 1989, Ely, Nevada - 89301

Primary Contact	
Name:	Patricia Hernandez
Email Address:	pahernandez@doc.nv.gov
Telephone Number:	7752891257

Warden/Jail Administrator/Sheriff/Director	
Name:	William Reubart
Email Address:	wreubart@doc.nv.gov
Telephone Number:	7752891202

Facility PREA Compliance Manager	
Name:	Patricia Hernandez
Email Address:	pahernandez@doc.nv.gov
Telephone Number:	O: 775-977-5253
Name:	James Underwood
Email Address:	junderwood@doc.nv.gov
Telephone Number:	

Facility Characteristics	
Designed facility capacity:	1407
Current population of facility:	659
Average daily population for the past 12 months:	644
Has the facility been over capacity at any point in the past 12 months?	No
Which population(s) does the facility hold?	Males
Age range of population:	18-77
Facility security levels/inmate custody levels:	Maximum, Close, Minimum
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	187
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	134
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	43

AGENCY INFORMATION	
Name of agency:	Nevada Department of Corrections
Governing authority or parent agency (if applicable):	
Physical Address:	3955 W. Russell Road, Las Vegas, Nevada - 89118
Mailing Address:	
Telephone number:	725-216-6000

Agency Chief Executive Officer Information:	
Name:	Charles Daniels
Email Address:	cdaniels@doc.nv.gov
Telephone Number:	725-216-6010

Agency-Wide PREA Coordinator Information			
Name:	Deborah Striplin	Email Address:	dstriplin@doc.nv.gov

SUMMARY OF AUDIT FINDINGS	
<p>The OAS automatically populates the number and list of Standards exceeded, the number of Standards met, and the number and list of Standards not met.</p> <p>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.</p>	
Number of standards exceeded:	
0	
Number of standards met:	
45	
Number of standards not met:	
0	

POST-AUDIT REPORTING INFORMATION

GENERAL AUDIT INFORMATION

On-site Audit Dates

1. Start date of the onsite portion of the audit:	2022-10-03
2. End date of the onsite portion of the audit:	2022-10-05

Outreach

10. Did you attempt to communicate with community-based organization(s) or victim advocates who provide services to this facility and/or who may have insight into relevant conditions in the facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Identify the community-based organization(s) or victim advocates with whom you communicated:	I spoke, via telephone, to two different members of the local Rape Crisis Center.

AUDITED FACILITY INFORMATION

14. Designated facility capacity:	1407
15. Average daily population for the past 12 months:	644
16. Number of inmate/resident/detainee housing units:	11
17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Not Applicable for the facility type audited (i.e., Community Confinement Facility or Juvenile Facility)

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

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

36. Enter the total number of inmates/residents/detainees in the facility as of the first day of onsite portion of the audit:	651
38. Enter the total number of inmates/residents/detainees with a physical disability in the facility as of the first day of the onsite portion of the audit:	2
39. Enter the total number of inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) in the facility as of the first day of the onsite portion of the audit:	2
40. Enter the total number of inmates/residents/detainees who are Blind or have low vision (visually impaired) in the facility as of the first day of the onsite portion of the audit:	2
41. Enter the total number of inmates/residents/detainees who are Deaf or hard-of-hearing in the facility as of the first day of the onsite portion of the audit:	2
42. Enter the total number of inmates/residents/detainees who are Limited English Proficient (LEP) in the facility as of the first day of the onsite portion of the audit:	4

<p>43. Enter the total number of inmates/residents/detainees who identify as lesbian, gay, or bisexual in the facility as of the first day of the onsite portion of the audit:</p>	<p>7</p>
<p>44. Enter the total number of inmates/residents/detainees who identify as transgender or intersex in the facility as of the first day of the onsite portion of the audit:</p>	<p>1</p>
<p>45. Enter the total number of inmates/residents/detainees who reported sexual abuse in the facility as of the first day of the onsite portion of the audit:</p>	<p>39</p>
<p>46. Enter the total number of inmates/residents/detainees who disclosed prior sexual victimization during risk screening in the facility as of the first day of the onsite portion of the audit:</p>	<p>4</p>
<p>47. Enter the total number of inmates/residents/detainees who were ever placed in segregated housing/isolation for risk of sexual victimization in the facility as of the first day of the onsite portion of the audit:</p>	<p>0</p>
<p>48. Provide any additional comments regarding the population characteristics of inmates/residents/detainees in the facility as of the first day of the onsite portion of the audit (e.g., groups not tracked, issues with identifying certain populations):</p>	<p>No text provided.</p>
<p>Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit</p>	
<p>49. Enter the total number of STAFF, including both full- and part-time staff, employed by the facility as of the first day of the onsite portion of the audit:</p>	<p>651</p>

<p>50. Enter the total number of VOLUNTEERS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:</p>	<p>9</p>
<p>51. Enter the total number of CONTRACTORS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:</p>	<p>12</p>
<p>52. Provide any additional comments regarding the population characteristics of staff, volunteers, and contractors who were in the facility as of the first day of the onsite portion of the audit:</p>	<p>No text provided.</p>

INTERVIEWS

Inmate/Resident/Detainee Interviews

Random Inmate/Resident/Detainee Interviews

<p>53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:</p>	<p>20</p>
<p>54. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)</p>	<p> <input type="checkbox"/> Age <input checked="" type="checkbox"/> Race <input checked="" type="checkbox"/> Ethnicity (e.g., Hispanic, Non-Hispanic) <input checked="" type="checkbox"/> Length of time in the facility <input checked="" type="checkbox"/> Housing assignment <input type="checkbox"/> Gender <input type="checkbox"/> Other <input type="checkbox"/> None </p>

<p>55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?</p>	<p>At the beginning of my on-site audit, I received a current Adults in Custody Housing Roster. I used that list to identify Adults in Custody within every housing unit currently at the facility. I randomly choose interviewees that would come from each of those housing units and confirmed we had completed the interviews covering all areas.</p>
<p>56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>57. Provide any additional comments regarding selecting or interviewing random inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</p>	<p>No text provided.</p>
<p>Targeted Inmate/Resident/Detainee Interviews</p>	
<p>58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:</p>	<p>18</p>
<p>As stated in the PREA Auditor Handbook, the breakdown of targeted interviews is intended to guide auditors in interviewing the appropriate cross-section of inmates/residents/detainees who are the most vulnerable to sexual abuse and sexual harassment. When completing questions regarding targeted inmate/resident/detainee interviews below, remember that an interview with one inmate/resident/detainee may satisfy multiple targeted interview requirements. These questions are asking about the number of interviews conducted using the targeted inmate/resident/detainee protocols. For example, if an auditor interviews an inmate who has a physical disability, is being held in segregated housing due to risk of sexual victimization, and disclosed prior sexual victimization, that interview would be included in the totals for each of those questions. Therefore, in most cases, the sum of all the following responses to the targeted inmate/resident/detainee interview categories will exceed the total number of targeted inmates/residents/detainees who were interviewed. If a particular targeted population is not applicable in the audited facility, enter "0".</p>	
<p>60. Enter the total number of interviews conducted with inmates/residents/detainees with a physical disability using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>2</p>

61. Enter the total number of interviews conducted with inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) using the "Disabled and Limited English Proficient Inmates" protocol:	2
62. Enter the total number of interviews conducted with inmates/residents/detainees who are Blind or have low vision (i.e., visually impaired) using the "Disabled and Limited English Proficient Inmates" protocol:	2
63. Enter the total number of interviews conducted with inmates/residents/detainees who are Deaf or hard-of-hearing using the "Disabled and Limited English Proficient Inmates" protocol:	2
64. Enter the total number of interviews conducted with inmates/residents/detainees who are Limited English Proficient (LEP) using the "Disabled and Limited English Proficient Inmates" protocol:	2
65. Enter the total number of interviews conducted with inmates/residents/detainees who identify as lesbian, gay, or bisexual using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:	1
66. Enter the total number of interviews conducted with inmates/residents/detainees who identify as transgender or intersex using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:	2

<p>67. Enter the total number of interviews conducted with inmates/residents/detainees who reported sexual abuse in this facility using the "Inmates who Reported a Sexual Abuse" protocol:</p>	<p>3</p>
<p>68. Enter the total number of interviews conducted with inmates/residents/detainees who disclosed prior sexual victimization during risk screening using the "Inmates who Disclosed Sexual Victimization during Risk Screening" protocol:</p>	<p>2</p>
<p>69. Enter the total number of interviews conducted with inmates/residents/detainees who are or were ever placed in segregated housing/isolation for risk of sexual victimization using the "Inmates Placed in Segregated Housing (for Risk of Sexual Victimization/Who Allege to have Suffered Sexual Abuse)" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>At the beginning of my on-site audit, I received a current Adults in Custody list of the various Targeted Interviews. I reviewed each list and found some categories did not have Adults in Custody housed at Ely State Prison. We reviewed the Administrative Segregation logs for the past 12 months and found that no Adults in Custody, that were Victims of a PREA, were ever housed in Administrative Segregation during that time frame. I also asked the Warden, Staff working in Administrative Segregation and the PCM, who all stated they have not housed Victims of PREA in Administrative Segregation.</p>

<p>70. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):</p>	<p>No text provided.</p>
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Staff, Volunteer, and Contractor Interviews

Random Staff Interviews

<p>71. Enter the total number of RANDOM STAFF who were interviewed:</p>	<p>16</p>
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<p>72. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)</p>	<p><input checked="" type="checkbox"/> Length of tenure in the facility</p> <p><input checked="" type="checkbox"/> Shift assignment</p> <p><input type="checkbox"/> Work assignment</p> <p><input checked="" type="checkbox"/> Rank (or equivalent)</p> <p><input type="checkbox"/> Other (e.g., gender, race, ethnicity, languages spoken)</p> <p><input type="checkbox"/> None</p>
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<p>73. Were you able to conduct the minimum number of RANDOM STAFF interviews?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
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<p>74. Provide any additional comments regarding selecting or interviewing random staff (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</p>	<p>No text provided.</p>
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Specialized Staff, Volunteers, and Contractor Interviews

Staff in some facilities may be responsible for more than one of the specialized staff duties. Therefore, more than one interview protocol may apply to an interview with a single staff member and that information would satisfy multiple specialized staff interview requirements.

75. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):	23
76. Were you able to interview the Agency Head?	<input checked="" type="radio"/> Yes <input type="radio"/> No
77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?	<input checked="" type="radio"/> Yes <input type="radio"/> No
78. Were you able to interview the PREA Coordinator?	<input checked="" type="radio"/> Yes <input type="radio"/> No
79. Were you able to interview the PREA Compliance Manager?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if the agency is a single facility agency or is otherwise not required to have a PREA Compliance Manager per the Standards)

80. Select which SPECIALIZED STAFF roles were interviewed as part of this audit from the list below: (select all that apply)

- Agency contract administrator
- Intermediate or higher-level facility staff responsible for conducting and documenting unannounced rounds to identify and deter staff sexual abuse and sexual harassment
- Line staff who supervise youthful inmates (if applicable)
- Education and program staff who work with youthful inmates (if applicable)
- Medical staff
- Mental health staff
- Non-medical staff involved in cross-gender strip or visual searches
- Administrative (human resources) staff
- Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) staff
- Investigative staff responsible for conducting administrative investigations
- Investigative staff responsible for conducting criminal investigations
- Staff who perform screening for risk of victimization and abusiveness
- Staff who supervise inmates in segregated housing/residents in isolation
- Staff on the sexual abuse incident review team
- Designated staff member charged with monitoring retaliation
- First responders, both security and non-security staff

	<input checked="" type="checkbox"/> Intake staff <input checked="" type="checkbox"/> Other
If "Other," provide additional specialized staff roles interviewed:	Appeals Coordinator Mailroom staff
81. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Enter the total number of VOLUNTEERS who were interviewed:	2
b. Select which specialized VOLUNTEER role(s) were interviewed as part of this audit from the list below: (select all that apply)	<input checked="" type="checkbox"/> Education/programming <input type="checkbox"/> Medical/dental <input type="checkbox"/> Mental health/counseling <input checked="" type="checkbox"/> Religious <input type="checkbox"/> Other
82. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Enter the total number of CONTRACTORS who were interviewed:	2

<p>b. Select which specialized CONTRACTOR role(s) were interviewed as part of this audit from the list below: (select all that apply)</p>	<p><input type="checkbox"/> Security/detention</p> <p><input checked="" type="checkbox"/> Education/programming</p> <p><input type="checkbox"/> Medical/dental</p> <p><input type="checkbox"/> Food service</p> <p><input type="checkbox"/> Maintenance/construction</p> <p><input type="checkbox"/> Other</p>
<p>83. Provide any additional comments regarding selecting or interviewing specialized staff.</p>	<p>No text provided.</p>

SITE REVIEW AND DOCUMENTATION SAMPLING

Site Review

PREA Standard 115.401 (h) states, "The auditor shall have access to, and shall observe, all areas of the audited facilities." In order to meet the requirements in this Standard, the site review portion of the onsite audit must include a thorough examination of the entire facility. The site review is not a casual tour of the facility. It is an active, inquiring process that includes talking with staff and inmates to determine whether, and the extent to which, the audited facility's practices demonstrate compliance with the Standards. Note: As you are conducting the site review, you must document your tests of critical functions, important information gathered through observations, and any issues identified with facility practices. The information you collect through the site review is a crucial part of the evidence you will analyze as part of your compliance determinations and will be needed to complete your audit report, including the Post-Audit Reporting Information.

<p>84. Did you have access to all areas of the facility?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
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Was the site review an active, inquiring process that included the following:

85. Observations of all facility practices in accordance with the site review component of the audit instrument (e.g., signage, supervision practices, cross-gender viewing and searches)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
86. Tests of all critical functions in the facility in accordance with the site review component of the audit instrument (e.g., risk screening process, access to outside emotional support services, interpretation services)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
87. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
88. Informal conversations with staff during the site review (encouraged, not required)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
89. Provide any additional comments regarding the site review (e.g., access to areas in the facility, observations, tests of critical functions, or informal conversations).	No text provided.

Documentation Sampling

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

90. In addition to the proof documentation selected by the agency or facility and provided to you, did you also conduct an auditor-selected sampling of documentation?	<input checked="" type="radio"/> Yes <input type="radio"/> No
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91. Provide any additional comments regarding selecting additional documentation (e.g., any documentation you oversampled, barriers to selecting additional documentation, etc.).

No text provided.

SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS AND INVESTIGATIONS IN THIS FACILITY

Sexual Abuse and Sexual Harassment Allegations and Investigations Overview

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

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

	# of sexual abuse allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual abuse	4	0	4	4
Staff-on-inmate sexual abuse	35	0	0	35
Total	39	10	29	39

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

	# of sexual harassment allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual harassment	7	0	7	0
Staff-on-inmate sexual harassment	24	0	24	0
Total	31	0	32	0

Sexual Abuse and Sexual Harassment Investigation Outcomes

Sexual Abuse Investigation Outcomes

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

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

	Ongoing	Referred for Prosecution	Indicted/ Court Case Filed	Convicted/ Adjudicated	Acquitted
Inmate-on-inmate sexual abuse	2	0	0	0	0
Staff-on-inmate sexual abuse	1	0	0	0	0
Total	3	0	0	0	0

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

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual abuse	2	1	1	0
Staff-on-inmate sexual abuse	12	13	10	1
Total	14	14	11	1

Sexual Harassment Investigation Outcomes

Note: these counts should reflect where the investigation is currently. Do not double count. Additionally, for question brevity, we use the term "inmate" in the following questions. Auditors should provide information on inmate, resident, and detainee sexual harassment investigation files, as applicable to the facility type being audited.

96. Criminal SEXUAL HARASSMENT investigation outcomes during the 12 months preceding the audit:

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

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

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual harassment	3	0	0	0
Staff-on-inmate sexual harassment	6	0	0	0
Total	9	0	0	0

Sexual Abuse and Sexual Harassment Investigation Files Selected for Review

Sexual Abuse Investigation Files Selected for Review

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

14

<p>99. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual abuse investigation files)</p>
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Inmate-on-inmate sexual abuse investigation files

<p>100. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</p>	<p>2</p>
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<p>101. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
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<p>102. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
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Staff-on-inmate sexual abuse investigation files

<p>103. Enter the total number of STAFF-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</p>	<p>12</p>
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<p>104. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>
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<p>105. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>
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Sexual Harassment Investigation Files Selected for Review

<p>106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>12</p>
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<p>107. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual harassment investigation files)</p>
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Inmate-on-inmate sexual harassment investigation files

<p>108. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>4</p>
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<p>109. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
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<p>110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
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Staff-on-inmate sexual harassment investigation files

111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:	8
112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)
113. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)
114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.	No text provided.

SUPPORT STAFF INFORMATION

DOJ-certified PREA Auditors Support Staff

115. Did you receive assistance from any DOJ-CERTIFIED PREA AUDITORS at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Enter the TOTAL NUMBER OF DOJ-CERTIFIED PREA AUDITORS who provided assistance at any point during this audit:	2

Non-certified Support Staff

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

Yes

No

AUDITING ARRANGEMENTS AND COMPENSATION

121. Who paid you to conduct this audit?

The audited facility or its parent agency

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

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

Other

Identify your state/territory or county government employer by name:

California Department of Corrections and Rehabilitations

Was this audit conducted as part of a consortium or circular auditing arrangement?

Yes

No

Standards

Auditor Overall Determination Definitions

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

Auditor Discussion Instructions

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

115.11	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	Auditor Overall Determination: Meets Standard
	<p data-bbox="256 311 560 344">Auditor Discussion</p> <p data-bbox="256 389 1469 797">Nevada Administrative Regulation 421, Custodial Sexual Misconduct, Inmate Sexual Offenses and PREA policy establishes that the agency has a zero tolerance toward sexual misconduct and sexual harassment; and includes sanctions for those who violate the zero-tolerance policy. The policy further outlines implementation of the agency’s approach to prevent, detect, and respond to sexual abuse and sexual harassment. The 11-page policy provides definitions of prohibited behaviors and a description of agency strategy and response to reduce and prevent sexual abuse and harassment of offenders. In many cases the policy mirrors the language contained in the PREA Federal Standards. This Administrative Regulation serves as the agency’s implementation plan for PREA.</p> <p data-bbox="256 837 1469 1205">Operational Procedure 421, dated July 19, 2021, Prison Rape Elimination Act Section #1 reads: Ely State Prison has a Zero Tolerance policy for any form of sexual misconduct to include staff, contractor, or volunteer on inmate or inmate on inmate sexual harassment, sexual assault, sexual abusive contact and consensual sex. Any staff member/contractor/volunteer who engages in, fails to report, or knowingly condones sexual harassment or sexual contact with or between offenders shall be subject to disciplinary action and may also be subject to criminal prosecution. The Ely State Prison shall take a proactive approach regarding the prevention, detection, response and punishment of any type of sexual contact.</p> <p data-bbox="256 1245 1469 1397">The mission statement for the agency is: The Nevada Department of Corrections will improve public safety by ensuring a safe and humane environment that incorporates proven rehabilitation initiatives that prepare individuals for successful reintegration into our communities.</p> <p data-bbox="256 1438 1469 1559">Ely State Prison’s Prison Rape Elimination Act Compliance Manager is Tasheena Cooke, Associate Warden. Ms. Cooke has been assigned as the PREA Compliance Manager since 2018. Ms. Cooke reports directly to the Warden.</p> <p data-bbox="256 1599 1469 1751">According to Ms. Cooke, she does feel that she has sufficient time to coordinate the facility’s efforts to comply with PREA. The Warden and his administrative staff appear committed to ensuring the Ely State Prison’s commitment to preventing, detecting, responding to and reporting sexual abuse of inmates.</p> <p data-bbox="256 1792 1469 1989">During the Pre-audit, On-site audit and Post-Audit process, Ms. Cooke was very involved in providing communications and documentation in assisting the Audit team. Ms. Cooke provided knowledge of how the Ely State Prison is working toward prevention, detection and responding to all aspects of the Prison Rape Elimination Act.</p> <p data-bbox="256 2029 1469 2065">During the offender interviews, the offenders knew Ms. Cooke by name and were</p>

aware of her role as the Prison Rape Elimination Act Compliance Manager. The offenders also stated they could talk to and request information from Ms. Hernandez, the Assistant Prison Rape Elimination Act.

A few offenders that identify in the Gay, Bi-sexual, Transgender and Intersex categories, stated that they not only knew who the PREA Compliance Manger was, but also spoke to her directly a few times while they were at the facility.

During interviews, the Director of the Department of Corrections and Ely State Prison's Warden confirmed the agency's commitment to achieving Prison Rape Elimination Act certification and the agency's zero tolerance policy.

The Nevada Department of Corrections PREA policy mandates the assignment of the facility Prison Rape Elimination Act Compliance Manager. Through memorandum and the facility's organizational chart, it was shown that Tasheena Cooke is currently assigned to the role of Prison Rape Elimination Act Compliance Manager at Ely State Prison. Ms. Cooke reports directly to the Ely State Prison Warden, as well as looks for resources and guidance from the Statewide Prison Rape Elimination Act Coordinator, Ms. Striplin, for any/all PREA related questions and issues. During formal and informal discussions with the auditors, it was evident that Ms. Cooke was knowledgeable about the standards and could explain the processes the facility followed in preparation for this audit. Once reviewed, any questions or concerns during the audit process were responded to with factual answers and/or documentation.

Additionally, attached to the policy are the checklists for Signs of Sexual Abuse and Sexual Assault-First Responders. In many cases the policy/procedure mirrors the language contained in the Prison Rape Elimination Act Federal Standards.

The staff at Ely State Prison look to Ms. Cooke, Ms. Hernandez and Ms. Striplin to provide direction regarding Prison Rape Elimination Act compliance.

During interviews with staff and offenders, it was clear that Ms. Cooke provides training, information and guidance to staff and the offender population concerning Prison Rape Elimination Act Standards on a regular basis.

Corrective Action: No corrective action was required for this standard.

115.12	Contracting with other entities for the confinement of inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Nevada Department of Corrections Policy and Administrative Procedures 02-01-115, Sexual Assault Prevention, requires that all agencies and organizations that house offenders of the Nevada Department of Corrections are made aware of the Department’s policy on zero tolerance of sexual abuse and sexual harassment. During inspections of any facility that houses Nevada Department of Corrections offenders, the Inspector General is required to ensure the agency or organization has a mechanism in place to address sexual abuse and sexual harassment. This section of the policy also requires that when a new contract is being prepared with agencies/ organizations that house offenders of the Nevada Department of Corrections, a provision shall be included to ensure that the agency/organization maintains a zero tolerance for sexual abuse/harassment and has a mechanism in place to address allegations of sexual abuse or sexual harassment.</p> <p>Nevada Department of Corrections entered a contract with CoreCivics to house 200 Nevada Department of Corrections inmates in October 2017. Per a memorandum by the PREA Coordinator, this contract ended in November 2020 when all Nevada Department of Correction’s offenders were all returned to Nevada DOC facilities.</p> <p>During an interview with the Ely State Prison’s Warden, he stated that contracts for the confinement of offenders are enacted at an Agency/Department level and no staff, including himself, at the Ely State Prison, were directly in charge of monitoring or responsible for any aspect of those contracts. The Warden also stated that if any contracts for the confinement of offenders that he controlled, were to be put into place in the future, all required language would be in compliance with the Prison Rape Elimination Act Standard.</p> <p>Corrective Action: No corrective action was required for this standard.</p>

115.13	Supervision and monitoring
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The facility’s staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring:</p> <ol style="list-style-type: none"> 1. Generally accepted detention and correctional practices? 2. Any judicial findings of inadequacy? 3. Any findings of inadequacy from Federal investigative agencies? 4. Any findings of inadequacy from internal or external oversight bodies? 5. All components of the facility’s physical plant (including “blind-spots” or areas where staff or inmates may be isolated)? 6. The composition of the inmate population? 7. The number and placement of supervisory staff? 8. Institution programs occurring on a particular shift? 9. Any applicable State or local laws, regulations, or standards? 10. The prevalence of substantiated and unsubstantiated incidents of sexual abuse? 11. Any other relevant factors? <p>OP 301 , dated July 19, 2021, states, under the section “Minimum staffing for PREA”,</p> <ul style="list-style-type: none"> · The Ely State Prison has developed this staffing plan to provide for adequate levels of staffing, and where applicable, video monitoring, to protect inmates against sexual abuse. · In calculating the staffing levels and determining the need for video monitoring the Ely State Prison takes into consideration: generally accepted detention and correctional practices, judicial findings of inadequacy, and findings of inadequacy from Federal investigative agencies, and findings of inadequacy from internal or external oversight bodies, all components of the facility’s physical plant (including “blind-spots” or areas where staff or inmates may be isolated), composition of the inmate population, number and placement of supervisory staff, programs occurring on a particular shift, applicable State or local laws, regulations, or standards, prevalence of substantiated and unsubstantiated incidents of sexual abuse, and any other relevant factors. · At least once a year, in consultation with the PREA Coordinator, the Ely State Prison

shall assess, determine, and document whether adjustments are needed to the staffing plan, deployment of video monitoring systems and other monitoring technologies, and resources the facility has available to ensure adherence to the staffing plan.

During the interview with the Warden, he explained how the staffing plan is established, adjusted and enforced. The staffing plan is approved by the Nevada Legislature as part of the budget process. The plan is based on best practices, and the American Correctional Association's and National Institute of Correction's staffing models.

Each year the plan is reviewed to see if adjustments need to be made based on mission changes, PREA and/or other serious incidents, program changes, legal challenges or legislative changes. According to the 2022 staffing plan, there are no findings of inadequacies by judicial ruling, Federal Investigative Agencies, or internal or external oversight bodies. There are no state, or local laws that dictate staffing requirements. The staffing plan contains an analysis of the inmate population by security level and security threat group. The Warden also stated that he may change the location and placement of staff based on new programs being added, change in mission for the institution, a number of assaults in certain areas of the facility or recommendations from the PREA committee. Additionally, he may request additional position authority if there appears to be insufficient staff to operate the institution safely.

Operational Procedure 400.05, General Security Supervision, dated March 19, 2013, requires that supervisors make unannounced rounds to identify and deter staff sexual abuse and sexual harassment. The policy also prohibits staff from alerting other staff members that the supervisory rounds are occurring. When supervisors make these rounds, they are required to document them in the housing unit log book and post an entry in Nevada Offender Tracking Information System.

A review of the 2022 staffing plan demonstrates that it was shared with the Statewide Prison Rape Elimination Act Coordinator. During her interview, the Statewide Prison Rape Elimination Act Coordinator confirmed that she reviews the staffing plan.

Supervisory staff make random unannounced rounds through the housing units several times a day on all different shifts. These rounds are documented in the log books maintained in the housing units. Each housing unit log was review by the audit team. Documentation in the log book demonstrated that supervisors and managers complete tours of the housing units routinely, during random times. During the interviews with supervisory staff, they noted that they conduct unannounced rounds. They stated that they attempt to prevent staff from alerting other staff by not disclosing where they are going next and changing their movement patters. Random staff interviews revealed that supervisors' complete tours of their housing units at different times and that they document these in the log.

During our tours, we found an inmate accessible restroom in Building 12 and numerous staff restrooms in multiple areas of the facility unsecured. These contain butterfly deadlocks on the inside and were not secured so inmates have access and

then secure themselves with other inmates or staff inside. (Example, a notice to all staff to keep doors secured and utilize the issued key when needed)

On November 4, 2022, I received an email from Ely State Prison's Assistant PREA Compliance Manager that contained a memorandum, dated November 3, 2022 and authored by Ely State Prison's PREA Compliance Manager. This memorandum was sent by mass-email to all Ely State Prison staff and stated the following:

- During our recent PREA audit, it was discovered that there were unsecured staff bathroom that may be considered blind spots. As a result of this audit, all staff bathrooms will always remain locked. You will use the "PREA" marked hex key that is on your issued keys (ring)to access the bathroom. Once you are finished in the bathroom, it is your responsibility to ensure that the door is relocked.

This receipt of email and memorandum to all staff, satisfy this provision of this Standard.

Corrective Action: No further action is required to bring this standard into compliance.

115.14	Youthful inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Nevada Department of Corrections requires that any juvenile inmate housed at an adult correctional facility shall be housed in a location out of sight, sound and physical contact of the adult inmates. The youthful inmates are not to be placed in isolation for this purpose.</p> <p>OP 400, General Safety and Security, dated July 19, 2021, in the General Camp Rules and Regulations section, states the Ely State Prison does not house inmates under the age of 18</p> <p>At the time of the on-site audit, the Ely State Prison did not house any youthful offenders. According to the Warden and the PREA Compliance Manager, they have not housed any in the past few years. Currently any minors that get sentenced as an adult in Nevada go straight to another Nevada Department of Corrections facility, currently, Lovelock Correctional Center in Lovelock, Nevada.</p> <p>Consistent with information reported, auditors observed no youthful inmates throughout the on-site visit.</p> <p>Additionally, during tours and offender reviews, there were no indications that Youthful offenders were ever housed at the Ely State Prison during this audit period.</p> <p>Corrective Action: No corrective action was required for this standard.</p>

115.15	Limits to cross-gender viewing and searches
	<p data-bbox="256 188 983 221">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="256 264 557 297">Auditor Discussion</p> <p data-bbox="256 340 1437 539">AR 492 – Inmate Body Cavity Searches for Contraband, dated September 16, 2014, states: Any search of an inmate’s body cavity will be in a manner consistent with compliance to PREA and any applicable standards. Any physical intrusion into an inmate’s body cavity must be performed by a physician or other mid-level practitioner not employed by the Nevada Department of Corrections.</p> <p data-bbox="256 580 751 613">OP 400, Inmate Movement, states:</p> <ul data-bbox="256 654 1477 1514" style="list-style-type: none"> <li data-bbox="256 654 1477 770">· Staff shall not conduct cross-gender unclothed body searches or cross-gender visual body cavity searches (meaning searches of the anal opening) except in exigent circumstances or when performed by medical practitioners. <li data-bbox="256 810 1390 882">· Staff shall document all cross-gender unclothed body searches and cross-gender visual body cavity searches. <li data-bbox="256 922 1477 1122">· Staff shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate’s genital status. If the inmate’s genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. <li data-bbox="256 1162 1458 1317">· Staff shall be trained on how to conduct cross-gender clothed body searches and searches of transgender and intersex inmates. All body searches shall be conducted in a professional and respectful manner and in the least intrusive manner possible, consistent with security protocol. <li data-bbox="256 1357 1434 1514">· Inmates shall shower, perform bodily functions, and change clothing without staff of the opposite gender viewing the breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks or being conducted by a medical practitioner. <p data-bbox="256 1554 1477 1839">OP 421 states: The presence of female staff members shall be announced every time they enter an inmate housing unit or unit control room. This will be done by the control room officer by utilizing the unit intercom system. The female staff member will only announce their presence when no custody staff is present. This notification is to be documented by entering a ‘PREA-Female Entering a Male Housing Unit’ entry in the Daily Shift Log in NOTIS and an entry in the visitor record log. The female staff member shall not enter the unit until announcement has been made.</p> <p data-bbox="256 1879 1422 1995">The PAQ reported no incidents of cross-gender strip or body cavity searches in the last 12 months. Also provided with the PAQ was a yearlong NOTIS report which reflected documentation of opposite gender announcements being made.</p> <p data-bbox="256 2036 1430 2069">The training curricula for clothed body searches was provided and reviewed by the</p>

auditor. The curriculum provides details of how to perform a universal body search. It also addresses the expectation of being professional and respectful during these searches

Staff shall document all cross-gender searches, if any, of adult female and juvenile offenders by completing and submitting an Incident Report to the Custody Supervisor or designee.

All offenders shall be afforded the ability to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in emergency circumstances or when such viewing is incidental to routine security rounds and cell checks.

All staff of the opposite gender (female staff in a male facility or male staff in a female facility) shall announce their presence when entering an offender housing unit or bathroom area.

Custody and Non-Custody staff shall announce their presence to the offender population in the housing unit in which they are assigned, at the beginning of their duty shift. This announcement must be clear and done so in a manner that ensures all offenders in the unit were given reasonable notice of opposite gender staff being present. This was seen during our on-site tours.

During the interviews with the Warden and the Prison Rape Elimination Act Compliance Manager, they stated there were no incidents of cross gender strip searches in the past 12 months.

Auditors reviewed 12 months' worth of the following:

- Cross Gender Search Logs
- Opposite Gender Announcement Weekly Forms from each Housing Unit
- Staff In-service Training Logs on How to conduct cross gender pat downs, if needed.

During the tour, a member of each touring party made the opposite gender announcement when the opposite gender auditors entered the living areas of each wing. The canteen staff is female, and documentation of the announcement being made was viewed in Nevada Offender Tracking Information System.

Of the 20 formal offenders interviewed, all but one reported that they were able to toilet, shower and change clothes outside the direct view of staff of the opposite gender viewing them. The one stated he hears them sometimes. The offenders explained areas such as doors within the toilet area and curtains covering the shower areas prevent staff from seeing their genitalia. The offenders reported hearing opposite gender staff announce their presence when entering the housing unit.

There were 16 formal staff questioned about cross gender search practices. All staff reported that cross gender strip searches or cross gender body cavity searches do not

occur at this facility.

All staff interviewed reported that opposite gender staff announcements are made when entering the housing units. Further, staff indicated that cross gender search techniques are taught in training but no staff member had performed a cross gender search that they could remember, during this audit period.

During our tour, we found that the Bath Tub in the infirmary, is located right across from the Nurse's Station and allows Opposite Gender Viewing. (Example, Tri-folds can be used when tub is in use.)

On November 4, 2022, I received an email from Ely State Prison's Assistant PREA Compliance Manager that contained a memorandum, dated November 3, 2022 and authored by Ely State Prison's PREA Compliance Manager. This memorandum was sent by mass email to all Ely State Prison staff and stated the following:

- During our recent PREA audit it was discovered that there was not a procedure to ensure privacy when offenders are using the medical soaking tub in the back of the infirmary. When the tub is in use, the privacy curtain will be utilized to prevent cross-gender viewing by non-medical staff.

This receipt of email and memorandum to all staff, satisfy this provision of this Standard.

Corrective Action: No further action is required to bring this standard into compliance.

115.16	Inmates with disabilities and inmates who are limited English proficient
	Auditor Overall Determination: Meets Standard
	<p data-bbox="256 311 560 344">Auditor Discussion</p> <p data-bbox="256 389 1469 629">OP 421, Custodial Sexual Misconduct, Sexual Offenses, and Prison Rape Elimination Act (PREA), Inmate Education, dated July 19, 2021 states: During initial intake/ reception and orientation Ely State Prison will ensure all inmates receive information explaining the Department’s zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment during the intake process.</p> <p data-bbox="256 669 1469 869">Within twenty-one (21) days of reception, Ely State Prison will provide comprehensive education to inmates 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 Departmental policies and procedures for responding to such incidents.</p> <p data-bbox="256 909 1461 1066">Ely State Prison will provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled (reasonable accommodations will be made in accordance with AR 658 to ensure understanding), as well as to inmates who have limited reading skills.</p> <p data-bbox="256 1106 1469 1473">Ely State Prison will prohibit the use of inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate’s safety, the performance of first-responder duties, of the investigation of the inmate’s allegations. The use of inmate interpreters in these limited circumstances will be documented. Staff interpretation will be conducted within a confidential office and the staff member will be responsible for documenting the interpretation in NOTIS. The interpreting staff member will maintain confidentiality regarding all information that was interpreted.</p> <ul style="list-style-type: none"> <li data-bbox="256 1514 1437 1671">o Ely State Prison has contracted with Language Link to provide both spoken interpretation and written translation services. Information on how to access those services can be found in the Lieutenants office, Sergeant’s desk, Caseworker office and custody staff area. <li data-bbox="256 1711 1469 1868">o If it appears that an inmate is unable to comprehend the information being provided, staff will utilize effective communication (e.g. using simple language, requesting feedback confirming comprehension) to convey the PREA education to the inmate in accordance with AR 658. <ul style="list-style-type: none"> <li data-bbox="256 1908 1469 2020">· Ely State Prison will document inmate participation in these education sessions by a signed acknowledgement placed in the inmate’s I-file and by entering a case note in NOTIS.

- In addition to providing such education, PCC will ensure that key information is continuously and readily available or visible to inmates through posters, flyers, video or other formats.

The Ely State Prison has contracted with Corporate Translation Services, Inc listed as CTS Language Link to provide both spoken interpretation and written translation services. The Language Link Translation Services contracts were provided to the auditor. Both were reviewed and were in effect at the time of the on-site portion of the audit.

AR 658, Reasonable Accommodation for Inmates with Disabilities, describes the access to axillary visual, hearing aids and services provided by the facility. It also discusses any telephonic aid that may be needed by the offender.

Although there were a few inmates brought into the institution, there were no inmates with disabilities seen during the intake process that occurred while we were on-site. Written materials, in English and Spanish, were posted in various locations around the facility. These materials explain the zero-tolerance policy and the different ways to report. Also, the Offender Orientation Handbook, which is issued to the inmate upon arrival at the Ely State Prison, was reviewed and was determined to provide the inmate population with PREA information to include the PREA video transcript.

The auditor was provided with a memorandum from the Warden which stated that the Ely State Prison did not use any inmate interpreters, readers, or assistants when reporting a PREA related concern, during the 12-month audit time frame.

Written documents, to include the Prison Rape Elimination Act brochures and posters are provided in English and Spanish to the offender population. During the tour, it was noted that Prison Rape Elimination Act posters and Victim Advocate memorandums were prominently displayed in areas in both English and Spanish. Additionally, the telephone numbers to a Victim Advocate and to a reporting line are posted on the walls near the offender accessible telephone. The information provided, which is in English and Spanish languages, is that the calls are not recorded, not monitored and are free of charge.

During our interviews with specialty inmates, a deaf inmate shared that he was unaware when opposite gender staff enter his housing unit because he cannot hear the announcements made by the staff entering the area. (Example, lights, cards, an assigned inmate who assists with ADA concerns...)

On November 4, 2022, I received an email from Ely State Prison's Assistant PREA Compliance Manager that contained a memorandum, dated November 3, 2022 and authored by Ely State Prison's PREA Compliance Manager. This memorandum was sent by mass email to all Ely State Prison staff and stated the following:

- During our recent PREA audit it was discovered that there was not a procedure to notify male inmates of female staff presence for ADA offenders that are hearing impaired. If an inmate has been identified as hearing impaired, the ADA coordinator will add that information to the "ADA and Oversized Inmate Restraints List" roster

notifying staff of the impairment. If a unit has such an inmate on that list, unit staff will flash the (housing unit) lights twice, alerting the inmate to the presence of female staff to prevent cross-gender viewing.

Additionally, the inmate population within that class were informed in-person and staff were informed via mass email, on this new process that took effect on the day of the memorandum.

This receipt of email and memorandum to all staff, satisfy this provision of this Standard.

Corrective Action: No further action is required to bring this standard into compliance.

115.17	Hiring and promotion decisions
	<p data-bbox="256 188 983 224">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="256 264 558 300">Auditor Discussion</p> <p data-bbox="256 340 1385 416">AR 212, Contracts, and Administrative Regulation and AR 300, Recruitment and Hiring, were reviewed.</p> <p data-bbox="256 456 1477 654">Policy prohibits the hiring or promotion of anyone who may have contact with offenders, who have engaged in the three criteria outlined in standard provision 115.17(a). It also mandates the agency to consider any incidents of sexual harassment in determining whether to hire or promote anyone that may have contact with offenders.</p> <p data-bbox="256 694 1477 1352">Policy states that a criminal background records check will be completed before hiring staff that may have contact with offenders and best efforts will be made 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 policy requires a criminal background records check be performed before enlisting the services of any contractor who may have contact with offenders. It requires that all applicants and employees who may have contact with offenders be asked directly about previous sexual misconduct in written applications or interviews for hiring or promotions and in interviews conducted as part of reviews of current employees. Further, it imposes upon employees a continuing affirmative duty to disclose any such previous misconduct. It mandates that material omissions regarding sexual misconduct, or the provision of materially false information, shall be grounds for termination and requires the agency to 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="256 1393 1445 1469">State of Nevada Department of Corrections Agency Applicants & Current Employee Questionnaire states:</p> <p data-bbox="256 1509 1477 1751">The Nevada Department of Corrections, in compliance with the Department of Justice, National Standards to Prevent, Detect, and Respond to Prison Rape 42 U.S.C. § 15601, et seq. and 28 C.F.R., §115.17 (a)(b)(f). All applicants, current employees, and agency promotional candidates who may have contact with inmates are required to complete this form during the hiring process, promotion interviews, and annually during current employee self-evaluation reviews.</p> <p data-bbox="256 1792 1477 1908">Providing false or misleading statements, including material omissions regarding such misconduct shall be grounds for termination of the conditional offer of employment or promotion will be rescinded.</p> <p data-bbox="256 1948 1477 2065">1. Have you engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution, or have you been convicted of engaging or attempting to engage in sexual activity in the community facilitated by</p>

force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse, or have you been civilly or administratively adjudicated to have engaged in the activity described in any part of this question

2. Have you been adjudicated as having engaged in any type of inmate Sexual Harassment, which includes as a staff member, volunteer, contractor, or as any type of service provider coming in contact with an inmate in the facilities mentioned in question 1? Sexual Harassment includes but is not limited to:

- Repeated verbal comments of a sexual nature to an inmate; or
- Demeaning references to gender; or
- Derogatory comments about body or clothing; or
- Repeated profane or obscene language or gestures

Answering affirmative to any of these questions can result in the denial of employment or, in the case of contractors and volunteers, denial of access into the facility. Providing false information is grounds for dismissal.

Staff answer these questions during the initial interview process, and during any promotional interview. A review of the personnel and volunteer's files demonstrated compliance with this policy. Every file reviewed had a copy of these questions answered by the employee.

The office of the Inspector General is required to do a biannual audit of random Human Resources files for employees of the Department who were hired in the previous six months to ensure compliance with the required background check. Nevada Department of Corrections conducts background checks on all current employees every three years. The month that the employee was hired determines which month the follow-up background check will be conducted. The last cycle was initiated in August 2019

Nevada Department of Corrections policy requires Human Resources to disclose any substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom the employee has applied for work. The Ely State Prison provided one example of requests about a prospective employee that they received from another agency. This request was responded to timely. The head of personnel stated that they would provide any information on prior sexual abuse or sexual harassment of an inmate if she received an inquiry from another institution about a previous employee.

Background Clearance Application Procedure requires that every contractor must have a background check completed prior to entering the facility. Additionally, Administrative Regulations requires that the background check be completed every three years thereafter. According to this policy, a contractor is always denied if they have any type of sexual conviction.

The Ely State Prison was able to provide the documents that all current contractors

and volunteers must fill out and sign prior to being allowed to have contact with inmates. They are also required to disclose any prior sexual misconduct convictions, administrative or civil actions, annually during their PREA training. Policy requires the volunteer or contractor to disclose any sexual misconduct. Failure to do so would result in restriction from grounds. A list of all of the volunteers and contract staff approved to enter Nevada Department of Corrections facilities was provided to this auditor. The five contractor files and three volunteer files were reviewed by the audit team. The documents viewed by this audit team showed that all of the approved individuals have had their background cleared within the past three years and had signed a document disclosing any prior sexual misconduct in an institutional setting.

Policy states that staff shall adhere to the following principles:

- I shall maintain high standards of honesty, integrity and impartiality free from any personal considerations, favoritism or partisan demands in connection with my duties.
- I shall be courteous, considerate and prompt when dealing with the public, realizing that as state employees and employees of the Department, we serve the public.
- I shall maintain mutual respect and professional cooperation in my relationships with other staff of the Department of Correction.
- I shall be firm, fair and consistent in the performance of my duties and shall not allow my personal convictions, beliefs, prejudices, or biases to interfere with my official acts or decisions.

The PREA Coordinator shall research the Sexual Incident Report System for substantiated incidents involving the former employee, accurately complete the form, and return to the institutional/correctional employer.

Completed Reference Checks, Authorization to Release Information, Acknowledgement and Disclosure and Performance and Conduct forms were all provided and reviewed for compliance.

Of the 11 personnel files reviewed by the audit team, all were up to date with the current questions and documentation. The thoroughness of this form captures all Prison Rape Elimination Act related information required.

During the interview with the Warden, he explained that in the event that a contractor, volunteer or an employee is no longer allowed on grounds or access to offenders, due to violation of sexual abuse policy, their name is placed on a statewide 'Do Not Allow' list. This list is reviewed when completing security clearances for new contractors, volunteers or employees and placed at the front security office of each facility.

During the interview with the Supervisor of Human Resources, she stated the facility performs criminal record background checks, on all employees every five years, through the National Crime Information Center, and considers pertinent civil or

administrative adjudications for all newly hired employees who may have contact with offenders and all employees being considered for promotions.

Documentation indicates that Criminal History Background Checks were conducted on all individuals employed by the contract companies that enter the Ely State Prison.

Corrective Action: No corrective action was required for this standard.

115.18	Upgrades to facilities and technologies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The Nevada Department of Corrections PREA Manual requires that when the Department is designing or acquiring any new facility or planning any major expansion, acquisition or modification, that the Director, Deputy Director and designee consider the effect of the design, acquisition, expansion or modification on the Department's ability to protect inmates from sexual abuse. Additionally, the manual requires the Department, when installing new electronic monitoring systems, to consider how the technology will enhance the Department's ability to protect inmates from sexual abuse.</p> <p>Each facility shall develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect offenders against sexual abuse.</p> <p>During an interview with the Warden, he told the auditor that the Ely State Prison reviews all previous Prison Rape Elimination Act reports and considers identified blind spots, offender movement or staffing issues in determining, if needed, the placement of cameras. The Warden also stated that the Ely State Prison has had some physical upgrade for the safety/security since the last audit.</p> <p>During interviews with the Statewide Prison Rape Elimination Act Coordinator, she stated that when any projects where installation or updating of video equipment is anticipated, a case-by-case review is included in the determination of locations within any facility.</p> <p>Ongoing reviews occur at an institutional and state level for the possible need to add additional monitoring equipment.</p> <p>Corrective Action: No corrective action was required for this standard.</p>

115.21	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Per AR 421, dated January 14, 2016, the agency is responsible to conduct both administrative and criminal sexual abuse investigations for incidents of offender on offender and staff sexual misconduct.</p> <p>OP 670. Medical Standards for PREA states, all services provided for 9PREA) related treatment shall be free of charge regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident</p> <p>OP 457, Investigations, the 11-page procedure guides staff of the process to be utilized when a PREA investigation becomes necessary and what information needs to be obtained and documented.</p> <p>Medical Directive Number 117, under Sexual Assault, requires all services provided for the victim, shall be free of charge.</p> <p>The current Signs of Hope Rape Crisis Center Memorandum of Understanding and posters (English/Spanish) were provided with the PAQ. Posters give contact information and notify inmates of availability of Victim Advocates to accompany and support the victim through the forensic exam and investigatory interviews.</p> <p>Administrative Regulation 421, states that Nevada Department of Corrections, Office of the Inspector General, will investigate all allegations of staff-on-inmate sexual abuse and sexual harassment and all inmate-on-inmate sexual abuse. Operational Procedure 421.1, Sexual Assault Response and Coordinated response, address the protocols for collection of evidence for use in an administrative proceedings and criminal prosecution. Combined with OP 458, Evidence/Contraband Collection, Storage and Disposal, the policies include discovery, handling, delivery, retrieval, logging, storage, retention and destruction of all evidence.</p> <p>Nevada Department of Corrections policies mirror the National Protocol for Sexual Assault Medical Forensic Examinations, dated August 2013, as set forth by the Office of Violence Against Women. The Ely State Prison uses a coordinated team approach to respond to reports of sexual assault. They provide access to a victim advocate, and provide immediate medical care. All allegations are investigated. If needed, the Ely State Prison utilizes a qualified SAFE/SANE nurse from the community to conduct medical exams and the process is handled, keeping the victim's confidentiality in mind. The policy states that the inmate will be provided medical and emotional support at no cost to the inmate.</p> <p>Nevada Department of Corrections and the Ely State Prison utilize a local hospital's Sexual Assault Nurse Examiner to conduct the forensic exams. Currently the Nevada Department of Corrections has an agreement with University Medical Center, located in Las Vegas, Nevada to conduct all forensic exams. The audit team contacted the SAFE/SANE Coordinator with the University Medical Center and confirmed that they</p>

would conduct the forensic exams for the Ely State Prison, if requested. If an inmate is taken for a SAFE/SANE exam, they are transported to the University Medical Center's Emergency Room. A SAFE/SANE nurse is called in to perform the exam. She stated that there is always a SAFE/SANE nurse available to perform this function. The University Medical Center has three nurses on staff. The Lead Nurse stated that all of the certified SAFE/SANE nurses' training follows the National Protocol for Sexual Assault Medical Forensic Examinations as set forth by the Office of Violence Against Women.

The Lead Registered Nurse, responsible for the SANE program, stated she does not remember any inmates from Ely State Prison ever coming to the hospital for the SANE process since she has been there.

During the interviews with the investigators and the PREA Compliance Manager, they stated that all inmates are offered a victim advocate in the event that they are going to have a forensic exam. The investigators also stated that they would let the victim advocate accompany the victim inmate during the investigation interview if the inmate requests it. They had not had any inmates request a victim advocate during the interview in the past 12 months.

During formal interviews with 16 random staff, when asked about their actions, when notified of a sexual assault, they indicated they would separate the victim and subject (if known). Staff would quickly assess the need for Medical or Mental Health assistance. Then staff would contact their supervisor, initiate evidence protocols by closing off the crime scene area to limit who had access. Further, staff would make sure all available evidence was collected and the offender was offered a SAFE/SANE exam, if warranted. Staff indicated that they begin the process but the investigators from Ely State Prison usually handles the most part of the process.

Additionally, staff indicated they would ensure the suspect would not destroy evidence and they would request that the victim not destroy any evidence.

Further, the staff indicated that, if warranted, if requested by the victim, a victim advocate would provide assistance and support during the forensic medical examinations through the local court process. Victims are provided with the victim advocate contact information and are given education, mental health referrals, and offered follow-up services.

According to the Pre-Audit Questionnaire, interviews with all involved in the process and document reviews, over the past 12 months, zero forensic medical exams had been required, requested or conducted.

Through telephonic interviews with the SANE staff at the University Center and the Advocate for the Signs of Hope, both are very knowledgeable of Prison Rape Elimination Act Standards and have great communications with the institutional staff/area they serve and both departments provided services 24 hours a day 7 days a week.

Corrective Action: No corrective action was required for this standard.

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115.22	Policies to ensure referrals of allegations for investigations
	<p data-bbox="256 188 983 224">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="256 264 557 300">Auditor Discussion</p> <p data-bbox="256 340 1477 499">OP 421, Procedures, dated July 19, 2021, states: the Ely State Prison staff shall ensure that all allegations of sexual abuse and sexual harassment are reported to the Inspector General’s Office for the completion of an administrative or criminal investigation.</p> <p data-bbox="256 539 1398 654">OP 457 outlines in detail the procedures to be followed when completing a PREA investigation. In addition, AR 421 was provided as informational support for this standard.</p> <p data-bbox="256 694 1458 808">A tracking log is maintained by the Inspector General’s office of all sexual abuse and sexual harassment allegations and the outcome of each. The 2021 and 2022 logs were provided to the auditor.</p> <p data-bbox="256 848 1458 922">Additionally, employees and service providers will accept reports verbally, in writing, anonymously, and from third parties and will promptly document any verbal reports.</p> <p data-bbox="256 963 1477 1122">Policy also indicates that allegations of sexual abuse and sexual harassment are to be referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. All such referrals will be documented.</p> <p data-bbox="256 1162 1445 1276">A review of the Nevada Department of Corrections website includes the information that all allegations, to include, offender-on-offender sexual abuse and staff sexual misconduct will be investigated.</p> <p data-bbox="256 1317 1477 1433">During the 16 formal and numerous informal interviews with the offender population, all interviewed knew at least two ways to notify someone of a Prison Rape Elimination Act issue or concern. Several knew four to five different ways.</p> <p data-bbox="256 1473 1469 1590">During the interview with the Warden, he stated that all allegations of sexual abuse and sexual harassment are taken seriously. He ensures that every allegation received is investigated completely.</p> <p data-bbox="256 1630 1458 1789">During the interview with the Director, he stated that the agency, through the Prison Rape Elimination Act Statewide Coordinator, ensures that an administrative or criminal investigation is tracked and completed for all allegations of sexual abuse or sexual harassment.</p> <p data-bbox="256 1830 1458 2067">During the interview with the PREA Coordinator within the Inspector General’s office for the Nevada Department of Corrections, she confirmed that it is the Inspector General’s Office is responsibility to investigate all PREA allegations in Nevada Department of Corrections. The Inspector General’s office is notified via the Nevada Offender Tracking Information System; the electronic incident notice system used by Nevada Department of Corrections. In emergency cases they are notified via</p>

telephone. Once the Inspector General's office receives the notice, they will assign an investigator to the case. At the conclusion of the investigation, if it appears that a felony has taken place, the Inspector General will refer the case to the Attorney General. The Nevada Department of Corrections Prison Rape Elimination Act Manual provides further direction on the Office of Inspector General's responsibility while conducting a criminal investigation.

During interviews with Investigative staff, they stated that the agency has authority to conduct criminal and administrative investigations. Also, they stated that all allegations are documented on a Sexual Incident Report and are referred to them for investigation.

All non-confidential policies are on the Nevada Department of Correction's public website.

Corrective Action: No corrective action was required for this standard.

115.31 Employee training

Auditor Overall Determination: Meets Standard

Auditor Discussion

AR 360, Correctional Employee/Officer Basic Training Program, dated July 19, 2022, states: The Department provides a Correctional Employee/Officer Basic Pre-Service Training Program which includes a minimum of 80 hours for non-custody staff and a minimum of 160 hours for custody staff. All staff are required to attend the Departments Pre-Service Training.

Operational Policy 421, Custodial Sexual Misconduct, Inmate Sexual Offenses and PREA, states, among other things, how and when staff must report misconduct, Employee Training, Contractor and Volunteer Training and Inmate Educational Training.

This training includes the following:

- o Zero Tolerance Policy
- o How to report, detect, prevent and respond to such allegations
- o Inmate's rights to be free from sexual abuse/harassment
- o Inmate's rights to be free from retaliation from reporting incidents
- o The dynamics of sexual abuse and harassment in confinement
- o The common reactions of sexual abuse and harassment victims
- o How to detect and respond to signs of threatened and actual abuse
- o How to avoid inappropriate relationships with inmates
- o How to communicate effectively and professionally with the offenders who are Lesbian, Gay, Bisexual, Transgender or Intersex (LGBTI)
- o How to comply with relevant laws related to mandatory reporting

It also states that any employee, contractor, or volunteer who has any knowledge, suspicion, information, or becomes aware of any alleged act of sexual abuse or sexual harassment by another employee, contractor, or volunteer is required to immediately report the knowledge, suspicion, or information to his or her immediate supervisor.

Also, that all staff shall immediately report any other employee's neglect or violation of responsibilities that may have contributed to an incident of sexual abuse, sexual harassment or retaliation.

Further, OP 421 states that all employees who may have contact with inmates will receive refresher training on PREA every two (2) years. In years which an employee does not receive PREA refresher training they shall still receive a refresher on current

PREA policies. All employees that have transferred to the Ely State Prison from a facility that houses female offenders will receive PREA training specifically tailored to a male offender population. Completed training will be documented on an On-the-Job Training form which will be placed within the employee's supervisory file.

All employee training will be documented and confirmed by signature and will be maintained in the employee's supervisory and training files.

The Training Manager was able to provide the printout of classes taken with certificates of specifically named staff that was requested by the auditor. The audit team requested training lists from the PREA Compliance Manager and was provided several lists, by shift or classification, of staff that had attended the requested training. Based on lists received, it was easily determined who attended the required training

Through 16 formal random staff interviews, the auditors learned that all 11 staff had either received formal training and/or the refresher On-the-job training on Prison Rape Elimination Act within the last 24 months. The training included prevention, detection, reporting and response. Additionally, all staff interviewed stated they had received the training and signed an acknowledgement form stating they understood the content. Staff also indicated they had been provided with written information.

During the on-site visit, 25 training record reviews were conducted and it was determined that 18 staff reviewed, to include custody, non-custody, contract and volunteers, had received and are current in the mandatory Prison Rape Elimination Act training.

Prison Rape Elimination Act training requirements mandate attendance at the required training, is documented, through employee signature, that they understand the training they have received. 15 copies of random Employees Acknowledgement of Training forms, that I picked from the training roster, were reviewed. All forms were signed and dated by the employee, indicating that they understood the training received

During our Staff Training reviews, we could not find documentation in 7 of the 25 files reviewed, that staff had been given the refresher training in 2021/2022. Again, this does not mean the training was not completed, it only means the documentation could not be found in the records we had access to.

On November 7, 2022, I received an email from Ely State Prison's Assistant PREA Compliance Manager that contained a memorandum and Excel Chart that contained each requested staff members name, PREA Questionnaire completion date, PREA Initial training and completion date and PREA Refresher training and completion date.

This receipt of email, attached Excel chart from the Training Department and memorandum to all staff, satisfy this provision of this Standard.

Corrective Action: No further action is required to bring this standard into compliance.

115.32	Volunteer and contractor training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>AR 802, Community Volunteer Program, 802.01 – Community Volunteer Program</p> <ul style="list-style-type: none"> • A volunteer must agree, as an adjunct employee, to abide by all NDOC policies, rules, regulations and procedures. volunteer is subject to search at anytime. • A volunteer may not engage in sexual abuse or harassment with an inmate, to include “romantic relationships”. <p style="padding-left: 40px;">802.2 - Duel Status Forbidden</p> <ul style="list-style-type: none"> • A volunteer who is found to have been compromised will be permanently barred from participating as a volunteer for the Department in any capacity. • PREA related incidents will be reported to the IG and investigated. • If a volunteer is found to be living with a former inmate, however, the volunteer will be presumed to have been compromised and will permanently barred from participating as a volunteer for the Department in any capacity unless the former inmate is immediate family. <p>AR 421, under Zero Tolerance Policy states: “The Department of Corrections has a Zero Tolerance policy for any form of sexual misconduct to include staff/contractor/or volunteer on inmate or inmate on inmate sexual harassment, sexual assault, sexual abusive contact and consensual sex.</p> <p>Any staff member/contractor/volunteer who engages in, fails to report, or knowingly condones sexual harassment or sexual contact with or between inmates shall be subject to disciplinary action and may be subject to criminal prosecution.</p> <p>The Department shall take a proactive approach regarding the prevention, detection, response and punishment of any type of sexual contact.”</p> <p>AR 212 states: The level and type of training provided to contractors shall be based on the services they provide and the level of contact they have with inmates. All contractors who have contact with inmates shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.</p> <p>Nevada Department of Corrections 051, Volunteer Training/Orientation Acknowledgement Form states above the signature of the volunteer, that he/she certifies:</p> <p>I attended the Volunteer Training and was given the opportunity to ask questions and discuss the subject matter taught. I am aware of my responsibilities as a Volunteer, Educational staff member, or contractor and understand that failure to follow Nevada</p>

Department of Corrections Policies and Procedures can result in removal from the Volunteer Program and/or Gatehouse List.

I understand the training given on the above subject of PREA and have a good understanding of this topic within the guidelines of the Nevada Department of Corrections. I understand the Nevada Department of Corrections has a "Zero Tolerance" policy regarding volunteers/staff/contractors on inmate sexual abuse and harassment as well as inmate on inmate sexual abuse and harassment.

The policy mandates all volunteers and contractors who have contact with offenders to be trained in their responsibilities under Prison Rape Elimination Act.

After the site visit, two volunteers and four contractors were interviewed via telephone, and their training records were checked. All currently allowed volunteers and contractors training records reviewed consistently showed that the training had been provided previously and during the last 12-month period. The facility has a good process in place to ensure contractors and volunteers receive Prison Rape Elimination Act training.

In a memorandum by the Ely State Prison's Warden, it states that the Ely State Prison has not allowed volunteers to enter the facility since March 2020 due to Covid concerns.

During the on-site interviews with the contractors and telephonic interviews with the volunteers, auditors were told that volunteers and contractors are provided Prison Rape Elimination Act training annually through a PowerPoint and handout materials. In the case Volunteers will be allowed back on-site, staff will ensure all are trained prior to allowing entrance and contact with the offenders

Corrective Action: No corrective action was required for this standard.

115.33 Inmate education

Auditor Overall Determination: Meets Standard

Auditor Discussion

AR 658, Hearing Impaired Inmates, states: The ADA coordinator will ensure that deaf and hearing- impaired inmates are provided access to auxiliary aids and services when required for effective communication in accessing and participating in departmental programs, services, and activities. Such programs, services and activities include, but are not limited to: (H) PREA reporting and/or follow-up with any PREA concerns.

OP 421 mandates that offenders receive information at intake regarding the zero-tolerance policy and how to report incidents of sexual abuse/harassment. This information is provided throughout the documents. It further mandates that within 30 days of intake, offenders receive comprehensive education either in person or through video regarding their rights to be free from sexual abuse/harassment and retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.

OP 421, Preventing, Detecting and Responding to Allegations of Sexual Abuse or Sexual Harassment states: The Administration at the Ely State Prison will implement the following to prevent, detect and respond to allegations of sexual abuse by:

o Inmate education

- Zero Tolerance Policy
- Ways to report
- Access to medical and mental health services
- Right to be free from retaliation for reporting such incidents
- Informing inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

In OP 421, the section titled Inmate Education states: During initial intake/reception and orientation the Ely State Prison will ensure all inmates receive information explaining the Department's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment during the intake process. Within thirty (30) days of reception, the Ely State Prison will provide comprehensive education to inmates 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 Departmental policies and procedures for responding to such incidents. the Ely State Prison will provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise

disabled, as well as to inmates who have limited reading skills.

o If needed, the Ely State Prison will prohibit the use of inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-responder duties, of the investigation of the inmate's allegations. The use of inmate interpreters in these limited circumstances will be documented. Staff interpretation will be conducted within a confidential office and the staff member will be responsible for documenting the interpretation in NOTIS. The interpreting staff member will maintain confidentiality regarding all information that was interpreted.

o The Ely State Prison has contracted with Language Link to provide both spoken interpretation and written translation services. Information on how to access those services can be found in the Lieutenants office, Sergeant's desk, and custody staff area.

Nevada Department of Corrections Policy and Administrative Procedures, Sexual Abuse Prevention, states the following:

· That the Department shall oversee the development of posters that shall be placed in prominent locations within the facilities displaying various methods of reporting sexual abuse and sexual harassment. These posters shall be placed in locations in the facilities where they can be seen by staff, visitors, and offenders and be written in both English and Spanish.

· The offender shall be provided with verbal and written information regarding: the Department's zero tolerance of any sexual abuse and sexual harassment; self-protection; reporting sexual abuse and sexual harassment; and, treatment and counseling available to offenders who are victims of sexual abuse.

The facility maintains documentation of offender participation in the Prison Rape Elimination Act education sessions. Documentation is made via their signature on the Ely State Prison's Intake Prison Rape Elimination Act Acknowledgement Form which is maintained in the offender file.

Along with the Caseworker involved, the auditing team was walked-through the Intake process to include the objective Screening Tool and video, that is completed for each individual offender that comes into the Ely State Prison. Afterwards, we reviewed 25 offender files that showed the date the offender arrived at the institution and had received the required information with a signed receipt indicating their name and their Nevada Offender Identification number, on the Offender Education Program check off, on the Prison Rape Elimination Act Video acknowledgement form, 30-minute video, and on the Information Brochure Receipt form, stating the received and understood what they were given. The offender was also notified that there

would be a follow-up meeting held within the next 30-days.

During the site visit, the team observed various Prison Rape Elimination Act contact posters available for viewing around the institution in housing units and other areas.

During interviews with Intake staff, they shared that offenders are provided with orientation upon intake at their facility. Offenders sign an acknowledgement form which is maintained in the offender's file. The orientation is generally provided on the same day, most times within one hour, in the open bay area, near the front entrance, as the offender arrives, or in rare cases, the following day. Staff in charge of the Intake Process indicated that offenders receive the Prison Rape Elimination Act brochure and a Prison Rape Elimination Act complete education, upon arrival to the Ely State Prison, during intake.

All of the common areas had posters, in English and Spanish, explaining the Nevada Department of Corrections PREA zero tolerance policy and how to report sexual abuse/sexual harassment visible to the inmate population. Additionally, the posters with the zero-tolerance policy and the telephone numbers to report sexual abuse to an outside agency are near the inmate telephones.

During the 20 formal interviews, 17 of the 20 offenders remembered receiving some type of written materials (Offender handbook and brochure) the day they arrived at the institution by a caseworker. The offenders interviewed that had been at the facility for more than 12 months indicated that they saw a video and had seen information in the offender handbook. All of the offenders formally interviewed remembered the information provided. The offenders were asked to explain what they were trained on and we received the following generalized responses: to be free from harassment and abuse, who they can talk to, what phone numbers to use in case of incident, where the numbers and address were located (posters).

During our on-site tours, we saw numerous PREA poster attached to walls and podiums, but were not in a location or positioned where inmates, staff or Visitors could access them.

On November 4, 2022, I received an email from Ely State Prison's Assistant PREA Compliance Manager that contained photographs of the new locations the PREA posters within the Visiting and Court House areas. The new locations are visible/accessible and can be viewed by staff, inmates and family/friends that are in those locations. The new brightly colored Victim Advocacy posters have also been updated in those areas.

These changes and updates satisfy this provision of this Standard.

Corrective Action: No further action is required to bring this standard into compliance.

115.34	<p data-bbox="240 91 1495 1765">Specialized training: Investigations</p> <p data-bbox="240 174 1495 241">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 248 1495 315">Auditor Discussion</p> <p data-bbox="240 322 1495 792">AR 421 mandates that in addition to the general training provided to all employees, the facility shall ensure that, to the extent the agency itself conducts sexual abuse investigations; its investigators have received training in conducting such investigations in a confinement setting. This agency is trained to conducts both administrative and criminal investigations on sex abuse cases. It requires that the agency maintain documentation that investigators have completed the required specialized training in conducting sexual abuse investigations. It requires specialized training to include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecutor referral.</p> <p data-bbox="240 808 1495 943">A link was provided to the current training curriculum, which was reviewed by the auditor. It was found to contain all of the required information. In addition, the auditor was provided with certificates of completion for all 16 investigators.</p> <p data-bbox="240 958 1495 1272">Through a memorandum, authored by the PREA Coordinator, the auditor was informed the Inspector General has 16 category I/II criminal investigator positions who are sworn peace officers. All investigators may be assigned PREA criminal or internal affairs investigations. All investigators have completed specialized training. Training Curriculum, entitled “PREA Investigating Sexual Abuse in a Confinement Setting”, was reviewed by the PREA Resource Center to ensure compliance with the standards.</p> <p data-bbox="240 1288 1495 1675">The two investigators, one administrative and one criminal, (posted at Ely State Prison) interviewed indicated they received training specific to conducting sexual abuse investigations in confinement settings. They indicated the class was given by NCIC. One of the investigators also participated in refresher training about two years ago and he participates in the agency’s annual training. They indicated the training curriculum included: techniques for interviewing sexual abuse victims; proper use of Miranda and Garrity warnings; sexual abuse evidence collection in confinement settings; and the criterial and evidence required to substantiate a case for administrate or prosecution referral.</p> <p data-bbox="240 1691 1495 1765">Corrective Action: No corrective action was required for this standard.</p>
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115.35	Specialized training: Medical and mental health care
	<p data-bbox="256 188 983 221">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="256 264 557 297">Auditor Discussion</p> <p data-bbox="256 340 1422 539">OP 670, Medical Standards for PREA which is for the Ely State Prison was also provided to the auditor. Under Procedures it states: (1) Specialized Training for Medical and Mental Health Personnel: Ely State Prison shall ensure that all full and part time medical and mental health care practitioners who work regularly in the facility have been trained in:</p> <ul data-bbox="256 577 1477 651" style="list-style-type: none"> o All medical and mental health care practitioners will receive the training mandated for all Nevada <p data-bbox="256 689 1458 808">Department of Corrections employees in accordance with PREA standards. This training will be conducted by the ESP training division and will be documented in the employees training file.</p> <ul data-bbox="256 846 1469 1245" style="list-style-type: none"> o All medical staff will receive training in evidence collection. This will be provided by trained custody staff and documented with a training certificate in the employee's supervisor file. o All medical and mental health staff will receive training in detecting and assessing signs of sexual abuse and harassment, and how to respond effectively and professionally to victims of sexual abuse and sexual harassment as provided in the NIC training module entitled "Behavioral Health Care for Sexual Assault Victims in a Confinement Setting". This training will be documented with a training certificate within the employee's supervisor file. <p data-bbox="256 1283 1458 1482">OP 609 - the Ely State Prison Medical Standards for PREA indicates similar language to that provided in OP 670. It should be noted, the Ely State Prison does not employ any medical or mental health staff, on site. Should the need arise; the inmate will be transported to Ely State Prison or to an outside medical provider for any required medical or mental health services.</p> <p data-bbox="256 1520 1458 1765">Nevada Department of Corrections Policy and Administrative Procedures, Sexual Abuse Prevention, requires that all staff attend the PREA training, both during new employee orientation and during their annual training. This includes contracted medical and mental health staff. Additionally, all contract medical and mental health staff receives additional medically focused Prison Rape Elimination Act training as part of the requirement to work at the facility.</p> <p data-bbox="256 1803 1469 2092">Policy also states that each facility shall establish a written agreement or contract with a qualified, independent forensic health services professional who is not employed by the facility to perform forensic medical examinations of sexual abuse victims. This service is currently provided by University Medical Center, Las Vegas. As a part of the written agreement, any Health Services personnel who examines an offender is to be trained and shall use appropriate safety precautions to take when treating an offender. The training lesson plan provided to this auditor covered how to</p>

detect signs of sexual abuse, how to preserve physical evidence, how to respond effectively and professionally to victims of sexual abuse, how and whom to report allegations of sexual abuse/harassment and the roles and responsibilities of the Sexual Abuse Response Team. Additionally, all training will be documented, through signature or electronic verification, showing acknowledgement that the employee received and understood the training.

Policy states that all Medical and Mental Health Care practitioners receive general Prison Rape Elimination Act training mandated for all employees, volunteers & contractors as identified in policy and outlined in Prison Rape Elimination Act standards, depending upon the practitioner's status in the agency.

During the on-site visit, audit team members reviewed and verified attendance at Prison Rape Elimination Act staff training through the facility's training records.

1 Medical and 1 Mental Health staff were interviewed on-site at the Ely State Prison. Both of them were knowledgeable about their jobs, policies and procedures.

During our staff file reviews, we only found the Specialized training for one medical staff member. We will review additional staff members in the next 30-45 days.

On November 17, 2022, I spoke with the Assistant PREA Compliance Manager and she stated she would send me that documentation.

On December 15, 2022, I received an email from Ely State Prison's Assistant PREA Compliance Manager that contained the names and corresponding specialized training certificates of the remaining six medical staff members that are currently working at Ely State Prison.

These updates and proof of completion satisfy this provision of this Standard.

Corrective Action: No further action is required to bring this standard into compliance.

115.41	Screening for risk of victimization and abusiveness
	Auditor Overall Determination: Meets Standard
	<p data-bbox="256 262 558 293">Auditor Discussion</p> <p data-bbox="256 338 1465 454">AR 421 states all inmates shall be assessed for their risk of being sexually abused by or abusive toward other inmates during an intake screening and upon transfer to another institution/facility. The PREA risk screening assessment tool is confidential.</p> <p data-bbox="256 495 1469 734">AR 573 and OP 573, PREA Screening and Classification, were reviewed and require: Initial screening should take place within 24-hours, but shall be completed within 72-hours of arrival at an institution or facility. Whenever possible, and consistent with the safety and security needs of the institution or facility, inmates are not to be housed together in two-person cells prior to PREA screening. A case note (PREA-Intake Assessment) will be generated to document said action.</p> <ul data-bbox="256 775 1469 1485" style="list-style-type: none"> <li data-bbox="256 775 1436 891">· A corresponding Nevada Offender Tracking Information System alert will be entered on all known victims (PREA-High risk of sexual victimization) and all known predators (PREA-High risk of sexual abusiveness). <li data-bbox="256 931 1469 1128">· Within a set time period, not to exceed 30 days from the inmate’s arrival at the facility, a Correctional Caseworker will reassess the inmate’s risk of victimization or potential for abusiveness toward other inmates based upon any additional relevant information which may have been received since the initial screening. A case note (PREA-30 Day Follow Up) will be generated to document said action. <li data-bbox="256 1169 1388 1285">· Transgender/Intersex inmates will be reassessed at each 6-month regular review and a case note (PREA-Special Referral Assessment) will be entered to document said action. <li data-bbox="256 1326 1469 1485">· Inmates will be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate’s risk of being sexually victimized or being sexually abusive. A case note (PREA-Special Referral Assessment) will be generated reflecting this assessment. <p data-bbox="256 1525 1428 1641">An offender’s risk level shall be reassessed at any time when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the offender’s risk of sexual victimization or abusiveness.</p> <p data-bbox="256 1682 1469 1753">The screening instrument will consider, at a minimum, the following criteria for risk of sexual victimization:</p> <ul data-bbox="256 1794 1385 2040" style="list-style-type: none"> <li data-bbox="256 1794 1385 1825">· whether the offender has a mental, physical, or developmental disability; <li data-bbox="256 1865 686 1897">· the age of the offender; <li data-bbox="256 1937 826 1968">· the physical build of the offender; <li data-bbox="256 2009 1134 2040">· whether the offender has previously been incarcerated;

- whether the offender's criminal history is exclusively nonviolent;
- whether the offender has prior convictions for sex offenses against an adult or child;
- whether the offender is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- whether the offender has previously experienced sexual victimization; and
- the offender's own perception of vulnerability.
- whether the inmate is detained solely for civil immigration purposes

The screening will consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse in assessing the offender's risk for being sexually abusive.

Offenders will not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked during screening or reassessment.

Of the 16 formal offenders interviewed, all indicated they had been asked questions about sexual abuse when they arrived at this facility. Of the offenders which remembered participating in an intake screening, all indicated that it occurred either on the day they arrived or the next day.

Auditors interviewed intake and classification staff regarding this process. They were very knowledgeable about the classification process and verified that the screening/assessment was completed in a prompt manner. Auditors also interviewed screening staff regarding this process. They verified that the screening/assessment was generally completed within 1 hour of the offender's arrival and that the risk screening is completed utilizing a standardized Prison Rape Elimination Act Intake/Transfer Assessment Tool. Intake staff also indicated that all offenders are reassessed within 30 days of arrival, by a caseworker, at their facility based on criteria outlined in standard provision.

Offenders are provided with the Offender Orientation handbook, as well as, a brochure which outlines the Nevada Department of Correction's Prison Rape Elimination Act policy. The offenders also watch a video on Prison Rape Elimination Act and are asked if they understood the content. Finally, the offender signs an Acknowledgement form stating they received and understood the information given during intake.

Classification staff reviews the offender's history and flags, then assigns the offender housing. The case worker or case manager screens the offender and provides them Prison Rape Elimination Act education.

During the Intake process, it did not appear the staff were using an Objective Screening Instrument or covering all the require questions at Intake. Most, if not all questions, appeared to be asked from memory. The process appeared rushed and I

believe the inmate 's own perception played little role in this process.

On November 4, 2022, I received an email from Ely State Prison's Assistant PREA Compliance Manager that contained the following, as it pertains to the Intake process:

The training Power Point presentation,

- PREA Standards in focus and desk top procedure -Instructions for utilizing the PREA Risk Assessment Form were reviewed during staff meeting. OJT forms were completed and will be e-mailed. It was also discussed that all PREA follow-ups would be completed in the caseworkers office in their entirety.

We discussed and agreed that this process would be monitored for the next few months. Due to the limited number of intakes occurring, the Assistant PREA Compliance Manager would track when inmates arrived to the institution and send me that list. She would also track the training at Intake and the 30-day reviews of each inmate and send me those documents.

I received information, via email, in January and March of 2023. I compared my list and the training lists and found the process to be compliant.

During our file reviews, we found that 3 of the 25 inmate files reviewed exceeded the 30-day timeline from the inmate's arrival.

In October 13, 2022, I was emailed a list from the Assistant PREA Compliance Manager, of all the incoming inmates that arrived at Ely State Prison on October 12th and 13th. I'll ask for copies of their Intake and 30-day review dates around November 25th.

On November 17, 2022. I spoke with the Assistant PREA Compliance Manager, who informed me she used the names of all inmates that arrived at Ely State Prison and checked their Initial and 30-day review dates. All were thoroughly completed within time frames and, once her scanner works, she would send me the results.

We discussed and agreed that this process would be monitored for the next few months. Due to the limited number of intakes occurring, the Assistant PREA Compliance Manager would track when inmates arrived to the institution and send me that list. She would also track the training at Intake and the 30-day reviews of each inmate and send me those documents.

I received information, via email, in January and March of 2023. I compared my list and the training lists and found the process to be compliant.

These reviews and updates satisfy this provision of this Standard.

Corrective Action: No further action is required to bring this standard into compliance.

115.42	Use of screening information
	<p data-bbox="256 188 983 221">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="256 264 557 297">Auditor Discussion</p> <p data-bbox="256 340 1461 456">Agency policy mandates the facility to use information from the risk screening to inform housing, programming, and education assignments, to keep offenders at high risk of sexual victimization apart from high-risk abusive offenders.</p> <p data-bbox="256 499 1461 779">OP 573 mandates that decisions regarding appropriate transgender or intersex housing in both male or female facilities and programming assignments are determined on a case-by-case basis. Placement decisions will ensure the offender’s health and safety, and will consider whether placement would present management or security problems. It requires offenders be reassessed at least twice a year to review any threats to safety experienced by the offender. Ely State Prison reassesses all offenders twice a year.</p> <p data-bbox="256 822 1417 893">Policy states that transgender and intersex offender’s own views are seriously considered when determining housing placement and programming assignments.</p> <p data-bbox="256 936 1433 1050">Policy mandates the agency not place Lesbian, Gay, Bi-sexual, Transgender, or Intersex offenders in dedicated facilities, units, or wings solely on the basis of such identification or status.</p> <p data-bbox="256 1093 1369 1207">During the tour of the facility, the auditors noted that all shower facilities are individual showers with only one shower head in each. Each shower stall has a shower curtain which covers the open front of the shower stall.</p> <p data-bbox="256 1249 1477 1610">The caseworker indicated the information gathered from the risk screening is used to separate potential victims from potential aggressors. They do not receive many offenders that score as a potential victim or as a potential aggressor, so it is generally not a problem to house an inmate, if one arrives. He stated that they have no transgender inmates but if they did the inmate would be reassessed once each six months. All inmates are reviewed in classification every six months. For a transgender inmate a new PREA Risk Assessment would also be done. The caseworker said that transgender and intersex inmate would be able to shower separately because the Ely State Prison has individual shower stalls with curtains.</p> <p data-bbox="256 1653 1477 1890">Nevada Department of Corrections Policy and Administrative Procedures 02-01-115, Sexual Abuse Prevention, states that the facility shall use information from the risk screening to inform housing, bed, work, education, and program assignments with the goal of keeping separate those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive. The facility shall make individualized determinations about how to ensure the safety of each offender.</p> <p data-bbox="256 1933 1477 2092">Staff shall not discuss an offender’s Prison Rape Elimination Act flag status with an offender at any time. If the assessment indicates that an offender has experienced prior sexual victimization or previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the offender is</p>

offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

Based upon this assessment, the offender shall be placed in the appropriate housing; however, no facility shall place lesbian, gay, bisexual, transgender or intersex offenders in dedicated units solely on the basis of such identification or status. If staff determines that an offender is a potential aggressor or potential victim, the offender's record shall be appropriately flagged in the offender information system and/or juvenile data system.

Offenders identified as Intersex or Transgender shall receive an initial placement and programming assessment with subsequent reassessments conducted every six months. In deciding whether to assign a transgender or intersex offender to a facility for male or female offenders, and in making other housing and programming assignments, the agency shall consider, on a case-by-case basis, whether a placement would ensure the offender's health and safety; and whether the placement would present management or security problems. Serious consideration shall be given to such an offender's own views with respect to his or her own safety. Transgender and intersex offenders shall be given the opportunity to shower separately from other offenders.

Within 24 hours of an offender transfer to another facility, staff making housing assignment decisions at the receiving facility shall review the offender's Prison Rape Elimination Act flag status to determine whether the offender may be a potential aggressor or a potential victim in determining initial housing assignment, in accordance with Policy and Administrative Procedure 01-04-101, "Adult Offender Classification."

Offenders who are identified as a 'likely PREA aggressor' shall not be housed in the same cell as or in a bed adjacent to offenders who are identified as a 'likely PREA victim.'" Offenders who have been identified as a "likely PREA victim" shall not be housed in the same cell as, or in a bed adjacent, to an offender identified as a "likely PREA aggressor" and may be housed in Protective Custody or other assignment that reduces the likelihood of sexual victimization.

Policy states that transgender and intersex offender's own views are seriously considered when determining housing placement and programming assignments.

The Ely State Prison reassesses all offenders twice a year.

Staff responsible for risk screening stated that transgender and intersex offender's views of their own safety would be taken into serious consideration in housing placement and programming assignments and that they would be allowed to shower separately from other offenders. Housing units have individual bathroom stalls in a common area and individual shower stalls/curtains on the main tier.

Staff interviewed also indicated that if a transgender or intersex offender asked to shower separately, when other offenders are not utilizing the bathroom area they would be allowed to.

	Corrective Action: No corrective action was required for this standard.
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115.43	Protective Custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>OP 507 mandates offenders, who are placed in segregated housing for the purpose identified in standard provision 115.43(a), have access to programming, privileges, education and work opportunities to the extent possible. Policy also states that the facility document which opportunities had been limited, the duration of that limitation and the reason for such limitation.</p> <p>OP 573 states in the Segregation of Inmates Under PREA section: Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made and it has been determined that there are no available alternative means of separation from likely abusers.</p> <p>If a facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing no more than 24 hours.</p> <p>During the weekends or holidays, the on-duty Associate Warden must be notified to make appropriate arrangements. If the inmate voluntarily requests segregated housing, inmate is to be transferred to another facility; the inmate will be seen by classification at Ely State Prison within 72 hours of segregation.</p> <p>The Warden reported, via memorandum, that during the 12-month review period, the Ely State Prison has not had any inmates who were placed in involuntary segregation due to high risk of victimization.</p> <p>The Warden indicated that inmates who are at high risk of sexual victimization or who have alleged sexual abuse are housed in the least restrictive housing appropriate to their classification and needs.</p> <p>He stated that inmates may be placed in involuntary segregated housing only until other means of separation from likely abusers can be identified.</p> <p>During the interview with the Warden, he confirmed that the Ely State Prison did not place offenders who are at high risk of sexual victimization in segregated housing during the past 12-months.</p> <p>During the on-site tour, it was noted that there were no offenders currently housed in any type of segregated housing due to Prison Rape Elimination Act related victim concerns</p> <p>Corrective Action: No corrective action was required for this standard.</p>

115.51 Inmate reporting

Auditor Overall Determination: Meets Standard

Auditor Discussion

AR 421 requires the facility to provide multiple internal ways for offenders to privately report sexual abuse/harassment, retaliation by other offenders or staff for reporting sexual abuse/harassment, and staff neglect or violations of responsibilities that may have contributed to such incidents. It further mandates the facility to provide at least one way for offenders 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 offender reports of sexual abuse/harassment to agency officials, allowing the offender to remain anonymous upon request.

It requires that offenders 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. Through discussion with the PREA Coordinator, Nevada Department of Corrections does not house offenders detained solely for civil immigration reasons.

OP 421 states: the Ely State Prison staff will accept reports from any and all sources to include but not limited to: inmates, visitors, inmate family members, associates, and other community members. These individuals can privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Such reporting can include, but is not limited to:

- o Verbal complaints to any Departmental employee
- o Written complaints, which may be made through the following processes:
 - Inmate grievances
 - o Grievances alleging staff on inmate sexual misconduct or inmate on inmate sexual abuse will be forwarded immediately to the PCM and/or AW followed by a confidential report completed in NOTIS.
 - o A copy of the grievance will be forwarded to the PREA coordinator and Office of the Inspector General for review and investigation.
 - Inmate kites, written notes or letters to staff or administrators, and letter directed to the PREA coordinator or any member of the Inspector General's Office.
 - o Nevada Department of Corrections Family Services Office by phone or email at doc.nv.gov
 - o Writing the Nevada Attorney General's Office
 - o Calling the internal PREA Hotline telephone number at (775) 977-5587

o Written documentation received by custody staff will be forwarded to the PCM for retention after the allegation has been handled appropriately.

Policy also requires staff to accept reports made verbally, in writing, anonymously, and from 3rd parties and to promptly document any verbal reports. Policy mandates the facility to provide a method for staff to privately report sexual abuse and sexual harassment of offenders. This is accomplished through the chain of command or by contacting the Ely State Prison PREA Compliance Manager.

The PREA Compliance Manager indicated that Nevada Department of Corrections has an agreement with the New Mexico Corrections Department to accept reports from inmates who wish to report abuse or harassment to a public or private entity or office that is not part of the agency. This is accomplished by providing the address to the New Mexico Corrections Department on the PREA posters and explaining the process during inmate orientation and in the Inmate Rule Book. The process allows the information received by New Mexico Corrections Department to be immediately reported to the Inspector General's Office and allows the inmate to remain anonymous, if requested. The auditor also reviewed the scope of work developed between Nevada Department of Corrections and NMCD to act as a third party to receive report/allegations from Nevada Department of Corrections inmates. All required components are included. The auditor reviewed the Inmate Rule Book and PREA informational posters to verify the above referenced information was included.

There are three ways an inmate can make PREA calls, all anonymous.

--calling number 775-977-5587, (as a free call) directly from the inmate phone system.

--selecting the PREA prompt options from the inmate phone system

--send e-mail to PREA Coordinator (nothing has changed about this option, it has been in place)

Offenders shall be permitted to make these reports to any staff person or to an outside organization that has been arranged through a Community Partnership Agreement or another State agency, remaining anonymous if requested. Offenders shall have access to the outside organization through a toll-free hotline, offender email system, or mailing address. If the offender is not comfortable with making the report to the immediate point of contact line staff, the offender shall be allowed to make the report to a staff person with whom he/she is comfortable in speaking about the allegations.

All reports of sexual abuse and sexual harassment shall be documented in an Incident Report prior to the end of the shift.

During the 16 formal staff interviews, staff indicated they would accept any type of report from the offender and document on a memorandum to be forwarded to their supervisor.

They shared that offenders can report several different ways including verbally

reporting to any staff, calling the number on the posters, internal voice mail to the Prison Rape Elimination Act Compliance Manager, external calls to the Nevada Department of Corrections Ombudsman's office, writing letters to staff, writing a confidential letter to, or calling the, the Nevada Coalition Against Domestic Violence, telling a peer and telling family. Staff who were interviewed stated that they can privately report sexual abuse or harassment of offenders. In all cases, staff believed they could report to a supervisor, and it would be kept private.

The 20 offenders that were formally interviewed reported that there are several ways they could report. These include telling staff, use the telephone number from the posters or the painted numbers near the telephones, victim advocates, tell family, tell staff, and put a note in the mail box or confidential appeals or medical box. Most indicated they would just tell staff if anything was to happen.

During the tour, the audit team noted the posters information for the Nevada Department of Corrections and Rape Crisis Center contact information, providing reporting information in English and Spanish. The audit team were also given brochures that are provided to offenders. The audit team tested the numbers posted. On the call to the Rape Crisis Center telephone line, a person answered the call and explained the call is monitored 24 hours a day, 7 days a week. On the call to the Ombudsman's Office, a message was left, explaining the reason for the call. A response call-back was received approximately 15 minutes later.

Nevada Department of Corrections does not house any inmates solely for civil immigration purposes.

Corrective Action: No corrective action was required for this standard.

115.52	Exhaustion of administrative remedies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The facility is not exempt from this standard and in compliance with this provision of the standard.</p> <p>OP 740, Inmate Grievance Process, indicates that all offenders may use the inmate grievance procedure to resolve addressable inmate claims, only if the inmate can factually demonstrate a loss or harm. Policy mandates that the agency will not impose a time limit on when an offender may submit a grievance regarding an allegation of sexual abuse. The agency does not require an offender to use any informal grievance process or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. Review of offender handbook reveals reports of sexual abuse allegations may be made at any time using the Grievance Form. There is nothing to restrict the agency's ability to defend against an offender lawsuit on the grounds that the applicable statute of limitations has expired. It mandates a final decision from the Inspector General's office on the merits of any portion of a grievance alleging sexual abuse shall be issued within 90 days of the initial filing of the grievance.</p> <p>Policy states that 3rd parties are permitted to assist offenders in filing request for administrative remedies relating to allegations of sex abuse and shall be permitted to file such requests on offenders' behalf. If a 3rd party files such a request on behalf of an offender, 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. If the offender declines to have the request processed on his or her behalf, the agency shall document the offender's decision in NOTIS.</p> <p>Under the section entitled: PREA Emergency Grievances, policy states at any time an inmate may file an</p> <p>Emergency Grievance (DOC-1564) for issues involving substantial risk of imminent sexual abuse. All Emergency Grievances alleging substantial risk of imminent sexual abuse shall be forwarded to a level of review at which immediate corrective action may be taken. An initial response shall be provided within 2 hours, with a final facility decision about whether the inmate is in substantial risk of imminent sexual abuse within 5 calendar days. The Shift Supervisor who responds to the emergency grievance must generate an Incident Report using the NOTIS reporting system and document the inmate's complaint along with any corrective action that was made or taken. An electronic mail will then be sent to the institutional PCM and the Inspector General's Office notifying them of the incident and incident report number for tracking and investigation purposes.</p> <p>Nevada Department of Corrections Policy and the Offender Grievance Process, when dealing with Prison Rape Elimination Act grievances:</p>

When receiving an emergency grievance alleging an offender is subject to a substantial risk of imminent sexual abuse, the receiving staff member shall immediately forward the grievance, or any portion of the grievance that alleges the substantial risk of imminent sexual abuse, to the Warden. The Warden shall take immediate corrective action. The Warden shall forward the emergency grievance to the Offender Grievance Specialist, who shall provide an initial response within 48 hours of the offender filing the emergency grievance. The Warden shall also forward the emergency grievance to the Department's Offender Grievance Manager, who shall issue a final Department decision within five calendar days to the offender who filed the grievance. The initial response and final Department decision shall document the Department's determination whether the offender is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance. The facility may discipline an offender for filing a grievance related to alleged sexual abuse only where the facility demonstrates that the offender filed the grievance in bad faith. The determination that a grievance is not an emergency may be appealed through the normal grievance procedures as directed in this policy and administrative procedure.

An offender who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint at any time after the alleged incident.

According to the PREA Compliance Manager, there have been 16 grievances received that alleged sexual abuse in the past 12 months at the Ely State Prison. They also stated that there have been zero Third-party sexual assault grievances filed 12 months at the Ely State Prison.

Of the 20 formal and numerous informal offender interviews, two offender stated they filed a grievance concerning sexual abuse or harassment.

Corrective Action: No corrective action was required for this standard.

115.53	Inmate access to outside confidential support services
	<p data-bbox="256 188 983 224">Auditor Overall Determination: Meets Standard</p> <p data-bbox="256 264 557 300">Auditor Discussion</p> <p data-bbox="256 340 1477 875">AR 421 mandates each facility to provide offender access to outside victim advocates for emotional support services related to sexual abuse by providing offenders mailing addresses and telephone numbers, including toll-free hotline numbers where available, or local, state, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. It mandates each facility to inform offenders prior to giving them access, of the extent to which such communications will be confidential or monitored and to the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. This is completed in committee meetings. Policy further requires the facility to maintain or attempt to enter into an MOU or other agreements with community service providers that are able to provide offenders with confidential emotional support services related to sexual abuse. The facility maintains copies of agreements and provided copies to the auditor for review.</p> <p data-bbox="256 916 1477 1196">OP 421, in the section entitled: Access to Outside Confidential Support Services states that the Ely State Prison is attempting to enter into contract with the Signs of Hope, (Formally the Rape Crisis Center of Las Vegas) Las Vegas, Nevada to provide advocacy services to any inmate who has been a victim of sexual abuse and requests such services. Informational posters with the Signs of Hope contact information can be found throughout the facility. These phone calls will not be recorded and are confidential.</p> <p data-bbox="256 1236 1477 1688">The PREA Manual indicates that inmate access to outside confidential support services: 1) The Department provides inmates (via MOU) information for emotional support services on sexual abuse and how to access outside victim advocates through use of posters, flyers and handouts that includes the mailing address and telephone numbers of available, local, State or national victim advocacy and/or rape crisis organizations. a) The communication between inmates and the outside victim advocacy or rape crisis organization is confidential and only available on a need to know basis by Inspector General, PREA Management Team staff. b) Information about the level of confidentiality of the communication between inmates and the outside advocacy or rape crisis center will be provided to the inmates prior to accessing by the inmate.</p> <p data-bbox="256 1729 1477 1845">Copies of advocacy posters were provided to the auditors in English and Spanish. During the audit, it was noted that these posters were displayed in several locations around the facility.</p> <p data-bbox="256 1886 1477 2047">Currently the Ely State Prison utilizes the Signs of Hope of Nevada for victim advocacy. The inmates receive the information via PREA Education and Information Sheet when they first arrive at the facility as well as information posted throughout the facility.</p>

Most of the inmate phone calls are recorded; however, phone calls to Signs of Hope and the Inspector General's office are not. This information is included on the posters and the PREA Education and Information Sheet. Any mail to the Signs of Hope or Inspector General's office is treated as legal mail and not read by the staff. When the call is received, it is answered by a volunteer 24 hours a day, 7 days a week.

The Victim Advocate Coordinator, from the Signs of Hope was interviewed, via telephone. She stated that she has not had any contact with any inmates at the Ely State Prison.

The Nevada Department of Corrections has a telephone number, for the Inspector General's office that is accessible from offender telephones that are not monitored or recorded. The telephone call is confidential.

The audit team interviewed 16 offenders during formal interviews concerning the topic of allegations of sexual abuse or harassment. Overall, the offenders knew about the outside victim advocate for support services and how to contact them. Most were not real familiar with what the Signs of Hope organization was for but believed they provide victim assistance type services. The offender population explained how the information is 'posted everywhere' if they needed it and were given the information at Intake.

During our on-site tour, we did not see many Victim Advocacy posters, that included an address or phone number, in locations inmates have access too.

The Victim Advocacy posters were move to the new PREA poster locations so that inmates/staff and visitors can more reasonably access them. Additionally, when a new identification card is issued to and incoming inmate or though time, the Victim Advocacy contact information is automatically printed on the back of the offender identification cards of each inmate.

This action and updates satisfy this provision of this Standard.

Corrective Action: No further action is required to bring this standard into compliance.

115.54	Third-party reporting
	<p data-bbox="256 188 983 221">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="256 264 557 297">Auditor Discussion</p> <p data-bbox="256 340 1449 456">OP 421 states: the Ely State Prison staff will accept reports from any and all sources to include but not limited to: inmates, visitors, inmate family members, associates, and other community members.</p> <p data-bbox="256 499 1337 656">These individuals can privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Such reporting can include, but not limited to:</p> <ul style="list-style-type: none"> <li data-bbox="256 698 1007 732">o Verbal complaints to any Departmental employee <li data-bbox="256 775 1342 801">o Written complaints, which may be made through the following processes: <ul style="list-style-type: none"> <li data-bbox="256 844 612 878">· Inmate grievances <li data-bbox="256 913 1474 1025">o Grievances alleging staff on inmate sexual misconduct or inmate on inmate sexual abuse will be forwarded immediately to the PCM and/or AW followed by a confidential report completed in Nevada Offender Tracking Information System. <li data-bbox="256 1068 1481 1137">o A copy of the grievance will be forwarded to the PREA coordinator and Office of the Inspector General for review and investigation. <li data-bbox="256 1180 1422 1249">· Inmate kites, written notes or letters to staff or administrators, and letter directed to the PREA coordinator or any member of the Inspector General’s Office. <li data-bbox="256 1292 1417 1361">o Nevada Department of Corrections Family Services Office by phone or email at doc.nv.gov <li data-bbox="256 1404 940 1438">o Writing the Nevada Attorney General’s Office <li data-bbox="256 1480 1286 1514">o Calling the internal PREA Hotline telephone number at 775-977-5587, <li data-bbox="256 1556 1458 1626">o Written documentation received by custody staff will be forwarded to the PCM for retention after the allegation has been handled appropriately. <p data-bbox="256 1666 1477 1736">Every random staff interviewed indicated they would accept reports from third parties to include family members and other inmates.</p> <p data-bbox="256 1778 1477 1982">Nevada Department of Corrections Policy, states that third party reports by family, friends, and other members of the public can be made electronically by submitting an email to doc.nv.gov or telephoning a toll-free number. After reviewing the Nevada Department of Corrections website, I found the email address and telephone number so that a third parties can report sexual assault.</p> <p data-bbox="256 2024 1477 2094">Additionally, policy states staff shall accept reports made verbally, in writing, anonymously, from third parties, and shall promptly document any verbal reports and</p>

that staff shall report all allegations of sexual abuse and sexual harassment, including third party and anonymous reports, to the facility's designated investigators.

The Ely State Prison also has Prison Rape Elimination Act information available to the public in the visiting area. This poster contains several ways an offender can report and two way an offender's friends or family, outside the facility, can report. This information is in English and Spanish.

During offender interviews, all offenders were aware that third party reporting was an acceptable method for receiving a report of sexual abuse or sexual harassment, but none of them believed their friends or family had used it. Additionally, the Prison Rape Elimination Act Compliance Manager explained that the Offender handbook and Prison Rape Elimination Act Resource Guide informs the offender population of these numbers and addresses that they can shared with their family and friends.

The facility provided the auditor with a copy of the Visitor Information Brochure. The brochure was reviewed and the required information was also included. During the tour of the Ely State Prison, the audit team observed Prison Rape Elimination Act posters and Prison Rape Elimination Act information posted in the designated visiting room.

Corrective Action: No corrective action was required for this standard.

115.61	Staff and agency reporting duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>AR 421 mandates all staff to immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse/harassment that occurred in a facility, whether or not it is a part of the agency. This includes any retaliation against any offender or staff who reported such an incident and any staff neglect or violation of responsibilities which may have contributed to an incident or retaliation. Policy prohibits staff from revealing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, other security, and management decisions. It also requires medical and mental health practitioners to report sexual abuse pursuant to standard provision 115.61(a), and to inform offenders of the practitioner’s duty to report, and the limitations of confidentiality, at the initiation of services, unless precluded by federal, state, or local law. It mandates each facility to report all allegations of sexual abuse/harassment, including 3rd party and anonymous reports, to the facility’s designated investigators.</p> <p>OP 421 under the section entitled, Staff Duty to Report, states: All staff are required to report immediately any knowledge, suspicion, or information regarding any incidents of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency. Staff shall privately report sexual abuse and sexual harassment incidents with their on-duty supervisor. Avenues of reporting can be either in person or by telephone. No other person shall be in the vicinity of hearing the reporting information. Staff is required to report known incidents involving both other staff and inmates. Staff is required to accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.</p> <p>Staff shall not reveal any information related to a sexual abuse report to anyone other than their immediate supervisor. All reports of sexual abuse to include inmates and staff are to be kept confidential. These individuals can privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.</p> <p>OP 609, Medical Standards for PREA, states: All medical and mental health practitioners will notify all victims of alleged sexual abuse or harassment that they have a legal obligation to report the incident. This notification is to be made to the victim at the onset of treatment and the victim shall be notified that there are limitations of confidentiality.</p> <p>Policy further states that staff reporting sexual abuse and sexual harassment shall be afforded the opportunity to privately report such information to the Shift Supervisor, Investigations and Intelligence Investigator, PREA Compliance Manager, or the Executive Director of Prison Rape Elimination Act via the Nevada Department of Corrections, Sexual Assault Hotline. The Shift Supervisor shall notify the Superintendent, Investigations and Intelligence, PREA Compliance Manager, a</p>

member of the facility Prison Rape Elimination Act Committee, or other designee.

Interviews with 16 formal random staff and specialized staff at all levels of this facility indicate that all Prison Rape Elimination Act related allegations/reports go to the facility Prison Rape Elimination Act investigators for investigation. During the random interviews with staff, it was confirmed that staff is aware of this requirement and could explain how they would immediately report an allegation of sexual abuse. They further stated that the information they received from the victim should remain confidential, with them only notifying staff that had a need to know such as their supervisor and medical staff.

During the interviews, staff knew their responsibility to report all allegations of sexual abuse and sexual harassment. They stated that they would report the information immediately to their supervisor or the PREA Compliance Manager. They also explained that they would not share any information about a PREA incident with any other staff except of those that have a need to know (such as an investigator). The Shift Commander stated that he makes sure that all PREA allegations are entered into the Nevada Offender Tracking Information System. According to the Inspector General, their office receives all NOTIS entries. They would receive any PREA allegation entered in the system and immediately initiate a response by contacting the facility to provide direction or obtain additional information

During interviews with medical and mental health staff, they shared their understanding of the policy and their duty to report. They also stated that they explain to the offender the limitations of confidentiality prior to the initiation of services. Further, the staff provided me with the forms they use to document any reports.

During an interview with the Warden, he informed the audit team that the Ely State Prison does not house offenders under the age of 18. Additionally, there have been no cases of vulnerable adults as alleged victims of sexual abuse or sexual harassment in the past 12 months.

Corrective Action: No corrective action was required for this standard.

115.62	Agency protection duties
	<p data-bbox="256 188 986 224">Auditor Overall Determination: Meets Standard</p> <p data-bbox="256 264 558 300">Auditor Discussion</p> <p data-bbox="256 340 1444 501">During the interview, the Director indicated that if he received such information, he would notify the facility where the offender is housed and direct the staff to take immediate action to protect the offender. All of the actions taken would be documented in Nevada Offender Tracking Information System.</p> <p data-bbox="256 542 1481 779">During the interview with the Warden, he stated that if he received an allegation, he would take immediate action to protect the offender. This may require that they move the offender back to a place where he would be safe until the suspect is identified and the investigation was concluded. As a last resort, this may require that the offender be transferred to another institution.. All of the actions taken would be documented in Nevada Offender Tracking Information System.</p> <p data-bbox="256 819 1455 981">Through 16 random staff interviews, they indicated that if they received an allegation, they would immediately separate the victim and suspect, (if known) then notify their supervisor, the Prison Rape Elimination Act Compliance Manager and investigations staff.</p> <p data-bbox="256 1021 1279 1057">Corrective Action: No corrective action was required for this standard.</p>

115.63	Reporting to other confinement facilities
	Auditor Overall Determination: Meets Standard
	<p data-bbox="256 262 558 293">Auditor Discussion</p> <p data-bbox="256 338 1469 495">The PREA Manual states: when a report by an inmate is made that he/she was previously sexually abused while confined at another facility that information must immediately be provided to the institutional PCM, who will, in turn, notify the Warden. The Warden must make contact with the other agency within 72 hours of the report.</p> <p data-bbox="256 539 1477 987">OP 421 under the section entitled: Reporting to Other Confinement Facilities, it states that if an inmate reports during his PREA assessment that he was sexual abused while confined at another institution/facility, the PREA Compliance Manager, Associate Warden, or Warden must be notified immediately. The PREA Compliance Manager, Associate Warden or Warden will provide notification to the PREA Coordinator immediately. The Warden will notify the agency where the allegation occurred as soon as possible, but no later than 72 hours after receiving the allegation. The PREA Compliance Manager, Associate Warden or Warden will initiate a report using Nevada Offender Tracking Information System. The PREA Compliance Manager will enter the proof of notification within the generated report. The PREA Compliance Manager will also maintain a log of such notifications.</p> <p data-bbox="256 1028 1449 1140">According to the PAQ, in the past 12 months, the facility has received 39 allegations that an inmate was abused while confined at another facility and zero allegation of sexual abuse from other facilities.</p> <p data-bbox="256 1180 1445 1292">The PREA Compliance Manager stated that the Ely State Prison has received 39 allegations in the past 12 months that an offender housed currently at the Ely State Prison was sexual abused or assaulted at another agency or facility.</p> <p data-bbox="256 1332 1461 1534">During the interview with the Director, he stated that if any such allegation is received, it is referred to the Investigations Department with a copy to the Statewide Prison Rape Elimination Act Coordinator. Contact is made with the Prison Rape Elimination Act Compliance Manager of the involved facility and an investigator is assigned to conduct the review.</p> <p data-bbox="256 1574 1453 1686">Both the Warden and the Prison Rape Elimination Act Compliance Manager indicated that once an allegation of sexual abuse is received from another agency, it is assigned to an investigator to conduct the investigation.</p> <p data-bbox="256 1727 1477 1883">During the interview with the Warden stated that when the notification comes, via email, from the Warden/Superintendent/Commander of the other facility to him, it is acted upon immediately as it were other allegations. A follow-up phone call is made if needed.</p> <p data-bbox="256 1924 1469 2080">During the interview with two of the Investigators, they indicated that work closely with all other outside agencies, to include the local law enforcement and Department of Health and Human Services, other Nevada Department of Corrections institutions and the local District Attorney's office, to name a few. Staff indicated they continually</p>

monitor any open casefile for any follow-up information needed. Investigative staff stated they make telephone calls or send emails weekly to ensure timelines are not delayed and information is sent to the right department when required.

Corrective Action: No corrective action was required for this standard.

115.64	Staff first responder duties
	<p data-bbox="256 188 983 221">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="256 264 557 297">Auditor Discussion</p> <p data-bbox="256 340 1378 499">AR 421 states that staff will respond to the scene of the incident to assist with security concerns, Medical/Mental Health needs of the offenders, contacting supervisors, securing the scene, making sure no evidence is destroyed and the escorting of offenders, if needed.</p> <p data-bbox="256 539 1469 698">OP 421 states: the Ely State Prison shall follow this 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. Sexual assault procedures for incidents that are reported within 72 hours of occurrence:</p> <ul data-bbox="256 734 1481 1760" style="list-style-type: none"> <li data-bbox="256 734 549 768">o Notify supervisor. <li data-bbox="256 808 1219 842">o Ensure the victim is safe and kept separated from the aggressor. <li data-bbox="256 882 1469 994">o If the first staff responder is not a custody staff member, the responder shall request that the alleged victim not take any actions to destroy physical evidence and then notify custody staff. <li data-bbox="256 1034 1147 1068">o Escort the victim to the nearest Departmental medical unit; <li data-bbox="256 1108 1481 1176">o Preserve and protect any crime scene until the appropriate steps can be taken to collect any evidence and until released by the Warden, Inspector General or designee. <li data-bbox="256 1216 1481 1328">o Collect clothing involved with incident and provide an orange jumpsuit to the inmate. Ensure that each clothing item is bagged separately in brown paper bags and booked into evidence. <li data-bbox="256 1368 1422 1480">o Temporarily place the suspect in a cell and immediately collect the suspect's clothing prior to leaving the inmate unattended to preserve evidence and prevent evidence from being destroyed, whether or not there is a wash basin. <li data-bbox="256 1520 1406 1554">o Evidence shall be collected with appropriate chain of evidence form attached. <li data-bbox="256 1594 1414 1760">o 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. <p data-bbox="256 1800 1358 1834">Per the PAQ, in the past 12 months, there was 48 allegations of sexual abuse.</p> <p data-bbox="256 1874 1453 2033">According to a memorandum, authored by the Prison Rape Elimination Act Compliance Manager, and followed by the documented Log Book, in the past 12 months, the Ely State Prison had 39 reported allegations of offenders being sexually abused, all with various outcomes.</p>

The first responders that were interviewed during this audit were all able to explain their responsibility during a Prison Rape Elimination Act incident including: separating the suspect from the victim; taking steps to preserve any potential crime scene; requesting the victim not perform any activity that may destroy physical evidence; and placing suspects, under constant supervision, while awaiting transfer to the Sexual Assault Nurse Examiner to avoid destruction of evidence.

Non-custody staff First Responders said they would notify custody staff and urge the alleged victim to not destroy evidence. Through those interviews, staff stated they would protect the offender, separate him from the alleged perpetrator, call the supervisor or security staff for further direction and notify investigators. All would be kept confidential except for staff that has a need to know.

During the interviews with staff from different disciplines, all of them knew their responsibilities when responding to a sexual assault. Each one knew their responsibility to separate the victim and suspect as well as immediately notify their supervisor. They would summon for emergency medical aide if needed. Additionally, they were able to articulate what requests they would have of the victim to help preserve physical evidence such as not bathing, brushing his teeth, going to the restroom or drinking liquids.

During the interview with the Warden, he stated that all staff are trained on the entire Prison Rape Elimination Act policy and procedures.

During training, staff, from all work categories, are given the information verbally and in written form. Then, at the completion of class, they are asked what they have learned and how they would respond.

Although the First Responders are trained in evidence collection, responding Investigator may also collect the evidence.

Corrective Action: No corrective action was required for this standard.

115.65	Coordinated response
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>OP 421 contains the institutional response plan for the Ely State Prison. It contains detailed information about the responsibilities of each classification of responder.</p> <p>Operational Procedure 458, Crime Scene Preservation and Investigation, Section 458.05, provides a detailed process for a coordinated response to a sexual assault. The OP requires the involvement of the Shift Supervisor, the medical staff, management staff, and the Inspector General’s Office. Each classification’s responsibility for response to sexual assault is outlined in the Operational Procedure. This response includes protection of the victim, preservation of the evidence, reporting and investigation. Medical Directive 117, Sexual Assaults, directs the Nevada Department of Corrections medical and mental health staff on what steps to take when responding to a sexual assault; prior to sending the victim to the outside medical facility and upon returning to the institution.</p> <p>The Warden stated that the facility has a local procedure which describes the coordinated actions to be taken by the facilities Sexual Assault Response Team members. This response procedure mirrors the agency policy.</p> <p>During the interviews with staff from different disciplines, all of them knew their responsibilities when responding to a sexual assault.</p> <p>The Prison Rape Elimination Act Compliance Manager was able to tell the auditing team, step by step, how the Ely State Prison staff would respond to a Prison Rape Elimination Act incident. In addition to the policy and check list, the Shift Commander has contact information for managers who play a more significant role in the response to Prison Rape Elimination Act so that they can be reached at any time of day or night. All of the staff, volunteers, and contractors interviewed knew what their specific role was when responding to a Prison Rape Elimination Act incident.</p> <p>Corrective Action: No corrective action was required for this standard.</p>

115.66	Preservation of ability to protect inmates from contact with abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>During the 2019 Legislative Session, the Governor of the State of Nevada signed collective bargaining into law for State of Nevada employees. This agreement is effective July 21, 2021 to June 30, 2023.</p> <p>Highlights of the agreement state the Employer has the right to reassign employees to post assignments as required due to operational need and cross-training.</p> <p>Additionally, the agreement states the Employer has the right to place an employee on paid Administrative Leave. The Employee on paid Administrative Leave is required to be available to their supervisor during their leave time.</p> <p>Finally, as it deals with Discipline, The Employer may skip any progressive disciplinary level if it is determined that the seriousness of the first offence warrants such action.</p> <p>Interviews with the Director and the Ely State Prison’s Warden, confirmed that collective bargaining for their employees is in effect during this timeframe.</p> <p>Corrective Action: No corrective action was required for this standard.</p>

115.67	Agency protection against retaliation
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>AR 421 states that staff shall monitor and protect all inmates and staff who report sexual abuse or cooperate with any investigation, from retaliation by both inmates and/or staff. Policy further states the monitoring shall be conducted and documented by a designated Lieutenant. A weekly check of NOTIS, where all new PREA Incident's will be added, will be conducted. Twice monthly, the Lieutenant will email the PCM that the Retaliation checks have been completed and an entry will be entered on the tracking log for each inmate who has been tracked for protection purposes. All inmates and staff will be monitored for a minimum of 90 days. Reason for continuance of more than 90 days, termination to an unfounded investigation, or transfers to another institution, will all be documented. In the case of transfer, the other institution will continue the process.</p> <p>OP 421, under the section entitled Protection Against Retaliation and Monitoring states: The PCM shall be the staff member responsible for monitoring for retaliation. For at least 90 days following a report of sexual abuse, the facility or division shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse and/or of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by other inmates or staff. Any such action shall be immediately remedied.</p> <ul style="list-style-type: none"> o Signs of possible retaliation to be monitored for include but are not limited to any inmate disciplinary reports not supported by proper reporting, housing or program changes, or negative performance reviews or reassignments of staff. o The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need. o For inmate reporters or inmates who have allegedly suffered sexual abuse, periodic status checks will be included in the monitoring. <p>If any facility staff member learns of or receives information that a person who cooperated with an investigation, other than an inmate or staff reporter, has expressed a fear of retaliation, the Inspector General's Office will be immediately notified.</p> <ul style="list-style-type: none"> o The matter will be immediately reviewed by PREA management staff of the Inspector General's Office and contact made with the person by the assigned staff member of the IG's Office. o Appropriate measures will be taken by the assigned investigator, including, follow up with the person who expressed the fear and if applicable referral to an outside law enforcement body or advocacy group. <p>The facility or division's responsibility to monitor retaliation can be terminated if the</p>

facility or division is notified that the allegation is unfounded.

The auditor was provided with the PAQ which states that there have been no instances where retaliation had taken place during the review period.

The Agency Head indicated that through the admonishments at the beginning of the investigation, all individuals are warned about retaliation and told about the penalty, if they participate in any form of retaliation. The PCM at each facility is responsible to monitor retaliation for victims, reporters, and witnesses, as appropriate for a minimum of 90-days. He stated that if an individual who cooperates with an investigation expresses a fear of retaliation, the reasons for those fears will be documented and an investigation will be initiated by the Inspector General, if warranted. He indicated that if a staff member is found to be retaliating, it is a dismissible offense. If it rises to the level of criminal, it will be referred to the Attorney General for prosecution.

The Warden indicated that for allegations of sexual abuse or sexual harassment, they maintain confidentiality of the information, to the extent possible; take steps to protect the victim; consider modified duty if staff are involved, monitor all involved individuals for signs of retaliation by the shift commander, Inspector General staff and the PREA Compliance Manager. He stated when he suspects retaliation, he initiates an investigation immediately. He directs staff to take the actions necessary to stop any retaliation that may be occurring. The Warden indicated that agency policy prohibits placing inmates at high risk of sexual victimization or who have alleged sexual abuse in involuntary segregated housing in lieu of other housing areas unless an assessment has determined that there are no available alternative measures of separation from potential abusers. The Ely State Prison does not have a restricted housing unit. He stated inmates at high risk for sexual victimization or who have alleged sexual abuse are not placed in involuntary segregated housing, unless there is no other alternative means to house him. If an inmate was placed in involuntary segregated housing, it would only be until he could be transported to another facility with safe housing. He further indicated there have been no examples in the last 12 months where an inmate was placed in segregated housing after making an allegation of sexual abuse.

Auditors were given the blank investigation template that would be used if an allegation is made and a Protection Against Retaliation is needed. This form contained the following:

- Date of meeting
- Date of time period covered
- Those in attendance
- Notification numbers
- Annual Review updates
- Number of allegations that were reported for the particular month

- Number of allegations currently open
- Reviews of each allegation
- Protection Against Retaliation form (If needed)

Auditors also requested and received blank copy of the Prison Rape Elimination Act Retaliation Monitoring Data Sheets. This contains the time frames on when to monitor, what to look for and how to respond to actions taken. This form will have information for both offender and staff monitoring.

The checkoff at the bottom of the page shows the Monitoring Results to include:

- No Retaliation Found
- Continue Monitoring
- Retaliation Found and Addressed with Protective Measures
- Monitoring Ended due to result of allegation investigation being Unfounded This form will have information for both offender and staff monitoring.

Interviews with the PREA Compliance Manager and Staff charged with Monitoring Retaliation stated that all offenders and/or staff will be monitored for a minimum of 90 days, unless the allegation becomes Unfounded.

If staff believe the monitoring should extend past 90 days, they will document their reason and end date.

In the case of transfer, the other institution will continue the process and send the copies back to the original institution.

During the interview with the Director, he stated that the facility will use the Protection Against Retaliation process to follow-up with victims who report. Staff will take appropriate action if there appears to be any retaliation. Once follow-up is completed, the documents are maintained in the offender's packet. If retaliation is suspected or confirmed, possible actions may include additional monitoring, transfer of housing or work location and possible discipline for the individual (staff or offender) who is retaliating.

During his interview, the Warden indicated the different measures used to protect offenders and staff from retaliation includes monitoring for appropriate changes in housing or work assignment, disciplinary actions, etc. The Warden also stated that retaliation is not acceptable and those who retaliate would be disciplined.

Corrective Action: No corrective action was required for this standard.

115.68	Post-allegation protective custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>OP 507, Administrative Segregation, for the Ely State Prison, states that any use of segregated housing to protect an offender who is alleged to have suffered sexual abuse shall be subject to the requirements outlined in standard 115.43. Policy also states that inmates placed in segregation for PREA related activities will be treated in accordance with all PREA guidelines. The unit caseworker is responsible for tracking all PREA inmates placed in segregation via the Administrative/Disciplinary Segregation Tracking Log. It is the unit caseworker’s responsibility to ensure that no inmates, at high risk of sexual victimization, shall be placed in involuntary segregation housing unless all assessments of available alternative have been made, and a determination has been made that there are no other means of separation of a likely abuser. Finally, a review will be completed every 30 days, if needed.</p> <p>The PREA Compliance Manager and Prison Rape Elimination Act Committee shall review the record and history of those offenders receiving a Sexual Violence Assessment Tool flag of Potential Aggressor or flag of Potential Victim as a recommended override by staff completing the assessment. The committee shall then reach a consensus on the Prison Rape Elimination Act flag status of those offenders in question. Offenders identified as a “likely Prison Rape Elimination Act aggressor” may be considered for housing in Administrative Restrictive Status Housing.</p> <p>During document reviews and on-site tours, the audit team did not observe any Ely State Prison offender, who alleged to have suffered sexual abuse, being held in involuntary segregated housing in past 12 months.</p> <p>Corrective Action: No corrective action was required for this standard.</p>

115.71	Criminal and administrative agency investigations
	<p data-bbox="256 188 983 221">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="256 264 557 297">Auditor Discussion</p> <p data-bbox="256 340 1406 454">AR 339, Employee Code of Conduct, Investigative reports, training records and certificates, and the investigative training curriculum were reviewed by the audit team.</p> <p data-bbox="256 497 1461 696">OP 457, Investigations, provides a detailed process that investigators must follow for all PREA investigations. It includes instructions about addressing accused staff members or inmate suspects, the admonition which must be addressed prior to interviews, expectations about documentation of all reports, referrals, and the steps of the investigation.</p> <p data-bbox="256 734 1449 768">OP 421 under the section entitled Criminal and Administrative Investigations states:</p> <ul data-bbox="256 806 1477 1193" style="list-style-type: none"> <li data-bbox="256 806 1414 920">· Nevada Department of Corrections, Office of the Inspector General will investigate all allegations of staff on inmate sexual abuse/sexual harassment and inmate on inmate sexual abuse. <li data-bbox="256 963 1401 1077">· The departure of the alleged abuser or victim from the employment of the Department or control of the institution/facility shall not provide a basis for terminating an investigation. <li data-bbox="256 1120 1477 1193">· All substantiated criminal cases shall be referred to the applicable prosecutorial authority for review of prosecution. <p data-bbox="256 1232 1471 1346">The Warden indicated that all investigations are conducted by Nevada Department of Corrections staff. There is typically no involvement by outside law enforcement agencies for PREA allegations.</p> <p data-bbox="256 1384 1461 1458">The PREA Coordinator stated the Inspector General's Office is responsible to conduct the investigation for all PREA allegations.</p> <p data-bbox="256 1496 1366 1570">The PCM indicated that typically there is no outside law enforcement agencies involved in the process.</p> <p data-bbox="256 1608 1477 1816">Both investigators that were interviewed indicated that the investigation into a sexual assault allegation is initiated the same day that the inquiry is completed and referred. They indicated that third party and anonymous reports are handled in the same manner as any other investigation. Both indicated they have received specialized training which consisted of an on-line course through NCIC.</p> <p data-bbox="256 1854 1461 2054">Both indicated they have completed the departmentally approved training for sexual assault investigations in confinement settings. The investigators indicated that an incident report is initiated by the facility, when an allegation is received. The Warden at the facility makes the referral to the Inspector General via a memorandum. The information received is evaluated and referred to an Investigator at the IG's office or</p>

referred back to the facility, to have institution staff complete the investigation. The assigned investigator will find out if there is any video, if there were staff involved, interview inmates and staff to try to establish if there are any witnesses, and review evidence gathered from the crime scene. The investigator writes a report, making recommendations and forwards the report to his supervisor.

Evidence the investigator would be responsible for gathering might include DNA evidence from the forensic exam, video recordings, sign-in sheets, housing unit logs, correspondence, phone calls and mail. Both investigators indicated that if they discover evidence that a prosecutable crime may have taken place, they consult with the Attorney General of Nevada before they conduct compelled interviews. They indicated that they judge credibility of the involved individuals on a case-by-case basis and the things they take into account include their history and how they present themselves during the interview process. When questioned about their efforts, during an administrative investigation, to determine whether staff actions or failure to act contributed to the sexual abuse, both investigators indicated they review the evidence to try and determine if staff did their job. At the conclusion of an administrative investigation, they complete a written report which includes all of the same items they include in a criminal investigation. They ensure they address who, what, where, when, why (if known), witness statements, and evidence collected. Both investigators indicated that they refer any substantiated case of sexual abuse for criminal prosecution and that they continue all investigations until completed, regardless of the employment status of the staff member who has been accused or incarceration status of the accused inmate. They may use the Major Crimes Division of the Nevada Department of Public Safety for a criminal investigation, and then they would act as a liaison between the facility and the other agency

All allegations of sexual abuse and sexual harassment shall be investigated even when the alleged perpetrator or alleged victim have left the Department's employment, or are no longer under Department authority. Sexual abuse reports shall be investigated by the facility's Investigations and Intelligence staff. Sexual harassment reports shall be investigated by staff designated by the Superintendent to conduct administrative investigations. Staff conducting either sexual abuse or sexual harassment investigations shall be trained in conducting sexual abuse investigations in a confinement setting, preserving evidence, maintaining chain-of-custody, and staff and offender sexual misconduct.

Investigators must be trained as Sexual Assault Response Team members prior to completing investigations of sexual abuse or sexual assaults.

Offenders who allege sexual abuse will not be required to submit to a polygraph examination as a condition for proceeding with the investigation of an allegation.

Policy also states that Sexual Incident Reports and investigation reports shall be retained for five years beyond the abuser's incarceration or employment.

The agency conducts both administrative and criminal sexual abuse investigations for sexual harassment, sexual abuse, and staff sexual misconduct. The facility-based investigators conduct all investigations to including those arising from third party and

anonymous reports.

Reports of investigations of alleged sexual abuse and sexual harassment shall be maintained for as long as the alleged abuser is incarcerated or employed by the agency, plus five (5) years.

The Prison Rape Elimination Act Statewide Coordinator, stated she works closely with all of Nevada Department of Corrections Prison Rape Elimination Act Compliance Managers.

She communicates through telephone and email to ensure all allegations are investigated thoroughly and properly documented. Additionally, she stated that she maintains the sexual abuse data for ten years after collection.

During her interview, the Prison Rape Elimination Act Coordinator confirmed that all investigative staff receive specialized training which meets this provision of the standard.

During interviews and discussion with investigative staff, each of them stated that the credibility of the individual being interviewed is not based on their status as an employee or offender, it is based on an individual basis. Nevada Department of Corrections policy forbids the use of any form of lie detector test when interviewing the victim. Prior to conducting a compelled interview, the investigator will consult with the Attorney General's Office for advice and direction.

Investigative staff said when they are assigned and contacted for a Prison Rape Elimination Act allegation investigation, they respond directly to the scene/facility. They investigate and gather evidence whether the allegations are against staff or offenders and review past history and prior complaints. They do not use any type of truth telling device as a condition of proceeding with an investigation. The local Investigator would confer with Headquarters staff, during case reviews, if needed. Investigators further stated that they continually keep in contact with any outside agency if they are needed during an investigation. Finally, Investigators stated that all investigations continue even if a staff member leaves the facility or retires or if an offender is transferred to another facility or is paroled.

During file reviews of the allegation investigations, we found several items of information missing in numerous completed reports, to include:

- Staff's actions or inaction that may have contributed
- If there were previous allegations against staff
- A lack of any additional witnesses, reporting employees, or, in some cases, a thorough suspect interview.
- Several did not include the original source document like the grievance, kite, letter
- There was a frequent use of the outcome as Unfounded, when it appeared to

be Unsubstantiated.

On October 15, 2022, I received an email from the PREA Coordinator showing work that has been completed on an updated check list for investigator to show items aren't missed or overlooked. We will review selected investigations upon their completion.

On December 19, 2022, I received an email from the PREA Coordinator that contained several recently completed investigation files. The email also indicated I would receive more upon their completing.

On January 3, 2023, I received another email from the PREA Coordinator that contained two more recently completed investigation files.

These completed files show the new process in practice and satisfies this provision.

Corrective Action: No further action is required to bring this standard into compliance.

115.72	Evidentiary standard for administrative investigations
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>AR 339, Employee Code of Conduct, and investigative case files were reviewed by the audit team. Policy mandates the agency impose no standard higher than the preponderance of evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.</p> <p>AR 421 and the PREA Manual states: The agency shall impose no standard higher than a preponderance of the evidence in determining if a PREA case is substantiated or not substantiated.</p> <p>Through interviews with two investigative staff, the auditor was told that the standard of evidence used by the Nevada Department of Corrections in PREA investigations is a preponderance of evidence.</p> <p>Nevada Department of Corrections Policy and Administrative Procedures 02-01-115, Sexual Abuse Prevention, speaks to the outcomes of an allegation to include:</p> <ul style="list-style-type: none"> · Substantiated: An allegation that was investigated and determined to have occurred based on a preponderance of the evidence. · Unsubstantiated: An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred. · Unfounded: An allegation that was investigated and determined not to have occurred. <p>During the interview with the Warden, he stated the outcome of all allegations is based on the evidence presented, in totality, of the reports. After the investigation is completed, they will be one of three conclusions:</p> <ul style="list-style-type: none"> · Substantiated: The allegation was determined to have occurred by a preponderance of the evidence. The training that all Appointing Authorities attend, teaches that substantiation is 51% that they are sure that the event occurred. · Unsubstantiated: Evidence was insufficient to make a final determination that the allegation was true or false. · Unfounded: The allegation was determined not to have occurred. <p>During interviews with Investigative staff, they confirmed that no evidentiary standard higher than a preponderance of evidence is utilized when determining whether allegations are substantiated for administrative investigations. Substantiated allegations of conduct that appear to be criminal shall be referred for prosecution. Further, Preponderance of Evidence is evidence that is of greater weight or more convincing than the evidence that is offered in opposition to it. That is, evidence</p>

	<p>which, as a whole, shows that the fact sought to be proved is more probable than not.</p>
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Corrective Action: No corrective action was required for this standard.

115.73 Reporting to inmates

Auditor Overall Determination: Meets Standard

Auditor Discussion

OP 457 requires that following an investigation into an offender's allegation that he or she suffered sexual abuse or sexual harassment by another offender or staff in a department facility, the PCM shall inform the offender as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. Policy also requires that following an offender's allegation that a staff member has committed sexual abuse against the offender, unless the agency has determined that the allegation is unfounded, the agency informs the offender of the four bullets in this provision. Following an offender's allegation that he has been sexually abused by another offender in another agency facility, the agency subsequently informs the alleged victim whenever the agency learns the alleged abuser has been indicted on a charge related to sexual abuse within the facility or convicted on a charge related to sexual abuse within the facility. All notifications or attempted notifications shall be documented. This documentation is done in NOTIS.

Nevada Department of Corrections Policy and Administrative Procedures 02-01-115, Sexual Abuse Prevention, states that following an investigation into an offender's allegation that he or she suffered sexual abuse or sexual harassment by another offender or staff in a Department facility, the Prison Rape Elimination Act Compliance Manager shall inform the offender in writing as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

If the facility did not conduct the investigation, the Prison Rape Elimination Act Compliance Manager shall request the relevant information from the investigative agency or facility in order to inform the offender.

Following an offender's allegation that he or she has been sexually abused by another offender, the facility shall subsequently inform the alleged victim whenever:

- o The facility learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or,
- o The facility learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

Policy also states that following an offender's allegation that a staff member has committed sexual abuse, the facility shall subsequently inform the offender whenever:

- o The staff member is no longer posted within the offender's unit;
- o The staff member is no longer employed at the facility;
- o The facility learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or,

o The facility learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

All such notifications or attempted notifications shall be documented.

Nevada Department of Correction's facility staff conducts administrative and criminal investigations on all Prison Rape Elimination Act related matters. Staff at the facility will maintain continual contact with the Headquarters staff during this process.

During interviews with Investigative staff, they indicated that they have a local liaison with law enforcement if they are investigating any cases. Also, they maintain the allegation/incident file and review it daily for any needed information, or notifications required.

During the interview with the PREA Compliance Manager, he stated that once the offender is notified of the outcome of any investigation, that process and notification is, at a minimum, written into the Investigation Report. The auditor was provided with several Investigation Reports that indicated the date the offender was informed of the outcome and which staff member spoke to them. However, some of the files could not show documented proof that the offender was notified.

During the interview with the Warden, he stated he regularly receives information from the Investigators, the Prison Rape Elimination Act Statewide Coordinator and the Prison Rape Elimination Act Compliance Manager as to updates on any PREA concerns.

Corrective Action: No corrective action is needed for this standard.

115.76	Disciplinary sanctions for staff
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>AR 339 states that staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies and that termination shall be the presumptive disciplinary sanction for staff who has engaged in sexual abuse. The policy does not differentiate between lesser and more significant levels of staff misconduct and states that staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.</p> <p>OP 421 in the section entitled Disciplinary Sanctions for Staff, it states:</p> <ul style="list-style-type: none"> · Staff members who engage in sexual misconduct may be referred for prosecution under NRS 212.187 and are subject to internal disciplinary measures up to and including termination as defined in AR 339. · Romantic relationships between a staff member and inmate are subject to internal disciplinary measures to include termination as defined in AR 339. · Disciplinary sanctions for violations of agency policies governed by Administrative Regulation 339 relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the act committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. · Staff members who know of or are aware of another staff member(s) engaging in sexual misconduct or harassment, who fail to report the information, are subject to internal disciplinary measures up to and including termination as defined in AR 339. · Staff who fail to report or covers up such conduct may also be criminally charged under NRS: Chapter 195 - Parties to Crimes, should they have knowledge of a staff member engaging in sexual misconduct with an inmate, and said staff member(s) fails to report or covers up such conduct are in violation of NRS 212.187 and said staff member(s) fails to report or covers up such conduct. · All terminations for violations of Departmental sexual abuse or sexual harassment policies, or resignations by staff that would have been terminated if not for their resignation, shall be reported to law enforcement agencies and to any relevant licensing bodies by the Inspector General's Office. · The Ely State Prison shall not 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 any inmates pending the outcome of an investigation or a determination of whether and to what extent discipline is warranted.

Through the interview with the Warden, he stated that the Ely State Prison had no staff members either terminated or resigned, during the past 12 months, for violating the agency sexual abuse or sexual harassment policy.

Corrective Action: No corrective action was required for this standard.

115.77 Corrective action for contractors and volunteers

Auditor Overall Determination: Meets Standard

Auditor Discussion

AR 421 mandates any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with offenders and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. It further mandates the agency shall not enlist the services of any of those volunteers, interns, or contractors, who may have contact with offenders.

OP 421 in the section entitled Corrective Action for Contractors and Volunteers states:

- Any contractor or volunteer at the Ely State Prison who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies and to relevant licensing bodies, unless the activity was clearly not criminal.
- The Ely State Prison shall take appropriate measures, and shall consider whether to prohibit further contact with inmates in the case of any other violation of Departmental sexual abuse or sexual harassment policies by a contractor or volunteer.

Additionally, all staff terminations for violations of the Department’s 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 and to any relevant licensing bodies, unless the activity was clearly not criminal.

Additionally, volunteers, interns, and contractual staff shall be advised that any form of sexual abuse and sexual harassment with an offender, whether consensual or not, is strictly prohibited and that any volunteer, intern, or contractual staff found to have engaged in such conduct shall be removed from the facility, not allowed to return and may be subject to criminal prosecution. Information about substantiated cases of sexual abuse shall be forwarded to the appropriate licensing body for review where applicable.

During an interview with the Prison Rape Elimination Act Compliance Manager, he stated that in the past 12 months, there has been no contractors or volunteers reported to a law enforcement agency and/or relevant licensing bodies for engaging in sexual abuse of offenders. Additionally, during this audit period, the Ely State Prison has had any contractor or volunteer terminated or resigned for violating the agency sexual abuse or sexual harassment policy.

During the interview with the Warden, he confirmed that any/all allegations against contractors and volunteers would be immediately investigated and the contractor or volunteer would be suspended from facility grounds pending completion of the investigation and its finding. (Gate Closure). Additionally, the Warden stated that any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with offenders and shall be reported to law enforcement agencies, unless the activity

was clearly not criminal, and to relevant licensing bodies. Finally, the Warden stated there have not been any volunteers or contractors suspected of sexual abuse or sexual harassment at the Ely State Prison during the past 12 months.

Corrective Action: No corrective action was required for this standard.

115.78	Disciplinary sanctions for inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>AR 707, Inmate Disciplinary Procedure, states offenders will be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the offender engaged in offender-on-offender sexual abuse or following a criminal finding of guilt for offender-on-offender sexual abuse. It mandates that sanctions against offenders are to be commensurate with the nature and circumstances of the abuse committed, the offender’s disciplinary history, and the sanctions imposed for comparable offenses by other offenders with similar histories. Should the facility offer therapy, counseling or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending offender to participate in such interventions as a condition of access to programming or other benefits. Participation in this type of counseling is not made a condition of access to programming or other benefits.</p> <p>Policy states that the agency may discipline an offender for sexual contact with staff only upon a finding that the staff member did not consent to such contact and that a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying even if an investigation does not establish evidence sufficient to substantiate the allegation. It states all sexual activity between offenders is prohibited and offenders may be disciplined for such activity.</p> <p>OP 421 in the section entitled Disciplinary Sanctions for Inmates, it states: Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process outlined within AR 707 following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse. Additionally, inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process outlined within AR 707 for acts of sexual harassment and consensual sexual acts. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, in inmate’s disciplinary history and the sanctions imposed for comparable offenses by other inmates with similar histories. Upon findings of guilt during the disciplinary hearing, the hearing officer will submit a referral for the inmate to be seen by the mental health department. The mental health staff will offer therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse.</p> <p>The facility shall consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits. The agency may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact. 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</p>

the allegation. the Ely State Prison prohibits all sexual activity between inmates and may discipline inmates for such activity. The Hearing

Officer may not, however, deem such activity to constitute sexual abuse if he/she determines that the activity is not coerced.

Victims have the right to refuse medical and/or mental Health Services, after receiving counseling about the potential value of the services they would receive and information about confidentiality. Should the offender refuse or decline medical treatment the offender shall sign a State Form 9262, "Refusal and Release of Responsibility for Medical, Surgical, Psychiatric and Other Treatment," which shall be documented in the offender's Health Services record.

Nevada Department of Corrections Policy and Administrative Procedures 02-04-101, The Disciplinary Code for Adult Offenders, states, that in determining the appropriate sanction(s) for an offender found guilty of a disciplinary offense, staff may consider as aggravating or mitigating factors such circumstances, but not limited to, the following:

- (1) The offender's prior disciplinary record, especially during the past 12 months;
- (2) The offender's mental health status/state at the time of the violation, including the motivation for the offense and the offender's attitude toward the offense and the victim, if any;
- (3) Whether the offender has previously been found guilty of the same or a similar offense and, if so, how often and how recently;
- (4) The nature or value of the property involved, if the offense involved property of another;
- (5) Whether the violation created a risk of serious disruption at the facility or whether the violation created a risk of serious injury to another person;
- (6) Whether the offender was aware that his/her actions were an offense when the offense was committed;
- (7) Mitigating factors, such as coercion, family difficulties, etc., which may have caused anxiety and any special circumstances;
- (8) Whether the offense created a risk to the safety and security of the facility, staff, other offenders or the community; and,
- (9) Any other factors relevant to determining an appropriate sanction.

During interviews with Mental Health staff, they indicated that their actions, if needed, would comply with state policy. They shall conduct a mental health evaluation of the known offender abuser within 60 days of learning of such abuse history and offer treatment when deemed appropriate. Additionally, the auditors were told the facility offers specialized therapy, counseling and other interventions to address underlying reasons for abuse. The offender's issues would be addressed

during regular counseling sessions, group counseling sessions or individual counselling sessions, as needed. At the Ely State Prison, participation in this type of counseling is not made a condition of access to programming or other benefits.

When interviewed, the Warden said that offender discipline is based on the level of the violation and penalties are imposed comparable to other offender's penalties. Penalties might include placement in restricted housing, program reassignment, individualized behavior plans and prosecution. He also added that if the offender has a mental health history, mental health staff will be involved throughout the process. Additionally, the Warden stated that Mental Health concerns are always considered when the investigation and adjudication occur.

The Warden also stated that the Ely State Prison has never disciplined an offender for reporting a potential Prison Rape Elimination Act related case in good faith, even if the findings in the case were unsubstantiated or unfounded. However, if warranted, an offender would be disciplined or received sanction as a result of a Prison Rape Elimination Act case that was investigated and an offender was determined to have potentially committed a crime.

Corrective Action: No corrective action was required for this standard.

115.81	Medical and mental health screenings; history of sexual abuse
	<p data-bbox="256 188 983 224">Auditor Overall Determination: Meets Standard</p> <p data-bbox="256 264 557 300">Auditor Discussion</p> <p data-bbox="256 340 1461 707">AR 643 states that all mental health services will be provided by qualified mental health providers. It further indicates that all inmates with mental illness, intellectual disabilities, developmental disabilities, a history of mental health treatment or intervention, or with current symptoms, should be identified, evaluated, and have information entered into the medical record and NOTIS. Arriving inmates who appear to be in need of any other mental health intervention will be referred to an institutional psychiatrist, psychologist or psychiatric nurse for appropriate housing placement and clinical follow-up. Inmates referred for non- emergency mental health care will be evaluated within 14 days after the date of referral.</p> <p data-bbox="256 748 1477 1030">All incoming offenders should be evaluated by a mental health professional at intake units as part of the initial classification process. All newly arrived inmates should be evaluated by Mental Health staff for, but not limited to, the following: suicide potential, symptoms of mental illness; level of intellectual functioning; level of aggression; potential for escape; deviant sexual behavior; and history of sexual abuse (aggressor and/or victim). Inmates may be referred to a mental health professional for further evaluation and treatment when indicated.</p> <p data-bbox="256 1070 1430 1227">Inmates referred for non-emergency evaluations must be seen by the appropriate provider within 14 days of referral. Inmates with a history of sexual abuse must be referred in a timely manner for mental health counseling and custody must be notified within 72 hours.</p> <p data-bbox="256 1267 1458 1469">Policy mandates Medical and Mental Health staff obtain consent from offenders before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the offender is under the age of 18. Offenders are made aware of this process and staff uses the Nevada Department of Corrections Consent-Release of Medical Information form used to obtain the required consent.</p> <p data-bbox="256 1509 1445 1621">Medical INP 200, Health Care Services, section II, address how NDOC will provide medical and mental health treatment to an inmate who discloses prior victimization or predatory sexual abuse.</p> <p data-bbox="256 1662 1481 1989">The policy reads "All inmates will receive screenings upon initial intake (reception) and upon arrival at each institution the inmate may be transferred to during his or her incarceration. The Inmate will be asked if he has experienced prior sexual abuse, whether it occurred in an institutional setting, jail, or in the community. If the inmate answers yes, staff will ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within "14 days" of the intake screening. A specialized binder will be located and maintained in the medical and mental health areas to identify the inmates in need of this follow-up.</p> <p data-bbox="256 2029 1331 2065">Any information obtained from the inmate related to sexual victimization or</p>

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.

Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

OP 609 states: If the PREA Risk Assessment screening done by the classification committee at intake indicates that an inmate has experienced prior sexual victimization and/or has previously perpetrated sexual abuse, whether it occurred in an institutional or jail setting or in the community, staff shall ensure that inmate is offered follow-up medical and/or mental health meeting within 14 days of the intake screening. All medical and mental health practitioners shall obtain informed consent utilizing Nevada Department of Corrections Form 2548 from the victim before reporting any information about any prior victimization that did not occur in a confinement setting unless the victim is under the age of 18.

Staff shall not discuss an offender's Prison Rape Elimination Act flag status with an offender at any time. If the assessment indicates that an offender has experienced prior sexual victimization or previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the offender is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

Based upon this assessment, the offender shall be placed in the appropriate housing; however, no facility shall place lesbian, gay, bisexual, transgender or intersex offenders in dedicated units solely on the basis of such identification or status. If staff determines that an offender is a potential aggressor or potential victim, the offender's record shall be appropriately flagged in the offender information system and/or juvenile data system.

During interviews with the Medical and Mental Health staff, they stated that they obtain consent from offenders before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the offender is under the age of 18. They ask each offender for their consent to inform other, non-medical or mental health staff due to the nature of the information. This consent is obtained on a Disclosure of Victimization form. All interviewed stated there were limitations with information as they are mandatory reporters. According to the mental health clinicians, they do offer mental health treatment to inmates who have been a victim of sexual abuse or perpetrated a sexual abuse if the inmate wants it. These treatments are not mandatory and the inmates are not charged for them.

The PREA Compliance Manager indicated that any of the above listed information is kept confidential and only certain classifications can view the information.

Policy further states all services provided for the above related treatments shall be

free of charge.

Corrective Action: No corrective action was required for this standard

115.82	Access to emergency medical and mental health services
	<p data-bbox="256 188 986 224">Auditor Overall Determination: Meets Standard</p> <p data-bbox="256 264 560 300">Auditor Discussion</p> <p data-bbox="256 340 1477 707">Operational Procedure 609 states: All inmate victims of sexual abuse will receive timely unimpeded access to emergency medical/mental health treatment which will be determined by the health practitioners' professional judgment. Victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency sexually transmitted infections, prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. All services provided for the above related treatments shall be free of charge regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.</p> <p data-bbox="256 748 1477 1034">Nevada Department of Corrections Policy and Administrative Procedures 02-01-115, Sexual Abuse Prevention, states Following an investigation substantiating an incident of offender-on-offender sexual abuse and/or if during risk screening it is determined an offender committed offender-on-offender sexual abuse, even if at another facility; mental health staff shall conduct a mental health evaluation of the known offender abuser within sixty (60) days of learning of such abuse history and offer treatment when deemed appropriate.</p> <p data-bbox="256 1075 1477 1648">If medical personnel detect signs of potential sexual abuse during a routine medical or dental examination, they are required to discuss their concerns with the offender and report their suspicions of all incidents of offender sexual assaults that occur in the Department with Investigations and Intelligence staff. Offenders can refuse to report incidents that occurred prior to their incarceration in the Department. Offender refusals to report should be signed by the victim and documented in the offender's medical file. Medical and mental health practitioners shall obtain informed consent from offenders before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the offender is under the age of 18. 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 data-bbox="256 1688 1477 1805">Medical INP 200, Health Care Services, states that all inmate victims of sexual abuse will receive timely unimpeded access to emergency medical/mental health treatment which will be determined by the health practitioner's professional judgment.</p> <p data-bbox="256 1845 1134 1881">When an incident is of an Emergent Nature, medical staff will:</p> <ul data-bbox="256 1921 1477 2065" style="list-style-type: none"> <li data-bbox="256 1921 1477 1993">o Perform a cursory, visual exam for any signs of injury, without manipulating any of the victims' body parts. <li data-bbox="256 2033 1477 2065">o Injuries will be documented by camera and utilizing NDOC Form 2514 (Unusual

Occurrence).

- o Victims will be offered immediate medical attention for any injuries that require treatment.
- o If SANE exam is requested, treatment can be deferred if it appears it will affect evidence, and the injuries are not life threatening.
- o Medical staff may assist in the collection of evidence, except for obtaining specimens.

When an incident is of an Emergent Nature, Mental Health staff will:

- o During normal working hours, mental health staff will provide an immediate consultation with the victim if requested.

After hours, in the absence of mental health personnel, medical staff can provide basic counseling and support until the victim can be seen by mental health personnel.

Inmates at the Ely State Prison that need emergency medical care that cannot be provided at the facility are transferred to a local hospital. Nevada Department of Corrections does not have a contract with any particular hospital in the area. Inmates can be sent to any hospital in the Sierra Health Organization. All of the hospitals in this network have emergency rooms.

All services provided for the above related treatments, shall be free of charge regardless whether the victim names the abuser or cooperates with any investigation arising out of the incident

During interviews with Medical and Mental Health staff, they shared that staff respond immediately when noticed of any incident, to include an incident of sexual abuse. The medical care is their priority and all treatment are based on their professional judgement. Offender victims of sexual abuse, while incarcerated, are offered, without financial cost, 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.

All Medical and Mental Health staff interviewed stated they have received the 'Specialized Training for Medical and Mental Health training. Certificates were later provided to the auditors.

During interviews with Custody and Non-Custody staff, who acted as first responders stated that when an incident call is received, the staff isolate the victim and immediately secure the area. Staff stated their first concern is the safety, medical and mental health of the victim. If needed, medical staff is summoned to the scene to treat the victim or the victim is transported to the medical service area. Either way, treatment will occur in a private area.

During interviews with the SANE staff at the University Medical Center, the Lead

Nurse stated that they provide 24/7 service to victims. The Director stated there is always someone on call, but in a rare occasion that a SANE nurse was not available, the Emergency Room Doctor will perform the forensic exam.

Corrective Action: No corrective action was required for this standard.

115.83	<p data-bbox="252 107 1492 197">Ongoing medical and mental health care for sexual abuse victims and abusers</p> <p data-bbox="252 230 986 271">Auditor Overall Determination: Meets Standard</p> <p data-bbox="252 309 560 349">Auditor Discussion</p> <p data-bbox="252 383 1469 712">OP 609 indicates that abuse victims will be offered tests for sexually transmitted infections as deemed medically appropriate and that mental health staff shall attempt to conduct mental health evaluations of all known inmate on inmate abusers within 60 days of learning of the known abuse. It further indicates that the Ely State Prison will work with Ely State Prison staff, who will offer medical and mental health follow-up services as appropriate to all inmates who have been victimized in any confinement facility. The follow-up treatment provided will be consistent with the standard community level of care.</p> <p data-bbox="252 745 1445 909">Policy states that victims of sexual abuse shall receive timely, unimpeded access to quality medical and mental health services free of charge following an incident of sexual abuse, whether or not they name an abuser or cooperate with the investigation.</p> <p data-bbox="252 943 1458 1149">The evaluation and treatment of victims shall include, as appropriate, follow-up services, treatment plans, and, when clinically indicated, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody. The facility shall provide victims with medical and mental health services consistent with the community level of care.</p> <p data-bbox="252 1182 1477 1346">If no qualified medical or mental health staff persons are on duty at the time a report of recent sexual abuse is made, first responders shall take preliminary steps to protect the victim and shall immediately notify the shift supervisor. On-call medical or mental health staff shall be contacted and apprised of the report.</p> <p data-bbox="252 1379 1465 1626">Victims of sexual abuse shall be offered counseling by Health Services staff in a sensitive, culturally competent, and easily understood manner regarding transmission, testing and treatment methods (including prophylactic treatment), and the risks associated with sexually transmitted infection treatment. Medical personnel shall offer and encourage testing for HIV and viral hepatitis six to eight weeks following the sexual abuse.</p> <p data-bbox="252 1659 1481 1865">Following an investigation substantiating an incident of offender-on-offender sexual abuse and/or if during risk screening it is determined an offender committed offender-on-offender sexual abuse, even if at another facility; mental health staff shall conduct a mental health evaluation of the known offender abuser within 60 days of learning of such abuse history and offer treatment when deemed appropriate.</p> <p data-bbox="252 1899 1481 2063">During interviews with Custody and Non-Custody staff, who acted as first responders stated that when an incident call is received, the staff isolate the victim and immediately secure the area. Staff stated their first concern is the safety, medical and mental health of the victim. If needed, medical staff is summoned to the scene to</p>
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treat the victim, or the victim is escorted to the medical services area.

During interviews with medical staff, they shared that staff respond immediately when noticed of an incident of sexual abuse. The medical care is their priority and all treatment are based on their professional judgement. Offender victims of sexual abuse, while incarcerated, are offered, without financial cost, 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.

Corrective Action: No further action is required to bring this standard into compliance.

115.86	Sexual abuse incident reviews
	Auditor Overall Determination: Meets Standard
	<p data-bbox="256 262 558 293">Auditor Discussion</p> <p data-bbox="256 338 1481 875">AR 421 states that each 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. The PREA Compliance Manager will track and notify the review team upon learning of the completion of any sexual abuse/harassment investigation. It further states that the review team shall document their findings on the Committee Review for Sexual Abuse form and shall consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; shall consider whether the incident or investigation was motivated by race, ethnicity, gender identity, or perceived sexual preference; to examine the area the incident allegedly occurred; adequacy of staffing levels; and the use of monitoring technology. Afterwards, a report will be documented stating if any changes were to be implemented.</p> <p data-bbox="256 913 1461 1070">OP 421, in the section titled Sexual Abuse Incident Reviews, it states: the Ely State Prison 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.</p> <p data-bbox="256 1108 1473 1518">The PREA Compliance Manager will track and notify the review team upon learning of the completion of any sexual abuse investigation. Such review shall ordinarily occur within 30 days of the conclusion of the investigation and will be documented using the Committee Review for Sexual Abuse Investigation form located in NOTIS. The review team shall be selected by the Warden and should include preferably the Associate Warden, CCSIII-PREA Compliance Manager, Lieutenant and medical and/or mental health care practitioners as needed. The investigative staff member from the Inspector General’s office will also participate in the incident review team. The review team shall document their findings on the Committee Review for Sexual Abuse Investigation form. The review team shall:</p> <ul data-bbox="256 1556 1473 2089" style="list-style-type: none"> <li data-bbox="256 1556 1473 1637">o Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse. <li data-bbox="256 1675 1473 1832">o 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. <li data-bbox="256 1870 1473 1944">o Examine the area in the facility where the alleged incident occurred to assess whether physical barriers in the area may enable abuse. <li data-bbox="256 1982 1473 2018">o Assess the adequacy of staffing levels in that area during different shifts. <li data-bbox="256 2056 1473 2089">o Assess whether monitoring technology should be deployed or augmented to

supplement supervision by staff.

- o Prepare a report of its findings, including but not limited to determinations made pursuant to the above paragraphs of this section, and any recommendations for improvement and submit such report to the facility head and PCM.
- o The Review Team shall implement the recommendations for improvement or shall document the reasons for not doing so.

The facility shall employ multiple protection measures, such as housing changes or transfers for offender victims or abusers, removal of alleged staff or offender abusers from contact with victims, and emotional support services for offenders or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

Interviews with the PREA Compliance Manager and one of the facility's Prison Rape Elimination Act Meeting Committee members indicates that the committee will review each investigation and address each of the criteria required per the standard.

The minutes will be submitted to the Warden by the PREA Compliance Manager to ensure any modifications recommended by the committee are completed. following these facility-based actions, a final examination of Incident Review documentation is conducted by PREA Statewide Coordinator to ensure full standard compliance and process integrity.

Corrective Action: No corrective action was required for this standard.

115.87 Data collection

Auditor Overall Determination: Meets Standard

Auditor Discussion

AR 421, the updated Nevada Department of Corrections PREA Manual, dated August 30, 2022, and the Survey of Sexual Violence documents were reviewed by the audit team. Policy mandates the agency to collect accurate, uniform data for every allegation of sexual abuse at facilities using a standardized instrument and set of definitions. 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 Victimization-II (SSV-II) conducted by the Department of Justice.

All data is aggregated annually and displayed on the agency's website. The policy requires the facility to maintain, review, and collect data for all allegations.

OP 421 states: the Ely State Prison shall review data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training, including by:

- o Data will be compiled by the PCM pertaining to PREA incident and reports.
- o The data will be used to:
 - Identify problem areas.
 - Document corrective action taken on an ongoing basis for those areas identified as problematic.
 - All data collected and compiled will be forwarded to the agency PREA Coordinator for inclusion in the annual report.

Nevada Department of Corrections utilizes the SSV-II to collect and report data to the federal Department of Justice. The process utilized to collect the data is outlined in the PREA Manual – Data Collection section. A copy was provided to the auditor with the PAQ.

The Nevada Department of Corrections PREA handbook requires that the Inspector General, PREA Management Team, is responsible to collect accurate, uniform data for every allegation of sexual abuse at every institution and facility using a standardized instrument and set of definitions. The incident-based sexual abuse data shall be aggregated, at a minimum, annually. The data shall include all of the data necessary to answer all questions from the most recent version of the Survey of Sexual Victimization conducted by the Department of Justice. The Inspector General, PREA Management Team shall maintain, review, and collect data as needed from all incident-based documents including reports, investigation files and sexual abuse reviews. The PREA Compliance Manager maintains a record of all reports of sexual abuse at the facility. The PREA Coordinator was interviewed during this audit and she explained her agencies role in collecting, reviewing and maintaining the data.

The Inspector General's PREA Unit receives all of the PREA incident reports within the Nevada Department of Corrections via the Nevada Offender Tracking Information System. This allows for the Nevada Department of Corrections to ensure that all reports are consistent. The information provided to the PREA Coordinator is sufficient to complete the Department of Justice' Survey of Sexual Violence form. Each Prison within the Nevada Department of Corrections uses the same set of definitions when documenting sexual assault and sexual harassment within the corrections system.

The audit team was provided with the agency's Survey of Sexual Victimization State Prison Survey form. They also reviewed the agency's website and observed previous Surveys of Sexual Victimization posted there. This auditor reviewed the aggregated data for years 2018, 2019 and 2020 concerning this facility.

The Nevada Department of Corrections publishes all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, on its public website.

During the interview with the PREA Compliance Manager, she stated that each individual Sexual Incident Report will be submitted to her and discussed at the next facility Prison Rape Elimination Act Committee meeting. The Prison Rape Elimination Act Compliance Manager also stated and provided documentation, that she will maintain a record of all reports of sexual abuse at the facility. The PREA Compliance Manager also discussed and provided the Monthly Prison Rape Elimination Act Incident Tracking Logs that are reviewed by the Warden and Prison Rape Elimination Act Coordinator, monthly.

During the interview with the Statewide Prison Rape Elimination Act Coordinator, she stated that the facilities have access to the agency's Sexual Incident Reporting system. This is the system utilized to collect Prison Rape Elimination Act data. The information is then compiled and reported to the Department of Justice, annually.

The audit team was provided with the agency's current Annual Assessments and also reviewed the agency's website and observed previous Surveys of Sexual Victimization posted there.

Corrective Action: No corrective action was required for this standard

115.88 Data review for corrective action

Auditor Overall Determination: Meets Standard

Auditor Discussion

OP 421 in the section entitled Data Review for Corrective Action states: the Ely State Prison shall review data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training, including by:

- o Data will be compiled by the PCM pertaining to PREA incident and reports.
- o The data will be used to:
 - Identify problem areas.
 - Document corrective action taken on an ongoing basis for those areas identified as problematic.
 - All data collected and compiled will be forwarded to the agency PREA Coordinator for inclusion in the annual report.

The auditor reviewed the annual reports and determined there was no corrective action identified for the Ely State Prison.

The Nevada Department of Corrections PREA Manual requires that the Director, or designee, Deputy Director of Operations, and the Inspector General’s PREA Coordinator, review the data in order to assess and improve, if necessary, the effectiveness of its sexual abuse prevention, detection and response policies practices and training. This review includes identifying problem areas, taking corrective action on an ongoing basis and preparing an annual report of its findings and corrective actions for each facility and the department where inmates may be present.

The report shall include a comparison of the current year’s data and corrective action with those from prior years and shall provide an assessment of the department’s progress in addressing sexual abuse. The Department’s report must be approved by the Director and made readily available to the public through

the Department’s public website. Prior to placing any reports on the Department’s website, all personal information of the victims and subjects are redacted.

The 2018, 2019 and 2020 reports were reviewed by this auditor. The reports contained the PREA data on each of the 18 Nevada Department of Corrections facilities, identifying problem areas, any corrective action taken and the effectiveness of the sexual abuse prevention program. The report did not contain any confidential information such as victim’s information. The 2018, 2019 and 2020 reports are posted on the Nevada Department of Corrections, Inspector General’s website

The PREA Coordinator indicates the agency reviews data collected pursuant to 115.87

and assesses the effectiveness of the sexual abuse prevention, detection, and response policies, practices, and training. The agency prepares an annual report and posts the information on the website. She further indicated that the only information redacted from the agency report is personal identifying information. All other information is included in the annual report.

The 25-page 2020 PREA, Nevada Department of Correction's Sexual Assault Prevention Program, Annual Report was provided. This document was also found on the Departments website at https://doc.nv.gov/About/NDOC_Office_of_the_Inspector_General/PREA_Audits/

This document covers data from 18 different facilities, to include the Ely State Prison.

The PREA Compliance Manager indicated that all Sexual Incident Report information is provided quarterly to the Statewide PREA Coordinator for review and annual reporting. After completion, this report is posted on the Nevada Department of Corrections website.

Corrective Action: No corrective action was required for this standard.

115.89	Data storage, publication, and destruction
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>AR 421 requires the agency to ensure that data collected pursuant to standard 115.87 are securely retained and to make all aggregated sexual abuse data from facilities under its direct control readily available to the public at least annually through its public website. It requires the department to remove all personal identifiers from aggregated sexual abuse data before making said data publicly available.</p> <p>OP 421 in the section entitled Data Storage, Publication and Destruction states: the Ely State Prison shall ensure that data collected are securely retained by: 1) All collected data will be considered “Confidential” in nature; and 2) Only the PCM or the facility Warden’s may disseminate any PREA related data.</p> <p>All of the PREA data is maintained in the Inspector General’s Office. According to policy the data is to be maintained 10 years. The aggregated data is maintained on the Nevada Department of Corrections website. There are no personal identifiers included in the information posted.</p> <p>According to the PREA Coordinator, they maintain the documents in their headquarters for over ten years. In a review of the data available to the public, there were no personal identifier included in the information.</p> <p>A review of the website demonstrates aggregated sexual abuse data from facilities under its control to the public is posted, as required. Information displayed on the agency website, contains no personal identifiers. All offender copies of sexual incident reports are maintained in the confidential section of the offender’s file. No federal, state or local law was provided by the agency to indicate there was a law in place to require a data maintenance procedure which would supersede standard provision 115.89(d).</p> <p>The Nevada Department of Corrections publishes all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, on its public website at the following: https://doc.nv.gov/About/NDOC_Office_of_the_Inspector_General/PREA_Audits/</p> <p>Corrective Action: No corrective action was required for this standard.</p>

115.401	Frequency and scope of audits
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>During the prior three-year audit period, the agency ensured that each facility was audited at least once. This is the second year of the current audit cycle and the agency ensured that at least one-third of each facility type was audited during the first and second year of the current audit cycle.</p> <p>The auditor had access to and the ability to observe, all areas of the audited facility. The auditor was permitted to request and receive copies of any relevant documents (including electronically stored information). The auditor was permitted to conduct private interviews with staff and offenders. Offenders were permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.</p> <p>The Ely State Prison was previously audited on June 1-4, 2016 and again on February 27, 2019.</p> <p>This audit of the Ely State Prison, which was postponed from an earlier scheduled date due to COVID concerns, was conducted on October 3-5, 2022.</p> <p>During the on-site audit, auditors were able to speak with any staff member or offender, at any time, in a confidential setting. We were also provided any and all documentation requested/required in a timely fashion. Finally, the auditors were able to walk throughout all areas of the institution, under escort, that were requested/required.</p> <p>During offender interviews, auditors were informed that offenders had access to send confidential mail to the posted auditors address at any time during the pre-audit, on-site audit and post audits. It should be noted, although my name and address were posted in numerous areas of the facility, I did not receive any written correspondence from offenders/family or staff at the Ely State Prison, at this time.</p> <p>This commitment to Prison Rape Elimination Act related issues, by the Nevada Department of Corrections, was reiterated and confirmed during interviews with the Director, Warden and Agency Prison Rape Elimination Act Coordinator.</p> <p>Corrective Action: No corrective action was required for this standard.</p>

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The agency has published on its agency website all Final Audit Reports within 90 days of issuance by auditor. The review period is for prior audits completed during the past three years preceding this agency audit.</p> <p>The completed Nevada Department of Corrections Prison Rape Elimination Act Audit reports are located and available to be reviewed on the department's website.</p> <p>The Nevada Department of Corrections website contains a copy of the previous audits conducted at the Ely State Prison. It can be found by going to the NDOC PREA home page at the following link:</p> <p>https://doc.nv.gov/About/NDOC_Office_of_the_Inspector_General/PREA_Audits/</p> <p>The past audit of the Ely State Prison, dated May 25, 2019, which was finalized and posted on the agency website, was reviewed prior to this audit.</p> <p>Corrective Action: No corrective action was required for this standard.</p>

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

115.12 (b)	Contracting with other entities for the confinement of inmates	
	Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	na

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

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

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

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

115.15 (f)	Limits to cross-gender viewing and searches	
	Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes
	Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes

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

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

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

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

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

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

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

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

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

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

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

115.34 (c)	Specialized training: Investigations	
	Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.35 (a)	Specialized training: Medical and mental health care	
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
115.35 (b)	Specialized training: Medical and mental health care	
	If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.)	yes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

115.66 (a)	Preservation of ability to protect inmates from contact with abusers	
	Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes
115.67 (a)	Agency protection against retaliation	
	Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff?	yes
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes
115.67 (b)	Agency protection against retaliation	
	Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations?	yes

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

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

115.71 (d)	Criminal and administrative agency investigations	
	When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?	yes
115.71 (e)	Criminal and administrative agency investigations	
	Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes
115.71 (f)	Criminal and administrative agency investigations	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes
	Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?	yes
115.71 (g)	Criminal and administrative agency investigations	
	Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?	yes
115.71 (h)	Criminal and administrative agency investigations	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
115.71 (i)	Criminal and administrative agency investigations	
	Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	yes

115.71 (j)	Criminal and administrative agency investigations	
	Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?	yes
115.71 (l)	Criminal and administrative agency investigations	
	When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.72 (a)	Evidentiary standard for administrative investigations	
	Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?	yes
115.73 (a)	Reporting to inmates	
	Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	yes
115.73 (b)	Reporting to inmates	
	If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)	yes

115.73 (c)	Reporting to inmates	
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the inmate's unit?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility?	yes
115.73 (d)	Reporting to inmates	
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility?	yes
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?	yes
115.73 (e)	Reporting to inmates	
	Does the agency document all such notifications or attempted notifications?	yes

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

115.78 (a)	Disciplinary sanctions for inmates	
	Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process?	yes
115.78 (b)	Disciplinary sanctions for inmates	
	Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories?	yes
115.78 (c)	Disciplinary sanctions for inmates	
	When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior?	yes
115.78 (d)	Disciplinary sanctions for inmates	
	If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits?	yes
115.78 (e)	Disciplinary sanctions for inmates	
	Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact?	yes
115.78 (f)	Disciplinary sanctions for inmates	
	For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation?	yes
115.78 (g)	Disciplinary sanctions for inmates	
	If the agency prohibits all sexual activity between inmates, does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.)	yes

115.81 (a)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison).	yes
115.81 (b)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)	yes
115.81 (c)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a jail).	yes
115.81 (d)	Medical and mental health screenings; history of sexual abuse	
	Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?	yes
115.81 (e)	Medical and mental health screenings; history of sexual abuse	
	Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	yes

115.82 (a)	Access to emergency medical and mental health services	
	Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?	yes
115.82 (b)	Access to emergency medical and mental health services	
	If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62?	yes
	Do security staff first responders immediately notify the appropriate medical and mental health practitioners?	yes
115.82 (c)	Access to emergency medical and mental health services	
	Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate?	yes
115.82 (d)	Access to emergency medical and mental health services	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
115.83 (a)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?	yes
115.83 (b)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody?	yes

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

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

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

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

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

115.401 (b)	Frequency and scope of audits	
	Is this the first year of the current audit cycle? (Note: a “no” response does not impact overall compliance with this standard.)	yes
	If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.)	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 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	
	<p>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.)</p>	yes