

PREA Facility Audit Report: Final

Name of Facility: Topeka Correctional Facility

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 04/04/2023

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	☐
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	☐
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.	☐
Auditor Full Name as Signed: Valerie Wolfe Mahfood	Date of Signature: 04/04/2023

AUDITOR INFORMATION	
Auditor name:	Mahfood, Valerie Wolfe
Email:	wolfemahfood@aol.com
Start Date of On-Site Audit:	02/15/2023
End Date of On-Site Audit:	02/17/2023

FACILITY INFORMATION	
Facility name:	Topeka Correctional Facility
Facility physical address:	815 Southeast Rice Road, Topeka, Kansas - 66607
Facility mailing address:	

Primary Contact	
Name:	Gregory Perez
Email Address:	Gregory.Perez@ks.gov
Telephone Number:	785-296-3432

Warden/Jail Administrator/Sheriff/Director	
Name:	Gloria Geither
Email Address:	Gloria.Geither@ks.gov
Telephone Number:	785-296-3432

Facility PREA Compliance Manager	
Name:	Greg Perez
Email Address:	Gregory.Perez@ks.gov
Telephone Number:	785-296-3432
Name:	David McCabe
Email Address:	david.mccabe@ks.gov
Telephone Number:	785-296-3432

Facility Health Service Administrator On-site	
Name:	Michelle Calvin
Email Address:	mclavin@TeamCenturion.com
Telephone Number:	785-296-3432

Facility Characteristics	
Designed facility capacity:	960
Current population of facility:	726
Average daily population for the past 12 months:	704
Has the facility been over capacity at any point in the past 12 months?	No
Which population(s) does the facility hold?	Females
Age range of population:	35
Facility security levels/inmate custody levels:	min, medium, max, special management
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	410
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	2
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	77

AGENCY INFORMATION	
Name of agency:	Kansas Department of Corrections
Governing authority or parent agency (if applicable):	
Physical Address:	714 Southwest Jackson Street, Topeka, Kansas - 66603
Mailing Address:	
Telephone number:	

Agency Chief Executive Officer Information:	
Name:	
Email Address:	
Telephone Number:	

Agency-Wide PREA Coordinator Information			
Name:	Allison Basinger	Email Address:	allison.basinger@Ks.gov

SUMMARY OF AUDIT FINDINGS

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.

Auditor Note: In general, no standards should be found to be "Not Applicable" or "NA." A compliance determination must be made for each standard. In rare instances where an auditor determines that a standard is not applicable, the auditor should select "Meets Standard" and include a comprehensive discussion as to why the standard is not applicable to the facility being audited.

Number of standards exceeded:

6

- 115.14 - Youthful inmates
- 115.18 - Upgrades to facilities and technologies
- 115.31 - Employee training
- 115.51 - Inmate reporting
- 115.83 - Ongoing medical and mental health care for sexual abuse victims and abusers
- 115.401 - Frequency and scope of audits

Number of standards met:

39

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:	2023-02-15
2. End date of the onsite portion of the audit:	2023-02-17

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?	☒ Yes ☐ No
a. Identify the community-based organization(s) or victim advocates with whom you communicated:	YWCA Center for Safety and Empowerment, Just Detention International

AUDITED FACILITY INFORMATION

14. Designated facility capacity:	960
15. Average daily population for the past 12 months:	704
16. Number of inmate/resident/detainee housing units:	3
17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?	☐ Yes ☒ No ☐ 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:	733
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:	14
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:	53
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:	40
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:	4
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:	7

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:	69
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:	6
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:	8
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:	215
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:	0
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):	NA
Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit	
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:	410

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:	77
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:	147
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:	NA

INTERVIEWS

Inmate/Resident/Detainee Interviews

Random Inmate/Resident/Detainee Interviews

53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:	16
54. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)	☒ Age ☒ Race ☒ Ethnicity (e.g., Hispanic, Non-Hispanic) ☒ Length of time in the facility ☒ Housing assignment ☒ Gender ☒ Other ☐ None

If "Other," describe:	Custody, Job Assignment, Program Activity, Physical Characteristics, Psychological Characteristics, or other distinguishing factors amongst population inmates
55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?	Housing & Job Rosters
56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?	☒ Yes ☐ No
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):	NA
Targeted Inmate/Resident/Detainee Interviews	
58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:	17
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".	
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:	4

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:	3
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:	1
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:	1
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:	7
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

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:	3
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:	6
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:	0
a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:	☒ 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. ☐ The inmates/residents/detainees in this targeted category declined to be interviewed.
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).	Reviewed current assignment rosters, interviewed inmates having filed previously disclosed sexual abuse or filed sexual abuse/harassment allegations.
70. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):	NA

Staff, Volunteer, and Contractor Interviews

Random Staff Interviews

71. Enter the total number of RANDOM STAFF who were interviewed:	12
72. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)	☐ Length of tenure in the facility ☐ Shift assignment ☐ Work assignment ☐ Rank (or equivalent) ☐ Other (e.g., gender, race, ethnicity, languages spoken) ☐ None
If "Other," describe:	Race, gender, ethnicity, languages spoken, or other distinguishing factors relative to job performance
73. Were you able to conduct the minimum number of RANDOM STAFF interviews?	☒ Yes ☐ No
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):	NA

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):	17
76. Were you able to interview the Agency Head?	☒ Yes ☐ No
77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?	☒ Yes ☐ No
78. Were you able to interview the PREA Coordinator?	☒ Yes ☐ No
79. Were you able to interview the PREA Compliance Manager?	☒ Yes ☐ No ☐ 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

	☒ Intake staff ☐ Other
If "Other," provide additional specialized staff roles interviewed:	Commissary, Mailroom, Grievance, Training, Chaplain, Contracted SANE Staff.
81. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?	☒ Yes ☐ 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)	☐ Education/programming ☐ Medical/dental ☐ Mental health/counseling ☒ Religious ☐ Other
82. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility?	☒ Yes ☐ No
a. Enter the total number of CONTRACTORS who were interviewed:	3

b. Select which specialized CONTRACTOR role(s) were interviewed as part of this audit from the list below: (select all that apply)	☐ Security/detention ☐ Education/programming ☒ Medical/dental ☒ Food service ☐ Maintenance/construction ☐ Other
83. Provide any additional comments regarding selecting or interviewing specialized staff.	NA

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.

84. Did you have access to all areas of the facility?	☒ Yes ☐ No
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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)?

☒ Yes

☐ 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)?

☒ Yes

☐ No

87. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)?

☒ Yes

☐ No

88. Informal conversations with staff during the site review (encouraged, not required)?

☒ Yes

☐ 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).

NA

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?

☒ Yes

☐ No

91. Provide any additional comments regarding selecting additional documentation (e.g., any documentation you oversampled, barriers to selecting additional documentation, etc.).

NA

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	15	0	0	15
Staff-on-inmate sexual abuse	1	0	0	1
Total	16	0	0	16

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	11	0	0	11
Staff-on-inmate sexual harassment	3	0	0	3
Total	14	0	0	14

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	0	0	0	0	0
Staff-on-inmate sexual abuse	0	0	0	0	0
Total	0	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	0	6	9	0
Staff-on-inmate sexual abuse	0	0	1	0
Total	0	6	10	0

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	0	4	7	0
Staff-on-inmate sexual harassment	0	1	2	0
Total	0	5	9	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:

4

99. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?	☒ Yes ☐ No ☐ NA (NA if you were unable to review any sexual abuse investigation files)
Inmate-on-inmate sexual abuse investigation files	
100. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:	3
101. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?	☒ Yes ☐ No ☐ NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)
102. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?	☒ Yes ☐ No ☐ NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)
Staff-on-inmate sexual abuse investigation files	
103. Enter the total number of STAFF-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:	1
104. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?	☒ Yes ☐ No ☐ NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)

105. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?	☒ Yes ☐ No ☐ NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)
Sexual Harassment Investigation Files Selected for Review	
106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:	9
107. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?	☒ Yes ☐ No ☐ NA (NA if you were unable to review any sexual harassment investigation files)
Inmate-on-inmate sexual harassment investigation files	
108. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:	6
109. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?	☒ Yes ☐ No ☐ NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)
110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?	☒ Yes ☐ No ☐ NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)

Staff-on-inmate sexual harassment investigation files

111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:

3

112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?

☒ Yes

☐ No

☐ 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?

☒ Yes

☐ No

☐ 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.

NA

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.

☐ Yes

☒ No

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 the name of the third-party auditing entity

PAOA

Standards

Auditor Overall Determination Definitions

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

Auditor Discussion Instructions

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

115.11	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: • KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 • TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 • Kansas Department of Corrections (KDOC) Hierarchical Chart, January 2023 • Topeka Correctional Facility (TCF) Organizational Chart, 10-12-22 Interviews: • Agency Head • Agency PREA Coordinator • TCF PREA Compliance Manager • TCF Facility Warden • Intermediate or Higher-Level Facility Staff • Random Staff Site Review Observations: • The Kansas Department of Corrections PREA Coordinator, along with the facility warden, oversees the Topeka Correctional Facility (TCF) Prison Rape Elimination Act (PREA) program. • The TCF PREA Compliance Manager is physically assigned to the TCF and maintains a permanent office, with routine activities, within said institution as a function of assignment.

Standard Subsections:

- IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19; and General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23; provide written direction mandating a zero-tolerance policy toward all forms of sexual abuse and sexual harassment. These policies outline both the agency's and the facility's approach to preventing, detecting, and responding to such conduct.

(A) The agency has employed an agency-wide PREA Coordinator. This position is inside the upper hierarchy of organizational authority within the KDOC. The PREA Coordinator's sole responsibility within the agency is to facilitate institutional needs specific to the implementation and advancement of the PREA standards. The PREA Coordinator, in coordination with facility wardens, oversees the implementation of PREA standards at the facility level.

(B) The State of Kansas operates 10 penal institutions. Each warden within said institution has been charged with designating a PREA point person, who holds the supervisory rank of PREA Compliance Manager. The TCF Warden affirms the designation of the TCF PREA Compliance Manager to serve in this capacity. The TCF PREA Compliance Manager further confirms both sufficient time and authority to coordinate the facility's efforts in complying with the PREA standards.

Reasoning & Findings Statement:

This standard works to ensure the agency operates with a zero-tolerance acceptance level of sexual abuse and sexual harassment of incarcerated persons. As well, the standard requires that individual facilities operate with respect to the agency's zero-tolerance expectation. In this regard, the agency has implemented policies designed to prevent, detect, and respond to sexual abuse and sexual harassment. In addition to the overall agency policy, each facility, to include TCF, has further developed its own coordinated response plan to effectively apply the agency's broad policy to the uniqueness of their individual units. Such forethought ensures that every facet of the agency's policy is included in the standard operating procedures unique to every institution. As such, both the agency and the facility have clearly met the basic requirements of this standard.

115.12	Contracting with other entities for the confinement of inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC MOU Colorado DOC, 6-1-77 · KDOC MOU JCDOC, 4-7-22 · KDOC Email JCDOC Contract for Confinement, 2-17-23 · JCDOC PREA Audit, 6-1-22 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 Interviews: • Agency Contract Administrator • Agency PREA Coordinator Site Review Observations: • The TCF is a publicly operated correctional facility through the Kansas Department of Rehabilitation and Correction (KDOC). Standard Subsections: (A) The KDOC contracts for the confinement of its inmates with one private agency; namely, Johnson County Department of Corrections (JCDOC). The JCDOC is required to remain PREA compliant. The JCDOC was last certified for PREA compliance via successful completion of a PREA Audit by an independent auditor on June 1, 2022. As such, the agency has complied with the Prison Rape Elimination Act, National

Standards to Prevent, Detect, and Respond to Prison Rape (28 C.F.R. Part 115). As such, no further action is needed regarding such.

(B) This contract also contains language requiring that the KDOC and the JCDoc to problem solve protocols, issues, and cases together towards the best outcome. This includes issues and concerns specific to the PREA. Additionally, both have agreed to develop and deliver training and information to KDOC staff. As evidenced by the KDOC's PREA Audit Schedule, all KDOC facilities, as well as contracted agencies, are routinely audited for their compliance with the PREA standards.

Reasoning & Findings Statement:

This standard ensures that all private entities contractually bound to the parent agency; namely, the Kansas Department of Corrections complies with the PREA standards. In this, prior to engaging any contractual relationship with a private agency, the KDOC ensures that all private agencies understand that it is the private agencies' absolute responsibility to comply with PREA regulations. Furthermore, once contracted with the KDOC, private agencies understand their continuing duty to remain in compliance with PREA standards. The KDOC has a contractual relationship with only one entity, of which, that entity is required to remain PREA complaint. Hence, the KDOC has meet the established requirements under this standard.

115.13	Supervision and monitoring
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC IMPP #12-137D, Staff Analysis, Operational Staffing and Roster Management, 7-1-14 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 · TCF Shift Assignment Roster, First, February 16-18, 2023 · TCF Shift Assignment Roster, Second, February 15-17, 2023 · TCF Shift Assignment Roster, Third, February 15-17, 2023 · TCF Staffing Analysis to Ensure Protection Against Sexual Abuse, 1-10-23 · TCF Operational Staffing Memo, 5-2-22 · TCF Operational Staffing Memo, 1-4-23 · TCF Security Alpha Roster: 3-6-22, 6-12-22, 10-12-22, 12-8-22, 1-23-23 · TCF Operational Staffing Level Report, FY22 · TCF A Dorm Supervisory Checks, CY22 · TCF J Cell House 2nd Floor Supervisory Checks, CY22 · TCF I Cell House Restricted Housing Supervisory Checks, CY22 Interviews: • TCF Facility Warden • TCF PREA Compliance Manager • Agency PREA Coordinator • Intermediate or Higher-Level Facility Staff

- Random Staff

Site Review Observations:

- All inmate housing areas contain at least one security staff post that is continuously monitored by staff. All areas of high offender traffic are assigned permanent staffing positions while in operation.
- During the site review, supervisory staff were observed making routine and frequent rounds throughout the facility. All the random staff interviewed indicated that supervisory staff were available to them as needed and did routinely conduct unannounced rounds within the facility.
- During supervisory rounds, ranking officials were routinely observed reviewing required documentation completed by line staff as a function of their duty posts.
- During the on-site portion of the audit, current TCF Chronological Logs were inspected onsite to ensure supervisory staff were conducting, and properly documenting, their unannounced rounds.
- Electronic documentation reflecting auditor rounds were verified as documented on the day said rounds were conducted.
- Metal mesh visibility portals installed in all solid closet doors.

Standard Subsections:

(A) The KDOC, TCF has developed and documented a staffing plan (1-10-23). Facility administrators are required to make their best efforts in complying with said plan on a regular basis to provide for adequate levels of staffing, and, where applicable, video monitoring to protect inmates against abuse (IMPP #12137D). As explicitly noted within the Staffing Plan Annual Review template, the staffing plan takes into consideration generally accepted correctional practices when determining staffing needs and the need for video monitoring. If present, the staffing plan considers any judicial, federal investigative agencies, internal, and external oversight bodies' findings of inadequacy. The KDOC Staffing Plan Annual Review template requires that the unit considers components of the facility's physical plant, composition of the inmate population, number and placement of supervisory staff, institutional programming needs, applicable state and local laws, the prevalence of substantiated and unsubstantiated incidents of sexual abuse, as well as any other relevant factors when determining staffing needs and the need for video monitoring. When asked, facility staff consistently remarked that unit administration does consider the nature of the offender population and current issues/trends within the offender population

when determining staffing levels. As noted by the TCF Warden, the facility staffing plan was predicated consistent with average daily number of inmates assigned to the TCF, as well as the nature of the inmate population.

(B) KDOC policy governs the minimum use of employee staffing (IMPP #12137D). If unit staffing levels fall below these minimum requirements, KDOC policy further requires that facility staff properly document each occurrence. As noted by the TCF PREA Compliance Manager, within the past 12 months, the staffing levels of TCF have fallen below the required levels. As noted within the annual staffing plan, these deviations occurred due to staffing calling in before the beginning of their shifts, crisis monitoring, extra staff required to fulfill unforeseen hospital duty, and planned and unplanned medical appointments.

(C) The facility conducts an annual review of its staffing plan, with the last review being finalized as of January 10, 2023. As evidenced via interviews with agency and facility staff, in completing the TCF staffing plan review, the facility did coordinate with the agency PREA Coordinator, as well as the TCF PREA Compliance Manager, to develop the facility staffing plan in accordance with the aforementioned 115.13(a). PREA staffing members were consulted regarding the use of resources necessary to commit to the staffing plan, as well as the use of video monitoring technologies within the facility.

(D) The agency does have a policy in place to mandate unannounced rounds conducted by intermediate-level or higher-level supervisors (IMPP #10-103D, General Orders #01-102). This policy does require that staff document those rounds. The policy requires unannounced rounds to be made on all shifts, both day and night hours. The agency also prohibits staff from alerting others that said rounds are being conducted. The timing of the site reviewed allowed the auditor to observe the facility while employees from all three shifts were on duty. The auditor did observe line and supervisory staff document said rounds as appropriate. While conducting the site review, the auditor also reviewed numerous Chronological Logs throughout the facility. Said documentation did reflect that not only were supervisory staff conducting unannounced rounds as required, but these rounds were also clearly documented with the building's chronological log, as well as the electronic log. When interviewed, supervisory staff stated that they performed unannounced rounds at various times, as well as walked varying paces and routes when conducting unannounced rounds to make their presence less predictable. When interviewing random staff, all persons stated that supervisors routinely conduct unannounced rounds. Staff also noted that it was a violation of policy for supervisors to announce their rounds or for other staff to call ahead and warn their co-workers that a supervisor was conducting security rounds. When interviewing random offenders, most inmates stated that they have routinely witnessed supervisory staff conducting rounds throughout the facility. During the site review, it was further noted that both staff and offenders seemed

comfortable with the presence of supervisory staff within inmate housing areas; thus, further supporting that said staff are routinely present in inmate housing areas.

Reasoning & Findings Statement:

This standard requires the facility to ensure adequate staffing levels that promote the safety of not only all inmates assigned to the facility, but also to ensure the safety of all correctional employees, volunteers, and contractors within the institution. As a best practice in correctional supervision, TCF administration has installed secured visibility portals on all closet/storage room doors. These portals are approximately one by one foot and secured with a metal mesh screen. The presence of these portals instantly increases staff visibility throughout the compound while inhibiting the ability of persons to conceal themselves within such spaces. During the past 12 months, the TCF has deviated from its staffing plan, with the most prominent reasons for those deviations being properly documented. To ensure that the sexual safety of inmates assigned to the TCF is given sufficient weight in determining facility staffing needs, the TCF staffing plan is reviewed annually in coordination with all TCF PREA staffing components. In addition to staff monitoring, the facility itself contains well over five hundred video cameras throughout institutional grounds. To ensure meaningful and effective correctional supervision, TCF supervisors routinely conduct and document unannounced rounds. The auditor observed, as well as the facility provided, evidence of documented unannounced rounds of supervisory ranks of various levels, up to and including, the facility warden. In total, the TCF facility has complied with this standard.

115.14	Youthful inmates
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC IMPP #11-102J, Juvenile Correctional Facility Preadmission, Admission, and Release Process, 5-11-17 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 · TCF Memo, PREA Standard 115.14 – Youthful Inmates, 1-13-23 · TCF Offender Incarcerated Under 18, January 2022 · TCF Offender Incarcerated Under 18, February 2022 · TCF Offender Incarcerated Under 18, March 2022 · TCF Offender Incarcerated Under 18, April 2022 · TCF Offender Incarcerated Under 18, May 2022 · TCF Offender Incarcerated Under 18, June 2022 · TCF Offender Incarcerated Under 18, July 2022 · TCF Offender Incarcerated Under 18, August 2022 · TCF Offender Incarcerated Under 18, September 2022 · TCF Offender Incarcerated Under 18, October 2022 · TCF Offender Incarcerated Under 18, November 2022 · TCF Offender Incarcerated Under 18, December 2022 Interviews: • Agency PREA Coordinator • TCF Facility Warden

- TCF PREA Compliance Manager
- Random Staff
- Random/Targeted Offenders

Site Review Observations:

- While conducting the on-site review, the auditor did not observe any incarcerated individuals who appeared excessively youthful.
- In reviewing inmate documents, the auditor did not observe any inmate birthdays to be less than 18 years younger than the date of the onsite review.
- All inmates interviewed stated that they were at least 18 years of age and/or did not have any knowledge of any inmates assigned to the TCF who were not at least 18 years of age.

Standard Subsections:

(A) The KDOC policy (IMPP #11-102J) prohibits the placement of any inmate less than 18 years of age in a housing unit within sight or sound of any adult inmates. As well, youthful inmates may not have any physical contact through the use of a shared dayroom or other common space, shower area, or sleeping quarters, with any adult inmate. The KDOC policy (IMPP #10-103D) further requires that should youthful inmates be within sight or sound of adult inmates, or be able to have physical contact with adult inmates, staff must maintain direct supervision over youthful inmates.

(B) As TCF does not house any inmates less than the age of 18 years, the facility has most certainly maintained absolute sight and sound separation between youthful offenders and adult inmates.

(C) As TCF does not house any offender less than 18 years of age, its unit administration has absolutely avoided placing any adolescent offender in isolation in order prevent said offender from living within sight and sound of adult offenders. Hence, the TCF has not denied any adolescent offender the ability to engage in daily large-muscle exercise or to participate in other program or work opportunities.

Reasoning & Findings Statement:

This standard requires that the agency ensures sight and sound separation between youthful offenders and adult inmates. Alternatively, the standard requires that there is direct staff supervision when youthful offenders and adult inmates have the possibility of sight, sound, or physical contact. The State of Kansas prohibits the assignment of youthful offenders to adult housing units. Since TCF contains only adult housing units, TCF is prohibited from receiving, and subsequently housing, youthful offenders. As such, the facility maintains an absolute and constant sight, sound, and physical barrier between youthful offenders and incarcerated adults. As such, the TCF has exceeded the requirements of this standard.

115.15	Limits to cross-gender viewing and searches
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC IMPP #12-103D, Offender and Facility Searches, 12-12-17 · KDOC IMPP #10-143D, Transgender and Intersex Offender Placement, 7-17-19 · KDOC FTO Module 2, Title 2.2, Pat Down Searches – Female · KDOC FTO Module 2, Title 2.2, Pat Down Searches – Male · KDOC FTO Module 2, Title 2.3, Strip Searches – Female · Centurion #P-F-06b, Transgender, Gender Non-Conforming Individuals and Patients with Gender Dysphoria, 7-1-20 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 · TCF Gender Orders #09-107, Searches and Contraband, 8-1-22 · TCF Staffing Analysis to Ensure Protection Against Sexual Abuse, 1-10-23 · TCF G Dorm Strip Search Log, CY22 · TCF Male Announcement, C Dorm, CY22 · TCF Male Announcement, J Dorm, CY22 · TCF Male Announcement, I Dorm, CY22 · TCF Memo, PREA Standard 115.15, Cross Gender Viewing and Searches, 1-10-23 · TCF Officer Training, Pat Down Searches – Female, 12-20-22 · TCF Officer Training, Pat Down & Strip Searches – Female, 3-21-22a · TCF Officer Training Record, 3-21-22a · TCF Officer Training, Pat Down & Strip Searches – Female, 3-21-22b · TCF Officer Training Record, 3-21-22b · TCF Officer Training, Pat Down & Strip Searches – Female, 3-21-22c

- TCF Officer Training Record, 3-21-22c
- TCF Officer Training, Pat Down & Strip Searches – Female, 4-25-22a
- TCF Officer Training Record, 4-25-22a
- TCF Officer Training, Pat Down & Strip Searches – Female, 4-25-22b
- TCF Officer Training Record, 4-25-22b
- TCF Officer Training, Pat Down & Strip Searches – Female, 6-30-22
- TCF Officer Training Record, 6-30-22
- TCF Officer Training, Pat Down & Strip Searches – Female, 7-18-22
- TCF Officer Training Record, 7-18-22
- TCF Officer Training, Pat Down & Strip Searches – Female, 8-16-22
- TCF Officer Training Record, 8-16-22
- TCF Officer Training, Pat Down & Strip Searches – Female, 12-6-22a
- TCF Officer Training Record, 12-6-22b
- TCF Officer Training, Pat Down & Strip Searches – Female, 12-6-22b
- TCF Officer Training Record, 12-6-22b
- TCF Officer Training, Pat Down & Strip Searches – Female, 12-6-22c
- TCF Officer Training Record, 12-6-22c

Interviews:

- TCF Facility Warden
- TCF PREA Compliance Manager
- Intermediate or Higher-Level Facility Staff
- Random Staff
- Offenders Who Identify as Lesbian, Gay, Bisexual, Transgender, or Intersex
- Random Offenders

Site Review Observations:

- During the site review, staff were routinely observed making cross-gender announcements when persons of the opposite gender entered inmate housing areas.
- Supervisory staff were observed conducting their routine security checks within inmate housing areas. Cross-gender announcements and supervisory rounds, both unannounced rounds and scheduled rounds, were subsequently documented on chronical activity logs.
- Privacy shields were in place inhibiting view into inmate toilets.
- Privacy shields were generally in place and/or available in medical examination rooms.
- Privacy curtains were noted in all shower areas.
- Video surveillance was not trained to areas where inmates might routinely be in a state of undress.

Standard Subsections:

(A) KDOC Policy (IMPP #12-103D, GO #09-107) prohibits cross-gender strip or visual body cavity search of inmates except in exigent circumstances. Random staff interviews confirm that staff do not engage in such activities. All inmates interviewed noted that they had not been, nor had they witnessed any other inmate being, stripped or body cavity searched by a security staff member of the opposite gender.

(B) The TCF is a female facility. Staff and inmate interviews both confirm that female inmates are not physically searched by male staff. Additionally, while some inmates noted that there may be an occasional delay in finding a female officer to conduct a pat search, the facility has never had to deny any female inmate access to a regularly available program or out of cell activity due to a lack of sufficient staff to conduct required pat searches.

(C) Agency policy (IMPP #12-103D, GO #09-107) requires that all cross-gender strip and visual body cavity searches are documented. The facility has not engaged in any cross-gender strip searches or cross-gender body cavity searches of its female prisoners within the audit period. However, under exigent circumstances, should the need arise, all random staff interviewed understood that such action, while extremely unlikely, would require extensive justification.

(D) The TCF does have a policy (IMPP #10-103D) in place that allows inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their buttocks or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. The facility does adhere to policy (IMPP #10-103D) requiring that staff of the opposite gender announce their presence when entering an inmate housing unit. All male staff interviewed did confirm their adherence to said policy. As well, all inmates interviewed confirmed this announcement was being made by all male staff. During the facility site review, modesty barriers and curtains were generally in place to inhibit the viewing of any inmate in a state of undress. One area, the I-Max Infirmary Clinic, did not have modesty barriers in place for the toilets in the Isolation Room and the Infirmary Ward. Barriers were subsequently ordered and in place prior to the end of the onsite portion of the audit. As such, no further action is needed regarding such. Lastly, a review of the facility's video surveillance found that cameras were not trained to areas where inmates might routinely be in a state of undress.

(E) KDOC policy (IMPP #10-143D) prohibits searching transgender or intersex inmates for the sole purpose of determining the inmates' genital status. In interviewing staff, it was clearly expressed that if the gender of an offender is unknown, conducting a strip search to determine the gender of the inmate would be inappropriate. It was generally expressed that to determine gender, staff would contact the medical department, their supervisor, or simply ask the inmate.

(F) Records reflect that 100% of TCF security staff have been trained on proper policy specific to conducting inmate pat searches, cross-gender pat searches, and transgender pat searches in a professional and least intrusive manner as possible consistent with security needs. All random staff interviewed did affirm their understanding of agency policy prohibiting the search of any transgender or intersex inmate for the sole purpose of determining the inmate's genital status. KDOC Policy IMPP #10-143D specifies that "no search or physical exam may be conducted by a non-medical person to determine an offender's genital status." Policy (IMPP #12-103D) provides clear instructions on how staff will perform searches of any inmate, to include transgender inmates. Random security staff interviewed confirmed their understanding of how to conduct a proper search of transgender/intersex inmates assigned to the TCF. As well, facility training rosters reflect that all correctional staff (100%) assigned to the TCF have been trained on how to conduct searches in a professional and least intrusive manner as possible.

Reasoning & Findings Statement:

	This standard requires that the agency place limits on cross-gender strip or cavity searches. The KDOC has enacted policies prohibiting said searches in the absence of exigent circumstances. In the event exigent circumstances require cross-gender strip or cavity searches, policy subsequently requires this search to be properly documented. The TCF has sufficient female staff available to conduct all required searches. Inmate interviews reflect that they are not denied access to regularly scheduled programs due to a lack of female staff to conduct required searches. Additionally, agency security staff have been trained on the proper procedures to conduct pat searches on transgender or intersex inmates, which require said searches to be performed in a professional and least intrusive manner as possible. An extensive review of live video surveillance reflects cameras are not trained in areas where inmates would routinely be in a state of undress. The agency requires opposite gender staff to announce their presence upon entering inmate housing areas where persons may be in a state of undress. During the onsite portion of the audit process, this announcement was routinely observed as opposite gender staff entered inmate housing areas. As such, the TCF is in compliance with this standard.
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115.16	Inmates with disabilities and inmates who are limited English proficient
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: • KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 • KDOC IMPP #10-138D, Assistance for Residents and/or Victims with Limited English Proficiency, 2-7-23 • KDOC My Language Line Contract, 1-2-20 • KDOC My Language Line Contract Cost • KDOC How to Access an Interpreter • KDOC PREA Training Acknowledgement Form, Spanish • KDOC Legal Services for Prisoners, Spanish • KDOC PREA Signage, Spanish, 2022 • KDOC PREA Brochure, Spanish, January 2023 • TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 • TCF Memo, Translation Services for TCF Residents, 3-30-22 • TCF Memo, PREA Standard 115.15b/Staff Interpreters, 1-10-23 • TCF PREA Signage, Intake, Spanish, 2022 • TCF YMCA Signage, Spanish, January 2023 • TCF Email, Translation Service Memo, 1-17-23 • TCF Memo, Staff Translation Service, 1-10-23 Interviews: • Agency Head • Agency PREA Coordinator

- TCF Facility Warden
- TCF PREA Compliance Manager
- Intermediate or Higher-Level Facility Staff
- Random Staff
- Offenders with Disabilities
- Offenders with Limited English Proficiency

Site Review Observations:

- Staff assigned to housing areas entered each area within the building to loudly announce inmate information, to include when male staff entered the housing areas.
- Handicap accommodations were easily recognizable and accessible throughout the facility.
- PREA Notices, as well as other advisement notices, were posted in languages spoken by significant portions of the offender population, namely English and Spanish.
- Language Line services are available for staff to communicate with offenders who do not speak English.
- Staff translators are also available if needed.

Standard Subsections:

(A) The KDOC has developed agency-wide policies (IMPP #10-103D, IMPP #10-138D) to enhance communication efforts with disabled inmates; such as those with hearing, vision, speech, or other physical disabilities; psychiatric or other intellectual disabilities, and those with limited English proficiency; so as to provide said inmates with 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. PREA educational information is provided verbally and in writing. The TCF maintains a mandatory for use contract for translation and interpretation services to assist inmates who do not speak a language common to TCF staff. In this, Language Line Services can be used to translate PREA, as well other confidential information.

When interviewing staff, employees were aware of the need to obtain staff interpreters for sensitive security matters, such as PREA related investigations. All staff were aware that other inmates could not be used to translate for any inmate during a sexual abuse/harassment investigation or incident. During the audit time frame, there have been no instances of TCF using inmate interpreters for PREA related matters. Inmates with physical and/or intellectual disabilities were interviewed. These inmates all stated that their disabilities did not prevent them from participating in any facility-based services or that KDOC has made accommodations for their disabilities, to include the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

(B) The PREA informational brochure is printed in two different languages: English and Spanish. As needed, the Language Line service can also be used to translate PREA information into other languages.

(C) The KDOC has developed agency-wide policies that prohibit the use of inmate interpreters or other types of offender-based assistance in the transmission or subsequent investigation of security sensitive information, such as PREA related matters (IMPP #10-103D, IMPP #10-138D). Rather, "the facility must provide offender education in formats accessible to all offenders, including those who are limited English proficient, deaf, visually impaired, other otherwise disabled, as well as to offenders who have limited reading skills" (IMPP #10-103D). The agency has developed this agency-wide policy to enhance communication efforts with disabled inmates in order to provide said inmates with an equal opportunity to directly participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment without the use of inmate interpreters or other types of inmate-based assistance. TCF staff are aware of this requirement and do not utilize inmate interpreters for security sensitive matters.

Reasoning & Findings Statement:

This standard empowers all inmates with the ability to redress government in light of claims of sexual abuse and sexual harassment. An essential component to that requirement is the ability to access PREA information, services, and support services. Inmates with disabilities; either cognitive, physical, or cultural, may require additional assistance in achieving said access. Hence, it is necessary for the agency to provide additional measures that ensure said inmates have equal access. The KDOC recognizes this need and has created policies to address it. Furthermore, the agency has taken steps to ensure that the inmate population is aware of translation services via a posted notices within all dorm housing. The TCF maintains sufficient stocks of

	PREA informational brochures in both English and Spanish. Lastly, it should be noted that at no time during the audit time frame, has TCF used inmate interpreters to help agency staff communicate with other inmates regarding security sensitive information. Rather, when needed, staff interpreters or the language assistance phone line are commonly used for communication with inmates who have limited English proficiency.
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115.17	Hiring and promotion decisions
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC IMPP #02-126D, Recruitment and Selection Process, 1-30-18 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 · TCF Candidate's Authorization and Request to Release Information, 3-8-22 · TCF Employee Information Form, 3-8-22 · TCF Mandatory Pre-Service Questions, 3-8-22 · TCF Human Resources Email, PREA Requests, 10-27-22 · TCF Candidate's Authorization and Request to Release Information, 11-1-22 · TCF Employee Information Form, 11-1-22 · TCF Mandatory Pre-Service Questions, 11-1-22 · TCF Candidate's Authorization and Request to Release Information, 4-5-17 · TCF Employee Information Form, 4-5-17 · TCF Staff PREA Annual Training: 5-8-2, 6-22-22 · TCF Staff PREA Annual Training: 1-13-20, 3-18-21, 1-6-22 · TCF Staff PREA Training Acknowledgement, 1-13-20 · TCF Sexual Misconduct/Trafficking in Contraband Acknowledgement Form, 5-31-20 · TCF Staff Training, IMPP #02-118, 9-12-07 · TCF Volunteer Background Checks, 12-28-22 · TCF Background Checks for Promotion, 8-25-22 · TCF Background Checks for Promotion, 2-18-22 · TCF Background Checks for Promotion, 10-27-22

- TCF Candidate's Authorization and Request to Release Information, 4-16-22
- TCF Acknowledgement of Employment Expectations, 4-16-22
- TCF Security and Employment Information, 4-16-22
- TCF Mandatory Pre-Service PREA Questions, 4-16-22
- TCF Candidate's Authorization and Request to Release Information, 8-23-22
- TCF Acknowledgement of Employment Expectations, 8-23-22
- TCF Security and Employment Information, 8-23-22
- TCF Mandatory Pre-Service PREA Questions, 8-23-22
- TCF Previous Employment Check, 4-1-22a
- TCF Previous Employment Check, 4-1-22b
- TCF Previous Employment Check, 11-9-22
- TCF Contract Employee Background, 3-24-22
- TCF Contract Employee Background, 4-18-22

Interviews:

- Agency PREA Coordinator
- Administrative (Human Resources) Staff
- TCF Facility Warden
- TCF PREA Compliance Manager

Site Review Observations:

- Review of 4 additional employee files onsite for required PREA/criminal background documentation
- Review of TCF employee PREA training tracking spreadsheet

Standard Subsections:

(A) The KDOC has developed agency-wide policies (IMPP #02-126D, IMPP #10-103D) that prohibit the hiring or promotion of employees and contracted workers who have engaged in sexual abuse, been convicted of engaging or attempting to engage in a sexual activity with inmates, or have been civilly or administratively adjudicated to have engaged in a sexual activity with offenders while in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution. The agency also has policies that stipulate prior to all hiring and promotional decisions of employees and contract workers, any incidents of sexual abuse and harassment will be considered. Prior to hiring any new employee or contract worker at the facility level, KDOC Human Resource staff ensure that criminal background checks have been conducted on the prospective employee. As well, as required by policy, KDOC/TCF Human Resource staff ensure that all previous institutions of employment are contacted to determine if candidates have any previously substantiated claims of sexual abuse or resigned during a pending investigation of such claims. Conversely, policy also requires that the TCF cooperates with other correctional and law enforcement agencies to ensure that accurate information regarding PREA related employment laws are effectively shared between agencies.

(B) KDOC policy (#02-126D) requires the facility to consider any incidents of sexual harassment in determining whether to hire/promote anyone who may have contact with inmates. Likewise, in speaking with the KDOC Human Resource representative, agency policy requires Human Resource staff to also consider any incidents of sexual abuse/harassment in determining whether to retain the services of a contractor who may have contact with inmates.

(C) Before hiring or promoting employees, policy (#02-126D) requires the agency to perform criminal background checks. Policy ((#02-126D) also requires the agency to conduct checks with prior employers for any applicant previously employed by a correctional facility. During the audit time frame, the TCF has hired 180 persons who may have contact with inmates. Prior to their employment, all such persons were subject to a criminal background check. During the onsite portion of the audit, employee records were randomly checked against staff to ensure background checks were conducted as required.

(D) Agency policy requires that prior to enlisting the services of any contractors who may have contact with offenders, the agency performs criminal background records checks on said contractors. It should be noted that prior to the installation of the current Human Resources (HR) manager, there wasn't a system in place to ensure contractors received prior background checks or subsequent checks as required by policy. However, since the current HR manager has been employed, a system has been instated to ensure both initial and routine background checks are performed on

all contracted workers who have contact with inmates. A random review of current contractors for TCF reflects that background checks have been performed on all such persons, as well as, where applicable, required subsequent checks within the required time frame.

(E) Once employed, agency policy (#02-126D) requires that criminal background checks are conducted every five years to ensure that said persons have not been found to have engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution. As well, employees have an affirmative duty to report any contact they may have had with other law enforcement agencies and to report any sexual misconduct they may have been found guilty of at any other institution (#02-126D). Furthermore, employees are made aware that failing to provide this information, or providing false information regarding sexual misconduct, is grounds for employee discipline, to include termination of employment (#02-126D). A review of TCF's current uniform employee background spreadsheet reflects that all persons working at the TCF have received their initial criminal background check, as well as, where applicable, required subsequent checks within the required time frame.

(F) All applicants, as well as current employees, are required to submit a PREA history questionnaire form (#02-126D). This document directly asks employees who may have contact with inmates to disclose any previous sexual misconduct that may have occurred in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution. Additionally, the KDOC does impose a continuing affirmative duty on all employees to disclose any misconduct found within Section A of this standard (#02-126D). Review of documentation specific to TCF confirms the facility's adherence to said policies.

(G) Agency policy expressly advises employees that material omissions or providing false information regarding the aforementioned misconduct is grounds for termination.

(H) Agency policy allows that unless prohibited by law, the KDOC shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied (#02-126D).

Reasoning & Findings Statement:

	This standard requires the agency to consider the sexual safety of inmates in all hiring and promotion decisions within the agency. The agency has numerous policies in place to ensure that end. However, it should be noted that prior to the installation of the current Human Resources (HR) manager, there wasn't a system in place to ensure contractors always received prior background checks or subsequent checks as required by policy. Since the current HR manager has been employed, a system has been instated to ensure both initial and routine background checks are performed on all contracted workers who have contact with inmates. A random review of current contractors for TCF reflects that background checks have been performed on all such persons, as well as, where applicable, required subsequent checks within the required time frame. The TCF Human Resource Department has also developed standardized tracking methods to ensure timely background checks, and subsequent checks, of applicants and continuing employees are conducted as required. Review of employee and contractor training files reflect that the TCF Human Resource Department is now in compliance with agency policy and said policy has been institutionalized. As such, the TCF meets the requirements of this standard.
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115.18	Upgrades to facilities and technologies
	Auditor Overall Determination: Exceeds Standard Auditor Discussion Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 · TCF Staffing Analysis to Ensure Protection Against Sexual Abuse, 1-10-23 Interviews: • Agency Head • Agency PREA Coordinator • TCF Facility Warden • TCF PREA Compliance Manager Site Review Observations: • Observed video monitoring technologies present within the facility. • Observed video monitoring technologies inside of medical transportation vehicles. • Reviewed live video surveillance across the facility. Standard Subsections: (A) Per the TCF Warden, the TCF has not designed or constructed any substantial modifications of the existing facility since the last PREA audit. (B) The TCF has updated the video monitoring system or other monitoring

technology since the last PREA audit, namely, through the new installation and replacement of video cameras. The TCF is currently engaged in a five-year plan to install/replace over 500 cameras throughout the facility.

Reasoning & Findings Statement:

Within the audit time frame, TCF has not designed or constructed any substantial modification of the existing facility. As a function of its annual staffing review, the TCF does consider, among other factors, generally accepted correctional practices and the use of video monitoring technologies. Currently, the TCF has well over 500 cameras that provide sufficient coverage throughout the institution. The facility is also engaged in a five-year plan to install/replace over 500 cameras throughout the facility. Additionally, the TCF has installed video monitoring devices in its hospital transportation vehicle. In all staffing decisions, as well as decisions involving the use of video monitoring technology, to include the use of vehicle-based cameras, the TCF has certainly sought to maximize the facility's ability to protect inmates from sexual abuse. As such, the agency, and by extension, the TCF has exceeded in this requirement.

115.21	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: • KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 • KDOC IMPP #22-103D, Investigation Procedures, 11-4-22 • Kansas Statutes #65-448 • KDOC SANEs in Kansas • KDOC Contract with Centurion of Kansas, LLC, 3-27-20 • TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 • TCF EAI Investigative Report, 9-26-22 • TCF EAI Investigative Report, 9-26-22 (12-4-22) • TCF Victim Interview, 12-5-22 • TCF Suspect Interview, 12-5-22 • TCF Evidence Processing & Conclusion, 12-21-22 • TCF Report of Investigation, 11-19-20 • TCF MOU YWCA, 12-27-22 • TCF Qualified Staff as Emotional Support Training, July10-12, 2018 • TCF Certification - Qualified Staff as Emotional Support Training, July10-12, 2018 Interviews: • Agency PREA Coordinator • TCF Facility Warden • TCF PREA Compliance Manager

- Investigative Staff
- Random Staff
- Medical Staff
- Mental Health Staff
- SAFE and/or SANE Personnel of Stormont Vail Hospital
- YWCA Center for Safety and Empowerment Staff
- Offenders Who Reported Sexual Abuse

Site Review Observations:

- Observed Medical Department and privacy screens/limitations

Standard Subsections:

(A) Agency policy (IMPP #10-103D, IMPP #22-103D) mandates that all allegations of sexual abuse and sexual harassment will be investigated. KDOC Enforcement, Apprehensions, and Investigations (EAI) Investigators have been trained to conduct administrative and criminal investigations. In these, policy requires that EAI staff follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative procedures and criminal prosecutions.

(B) As the TCF does not house youth, it is not necessary to utilize a developmentally appropriate youth protocol. Per the TCF investigator, policy does, however, still require the agency to utilize the U.S. Department of Justice's Office on Violence Against Women protocol; namely, A National Protocol for Sexual Assault Medical Forensic Examination, Adults/Adolescents as the evidence collection protocol manual (IMPP #22-103D, IMPP #10-103D).

(C) In accordance with agency protocol, the TCF does ensure that all offenders are given access to forensic medical examinations without cost (Kansas Statute #65-448, IMPP #10-103D). These exams are performed at an outside facility by qualified SAFE/SANE staff. As SAFE/SANE staff are either on duty or on call 24 hours a day, seven days a week, the examination will always be performed by a qualified medical practitioner. The facility utilizes Stormont Vail Hospital for forensic exams. In the past

12 months, the TCF has not facilitated any such exams.

(D) The agency does attempt to make a victim's advocate available for inmate support. In this, policy (IMPP #10-103D) requires that upon notification of an allegation of abuse, the institution shall make all efforts to provide the victim with a community-based advocacy provider. If, however, such an advocate cannot be provided, the inmate will be connected to a qualified staff member trained in providing emotional support. The facility utilizes the Young Women's Christian Association (YWCA) Center for Safety and Empowerment as its local rape crisis center.

(E) In accordance with policy (IMPP #10-103D), and as requested by the victim, the local rape crisis center advocate may remain with the inmate through the forensic medical examination process and investigatory interviews. As requested, this person may provide emotional support, crisis intervention, information, and referrals.

(F) Agency policy (IMPP #10-103D, IMPP #22-103D) allows that KDOC EAI Investigators are responsible for investigating criminal allegations of sexual abuse. To this effect, per the TCF Investigator, KDOC policy does require that EAI Investigators utilize the U.S. Department of Justice's Office on Violence Against Women protocol; namely, A National Protocol for Sexual Assault Medical Forensic Examination, Adults/ Adolescents as the evidence collection protocol manual.

(G) The auditor is not required to audit this provision.

(H) Only qualified staff members, who have received appropriate training, may serve as victim advocates. All such, staff have been appropriately screened and trained for that purpose. Through memorandums of understanding with the local rape crisis center, the YWCA Center for Safety and Empowerment, the agency has ensured that all persons who have contact with TCF inmates have been appropriately screened and trained, as well as received education concerning sexual assault and forensic examination issues in general.

Reasoning & Findings Statement:

This standard concerns evidence protocol and forensic medical examinations. The TCF has policies in place to ensure proper accountability during evidence collection and the forensic exam process. During the past 12 months, the TCF has not initiated the

	evidence protocol and forensic medical examination process. As evidenced during the interview process, facility staff are very much aware of the policies and have standard practices in place to ensure the proper flow of the evidence collection process. If needed, the TCF has trained staff who can service as victim advocates. As well, a memorandum of understanding is in force between the TCF and the YWCA Center for Safety and Empowerment to ensure that inmates are afforded access to a local victim's advocate during forensic exams. As such, the TCF has met the requirements of this standard.
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115.22	Policies to ensure referrals of allegations for investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC IMPP #22-103D, Investigation Procedures, 11-4-22 · TCF General Orders (GO) #01-102, Prison Rape Elimination Act (PREA), 1-1-23 · TCF PREA Cases, CY22 · TCF PREA Incident Checklist, 12-23-22 · TCF PREA Incident Checklist, 12-4-22a · TCF PREA Incident Checklist, 12-4-22b · TCF PREA Incident Checklist, 12-4-22c · TCF PREA Incident Checklist, 11-21-22 · TCF PREA Incident Checklist, 11-14-22 · TCF PREA Incident Checklist, 11-2-22 · TCF PREA Incident Checklist, 10-10-22 · TCF PREA Incident Checklist, 10-31-22 · TCF PREA Incident Checklist, 9-26-22a · TCF PREA Incident Checklist, 9-26-22b · TCF EAI Case Log, 12-23-22 · TCF EAI Case Log, 12-16-22 · TCF EAI Case Log, 12-4-22a · TCF EAI Case Log, 12-4-22b · TCF EAI Case Log, 12-4-22c · TCF EAI Case Log, 12-1-22 · TCF EAI Case Log, 11-14-22

- TCF EAI Case Log, 11-22-22
- TCF EAI Case Log, 11-1-22
- TCF EAI Case Log, 11-3-22

Interviews:

- Agency Head
- Agency PREA Coordinator
- TCF Facility Warden
- TCF PREA Compliance Manager
- Investigative Staff
- Medical Staff
- Mental Health Staff
- SAFE and/or SANE Personnel of Stormont Vail Hospital
- YWCA Center for Safety and Empowerment Victim Advocacy Staff
- Offenders Who Reported Sexual Abuse

Site Review Observations:

- Observed Medical Department and privacy screens/limitations
- KDOC Website

Standard Subsections:

(A) Policy (IMPP #10-103D, IMPP #22-103D, GO #01-102) requires that administrative or criminal investigations are completed for all allegations of sexual abuse and sexual harassment. Within the last 12 months, the TCF has received thirty (30) sexual abuse and sexual harassment allegations.

(B) When of a criminal nature, the KDOC refers allegations of sexual abuse and sexual harassment to the KDOC EAI Division, a law enforcement agency with legal authority to conduct criminal investigations. The KDOC has published this policy on the agency website. All referrals to the EAI are documented by the agency.

(C) The KDOC EAI, as well as facility investigators, are responsible for conducting all criminal and administrative investigations of sexual abuse and sexual harassment.

(D) The auditor is not required to audit this provision.

(E) The auditor is not required to audit this provision.

Reasoning & Findings Statement:

This standard ensures that proper referrals of allegations are made for further investigations by an agency with proper authority to conduct criminal investigations. The KDOC maintains the EAI Division, which is the law enforcement branch of the agency capable of conducting criminal and administrative sexual abuse and sexual harassment investigations. TCF investigative staff refer all investigations, as appropriate, to the EAI Division for further processing in accordance with policy. As such, the TCF complies in all material ways with this standard for the relevant review period.

115.31	Employee training
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC Staff Booklet – PREA: What Staff Need to Know · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 · TCF PREA Refresher Information, Email to Staff, 11-4-22 · TCF PREA Refresher Information, Email to Staff, 10-25-22 · TCF PREA Refresher Information, Email to Staff, 10-31-22 · TCF PREA Refresher Information, Email to Staff, 1-23-23 · TCF PREA Refresher Information, Email to Staff, 1-23-23 · TCF PREA Refresher Information, Email to Staff, 2-1-23 · TCF PREA Refresher Information, Email to Staff, 1-26-23 · TCF PREA Refresher Information, Email to Staff, 1-25-23 · TCF PREA Refresher Information, Email to Staff, 1-23-23 · TCF PREA Refresher Information, Email to Staff, 1-31-23 · TCF PREA Refresher Information, Email to Staff, 1-30-23a · TCF PREA Refresher Information, Email to Staff, 1-30-23b · TCF PREA Refresher Information, Email to Staff, 1-27-23 · TCF PREA Refresher Information, Email to Staff, 1-24-23 · TCF PREA W1 Quiz, Email, 1-23-23 · TCF PREA W1 Quiz · TCF PREA W2 Quiz · TCF PREA W3 Quiz · TCF Employee Training Records of 32 Uniformed and Nonuniformed Staff

Interviews:

- TCF Facility Warden
- TCF PREA Compliance Manager
- Administrative (Human Resources) Staff
- Medical Staff
- Mental Health Staff
- Random Staff

Site Review Observations:

- Random review of employee files, as well as matched review of employee files to employees interviewed, to confirm documentation of required PREA training

Standard Subsections:

(A) Policy (IMPP #10-103D) requires all employees to be fully trained on the agency's zero-tolerance policy for sexual abuse and sexual harassment. As verified by Human Resource staff, such training is initially performed as a function of the hiring process. PREA: What Staff Need to Know training is a comprehensive analysis of state policies and the PREA standards. A review of training material reflects the agency's zero-tolerance stance on sexual abuse and sexual harassment, as well as highlights how employees may fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures. Employees are also informed that inmates have a right to be free from sexual abuse and sexual harassment, to be free from retaliation for reporting said abuse and harassment, the dynamics of sexual abuse/harassment, reactions to sexual abuse/harassment, how to detect and respond to signs of threatened and actual sexual abuse, how to avoid inappropriate relationships with inmates, how to comply with relevant mandatory reporting laws specific to reporting abuse to outside authorities, and how to communicate effectively and professionally with inmates; including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates. During random staff interviews, all employees confirmed receipt of said training. A review of random staff employee files confirmed receipt of said training for said

employees.

(B) Training material reviews demonstrate that the material is appropriate for the gender of inmates at the employees' facility. As well, agency policy (IMPP #10-103D) requires that "Staff must receive additional training if they are reassigned from a facility that houses only male offenders to a facility that houses only female offenders, or vice versa." During the audit time frame, the TCF did not receive transferred employees to the institution who were previously assigned to an institution that houses incarcerated individuals of a different gender.

(C) As noted by the TCF PREA Compliance Manager, all 410 actively employed staff have received their initial PREA training, as well as continued training as appropriate based on agency policy (IMPP #10-103D). Following this initial training, subsequent refresher trainings are provided to staff at mandatory time intervals; specifically, their annual In-Service Training, as well as periodically throughout the year. In fact, during the audit time frame, along with annual In-Service training, staff were also required to complete three electronic training modules and subsequently pass quizzes covering this training material.

(D) All training is electronically verified and documented upon completion of the KDOC PREA online training curriculum.

Reasoning & Findings Statement:

This standard relates to employee training. The agency has clearly established training expectations and well-developed curriculums. TCF maintains compliance with those imperatives. Staff are required to complete yearly PREA training during their annual In-Service. Additionally, throughout the year, staff are periodically assigned refresher trainings via an electronic learning system. All training is electronically documented upon completion, with TCF maintaining an overall master list of staff having completed said training. During staff interviews, all employees affirmed their having received significant amounts of training as related to the PREA standards. When asked the series of questions noted within Subsection A of this standard, all staff knew and understood their responsibilities within the agency's zero-tolerance policy. As such, TCF has clearly exceeded the requirements of this standard.

115.32	Volunteer and contractor training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC IMPP #13-101D, Volunteering, 10-22-14 · KDOC Volunteer Training Slides · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 · TCF Approved List of Volunteers, CY22 · TCF Approved List of Aramark Staff, CY22 · TCF Approved List of Behavioral Health Staff, CY22 · TCF Mentor/Volunteer Acknowledgement Regarding PREA Training, 3-10-18 · TCF Volunteer Background Check, 12-28-22 · TCF Mentor/Volunteer Acknowledgement Regarding PREA Training, 1-19-23 · TCF Mandatory Pre-Service PREA Questions, 12-27-22 · TCF Volunteer Training: Orientation, Basic, Annual Training Forms of 40 TCF Volunteers Interviews: · TCF Facility Warden · TCF PREA Compliance Manager • Administrative (Human Resources) Staff • Medical Staff • Mental Health Staff • Contractors Who May Have Contact with Offenders

- Volunteers Who May Have Contact with Offenders

Site Review Observations:

- Review of volunteer and contractor worker standard of conduct training forms.
- Review of volunteer and contractor PREA training forms.

Standard Subsections:

(A) Policy (IMPP #13-101D) requires that all volunteers receive training specific to “sexual assault prevention/PREA” prior to serving at the facility. Furthermore, all volunteers are required to complete annual refresher PREA training. At the time of the audit, the TCF has had 77 volunteers and contract workers who could have had contact with offenders during the audit time frame. As affirmed by the TCF PREA Compliance Manager, 100% of those persons have received appropriate PREA training, dependent on their level of contact with offenders, prior to their entrance into the facility. Volunteer and contractor files were reviewed for receipt of required training documentation.

(B) As affirmed by the TCF PREA Compliance Manager, all volunteers and contract workers have received PREA training appropriate for their role on the facility. When interviewed, most volunteers and contract workers stated that they had been made aware of the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment. They further stated that if the need arose, they could report an incident of sexual abuse or sexual harassment to their supervisor or a security staff member. Volunteer and contractor files were reviewed for receipt of required training documentation.

(C) Volunteers and contractors are required to receive PREA training prior to working/volunteering within the facility. After receipt of training, contractors and volunteers sign an acknowledgement form indicating the date of the training and that they understood the training that they had received. The facility then maintains a copy of all training files belonging to both volunteers and contractors. A review of training files specific to the volunteers/contractors interviewed confirmed that said persons did receive appropriate PREA training relative to their responsibilities within the facility.

Reasoning & Findings Statement:

The agency requires all volunteers and contractors to receive formal training on the agency's zero-tolerance policy for sexual abuse and sexual harassment. In this, volunteers and contractors must be provided sufficient notice of the agency's zero-tolerance policy of sexual abuse and sexual harassment. As well, said persons must be informed of how to report any knowledge they may have regarding such abuse. Lastly, the standard requires that the agency maintain appropriate training records to verify that volunteers and contractors understood the training that they had received. As with employee training, the TCF has ensured both volunteers and contractors conducting business on the facility have received and subsequently documented their PREA trainings. TCF has exceeded the training requirement of both volunteers and contractors by requiring said persons to not only receive the initial training required by the PREA Standards, but then to further that training with annual PREA freshers. In speaking with contracted staff, all persons stated that they understood the nature of the PREA and their own roles within it. As well, contracted staff were also able to articulate their responsibilities in reporting acts of sexual abuse and sexual harassment. As such, TCF has satisfied the requirements of this standard.

115.33	Inmate education
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC IMPP #10-138D, Assistance for Residents and/or Victims with Limited English Proficiency, 2-7-23 · KDOC Inmate Rule Book, 6-10-19 · Kansas Statute #44-15-204, Special Procedures for Sexual Abuse Grievances · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 · TCF PREA Flyer Email, 1-17-23 · TCF Inmate PREA Educational Flyer, Intake Training · TCF Inmate PREA Educational Flyer, Comprehensive Training · TCF Inmate PREA Educational Flyer, Intake Training Acknowledgment Form · TCF Inmate PREA Educational Flyer, Comprehensive Training Acknowledgment Form · TCF YWCA Center for Safety and Empowerment Flyer · TCF PREA Reporting #50, English · TCF PREA Reporting #50, Spanish Interviews: Agency PREA Coordinator · TCF PREA Compliance Manager • Intake Staff • Staff Who Perform Screening for Risk of Victimization and Abusiveness • Random Inmates

Site Review Observations:

- Observed the inmate reception area.
- Observed PREA Risk Screening process
- Observed PREA informational postings in Offender Housing, Education, Library, Law Library, and other areas of high traffic.
- Observed a variety of PREA related materials and information available for inmate use within the facility libraries and on facility-based inmate computer terminals
- Reviewed inmate files for documentation of PREA training

Standard Subsections:

(A) Policy (IMPP #10-103D) requires that upon receipt into the facility, inmates shall receive "information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment." Within the past 12 months, the TCF has received 469 inmates during the Intake process. Of those offenders, 100% were provided the initial PREA screening and information. During inmate interviews, most persons stated that they had received appropriate PREA training. Two inmates claimed that no such training had been provided. However, records reflect that these persons did receive, and subsequently signed to acknowledge their receipt, of initial facility specific PREA orientation.

(B) As noted by Intake staff, inmates are immediately provided a summary of the PREA standards upon their initial arrival to the facility. Inmates are then provided a more comprehensive training detailing key points of the process within thirty days of intake. Every inmate transferring into TCF, regardless of how long the inmate has been incarcerated within KDOC, will participate in facility orientation, including a comprehensive component on sexual abuse and sexual harassment prevention and response. During the past twelve months, TCF received 436 inmates whose length of stay in the facility was for thirty days or more. Of those, 100% were provided comprehensive education on their rights to be free from both sexual abuse and

sexual harassment and retaliation for reporting such incidents, as well as training on agency policies and procedure for responding to such incidents.

(C) Per the KDOC PREA Coordinator, all inmates incarcerated within the KDOC have received initial PREA training. As well, upon any transfer to another facility within the KDOC, inmates are again required to receive additional PREA training as part of the facility orientation program. The KDOC, despite having largely consistent policies across the system, requires that a facility orientation, including a comprehension PREA education, must be provided following each transfer. According to the agency's PREA Coordinator, this ensures that each facility can reinforce its role in supporting the agency's zero-tolerance policy toward all forms of sexual victimization. During orientation, each facility also provides local information, including identifying its PREA point person. The TCF PREA Compliance Manager also confirms that all inmates received at TCF are required to engage a facility orientation program that includes the agency's zero-tolerance of sexual abuse and sexual harassment.

(D) All PREA information is provided in several alternative formats to ensure inmates with disabilities, to include those with limited English proficiency, have equal opportunity to receive, understand, and utilize the PREA process as necessary to promote the sexual safety of all inmates assigned to the KDOC, and more specifically, the TCF. PREA brochures and informational posters are provided in both English and Spanish, the two most common languages spoken within the TCF. Translation services are available for offenders who don't speak English. As well, per policy (IMPP #10-138D), the agency will provide reasonable accommodations to all inmates in need of ADA accommodations, both physical and cognitive, so as to ensure said inmates have equal opportunity to benefit from the PREA provisions.

(E) In accordance with policy (IMPP #10-103D), and confirmed by Intake Staff, at Intake, inmates are provided with a brief PREA overview. The information received is initially documented on the Intake Acknowledgement Form. Within thirty days of Intake, inmates are then provided with a more comprehensive facility orientation, to include PREA training. Following this more detailed training, inmates initial and sign for receipt of said training on a Comprehensive Facility Orientation Training Form. During inmate interviews, two (2) inmates stated that they had not received, or did not remember receiving, PREA training. Accordingly, those inmate files were reviewed. At that time, it was noted that all inmates had, in fact, received PREA training, as well as signed documentation acknowledging this training.

(F) While offenders are provided personal copies of the KDOC Inmate Orientation Handbook (available in English and Spanish) upon receipt into the KDOC system, they are also loaned an additional copy of the Inmate Orientation Handbook for 14 days

following their TCF facility orientation. This material, as well as a wealth of other PREA related information, is continuously available within the facility's Law Library. It is also continuously available via each inmate's tablet and/or computer terminal points located in each housing area. Throughout the facility, as well as posted near all inmate phones, PREA informational posters are displayed in both English and Spanish. There are posters providing the names and contact information for Rape Crisis Centers that provide referrals or recovery support services available to incarcerated inmates. As well, there is information regarding other valuable inmate resource centers posted in each housing area for easy inmate access.

Reasoning & Findings Statement:

This standard works to ensure that inmates are cognizant of the agency's zero-tolerance policy toward sexual abuse and sexual harassment, as well as have subsequent access to, and can effectively utilize, the PREA reporting mechanism. In speaking with inmates assigned to the TCF, all inmates stated that they were aware of PREA and its purpose within the facility. While inmates were collectively aware of the policy and their rights to varying degrees, all inmates interviewed were specifically aware of at least one, but generally more, methods by which they could report allegations of sexual abuse or sexual harassment. Accordingly, the TCF has demonstrated compliance with the standards related to this provision.

115.34	Specialized training: Investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC EAI Investigations Protocol Manual, 2nd Edition, June 2011 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 · TCF EAI Training, Trauma Informed Sexual Assault Investigations, 6-28-22 · TCF EAI Incarcerated Survivors and the Forensic Nurse, 9-2-22 · TCF EAI Human Trafficking – Recognition and Response for Law Enforcement, 12-12-22 · TCF EAI End Violence Against Women International, 1-25-22 · TCF PREA Specialized Investigations Training, 3-11-22 · TCF Effective Victim Interviewing, 9-20-22 · TCF Clearance Methods for Sexual Assault Cases, FY23, 9-13-22 · TCF Effective Report Writing – Use of Non-Consensual Sex Language, FY23, 9-8-22 · TCF Dynamics of Sexual Assault, 9-6-22 · TCF False Reports, 9-6-22 · TCF Incarcerated Survivors and the Forensic Nurse, 8-19-22 · TCF Role of Law Enforcement in Adult Sexual Assault Cases, FY23, 8-18-22 · TCF Working with Vulnerable Populations, FY23, 8-18-22 · TCF Victim Services FY 2021, 3-31-21 · TCF PREA Specialized Investigations Training, 3-11-22 · TCF PREA Specialized Investigations Training, 3-11-22 Interviews:

- Agency PREA Coordinator
- TCF Facility Warden
- TCF PREA Compliance Manager
- Administrative (Human Resources) Staff
- TCF Investigative Staff

Site Review Observations:

- Observed investigative training certifications
- Reviewed agency training records documenting investigative training curriculums

Standard Subsections:

(A) Per policy (IMPP #10-103D), all investigators must receive specialized training in excess of the generalized sexual abuse and sexual harassment training provided to other staff. Among other classes, investigators participate in training which shall include, but not limited to, conducting investigations in confinement settings. In interviewing TCF investigative staff, said staff confirmed participation in numerous related courses. Additionally, training curriculums and employee training certifications provided additional documentation to support facility compliance.

(B) Per policy (IMPP #10-103D), all investigators must receive specialized training in excess of the generalized sexual abuse and sexual harassment training provided to other staff. Among other classes, investigators participate in training which shall include, but not limited to, interviewing techniques for sexual abuse victims, proper use of Garrity warnings, sexual abuse evidence collection and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. In interviewing TCF investigative staff, said staff confirmed participation in numerous related courses. Additionally, training curriculums and employee training certifications provided additional documentation to support facility compliance.

(C) The agency maintains documentation that agency investigators have completed

the required specialized training related to sexual abuse investigations. Specifically, Policy #IMPP #10-103D, requires that the completion of the training shall be documented with a certificate of completion maintained in the employee's file. A review of training certifications confirms that such documentation is maintained within agency files for all investigators currently utilized within the TCF.

(D) The auditor is not required to audit this provision.

Reasoning & Findings Statement:

This standard works to ensure that persons investigating allegations of sexual abuse and sexual harassment have been sufficiently trained in related procedural and due process requirements necessary for both administrative prison hearings and for federal or state judiciary proceedings. The KDOC investigative staff are required to attend both general PREA training, as well as PREA trainings specific to conducting investigations of sexual victimization in a confinement setting. TFC investigative staff affirmed receipt of sufficient training necessary to confidently conduct sexual abuse investigations in a confinement setting. As well, documentation verified that TCF staff do receive specialized training in excess of the generalized training provided to all staff. As such, the TCF meets the requirements of this standard.

115.35	Specialized training: Medical and mental health care
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 · TCF Centurion PREA Overview Training, November 2019 · TCF Centurion PREA Overview, 10-31-22 · TCF Centurion PREA Overview, 7-22-21 · TCF Centurion PREA Overview, 4-28-21 · TCF Centurion PREA Overview, 2-22-22 · TCF Centurion PREA Overview, 5-12-22 · TCF Centurion PREA Overview, 4-25-22 Interviews: • Agency PREA Coordinator • TCF Facility Warden • TCF PREA Compliance Manager • Administrative (Human Resources) Staff • Medical Staff • Mental Health Staff • SAFE and/or SANE Personnel of Stormont Vail Hospital Site Review Observations:

- Review of facility training records

Standard Subsections:

(A) The TCF provides medical and mental health services to incarcerated persons assigned to its facility. Policy (IMPP #10-103D) requires that in addition to the generalized training provided to all medical and mental health staff and contractors receive specialized training to include, but not be limited to: how to detect and assess signs of sexual misconduct; how to respond effectively and professionally to victims of sexual misconduct; and how and to whom to report allegations or suspicions of sexual misconduct. Interviews with the TCF medical/mental health staff, as well as with SAFE/SANE nursing personnel of Stormont Vail Hospital, all confirm that said persons have received trainings as required. A review of agency training records document 100% of staff participation in initial and/or continuing training requirements for all fifty-three (53) medical and mental health care practitioners assigned to the TCF.

(B) In accordance agency policy, and verified through interviews with TCF medical/mental health staff, medical staff at TCF do not conduct forensic medical examinations. Rather, as confirmed by SAFE/SANE personnel, inmates are transported to a nearby public medical facility, Stormont Vail Hospital, for such services.

(C) A review of training records reflects that 100% of the 53 Medical and Mental Health employees assigned to the TCF, have received specialized training appropriate for their professional roles.

(D) As well, in accordance with their professional role, a review of training records reflects medical and mental health practitioners have also received the generalize PREA training provided to all other persons working within a correctional setting.

Reasoning & Findings Statement:

This standard works to ensure that medical and mental health staff have received specialized training for medical and mental health services provided to victims of sexual abuse and sexual harassment. The KDOC has policies in place to ensure all TCF medical and mental health staff are furnished this training. TCF medical and mental health administration confirmed that said staff have received all required and

	continuing education classes specific to their professional role as it applies to medical and mental health services administered when assisting victims of sexual abuse and sexual harassment. Also, the SAFE/SANE personnel assigned to the Stormont Vail Hospital confirmed that all persons conducting forensic medical exams are properly certified to perform said exams. Documentation of agency training verified that said staff do receive specialized training in excess of the generalized training provided to all staff. As such, the TCF meets the requirements of this standard.
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115.41	Screening for risk of victimization and abusiveness
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC IMPP #10-139D, Screening for Sexual Victimization and Abusiveness, 10-16-19 · KDOC PREA Application User Manual, 12-20-17 · KDOC Sexual Victimization Assessment Form · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 · TCF SVA Assessment: 2-23-21, 4-21-21, 7-16-21, 10-24-21 · TCF SVA Assessment: 1-13-22, 4-14-22, 7-5-22, 10-13-22 · TCF SVA Assessment, Transgender, 8-23-22 · TCF SVA Assessment, Transgender, 1-31-23 · TCF Biannual SVA Review, 1-31-23 Interviews: • Agency PREA Coordinator • TCF Facility Warden • TCF PREA Compliance Manager • Intake Staff • Medical Staff • Mental Health Staff • Staff Who Perform Screening for Risk of Victimization and Abusiveness • Offenders Who Identify as Lesbian, Gay, Bisexual, Transgender, or Intersex

- Offenders Who Reported Sexual Abuse
- Limited English Proficient Offenders
- Disabled Offenders
- Random Offenders

Site Review Observations:

- Observed PREA screening demonstration
- Reviewed inmate files

Standard Subsections:

(A) Policy (IMPP #10-139D) requires that all inmates are assessed for risk of sexual victimization or abusiveness upon arrival at intake. The TCF Intake staff affirm the facility's adherence to agency policy. Specifically, all offenders received into the facility are given a Sexual Victimization and Abusiveness Assessment (SVA) within "72 hours of intake and prior to placement in multi-occupancy housing." Demonstrations of the Intake and Risk Screen Processes were both observed by the auditor.

(B) Policy (IMPP #10-139D) requires that the screenings will be completed "within 72 hours of the inmate's arrival at the facility." In speaking with TCF Intake and Medical staff, as well as the TCF PREA Compliance Manager, it was noted that said screenings take place immediately upon each inmate's arrival to the facility. In accordance with agency policy, of the 465 inmates entering the facility (either through intake or transfer) within the past 12 months, 100% were subsequently provided risk screening assessments for their risk of being sexually victimized or for being a sexual abuser within 72 hours of their entry into the facility. It should be noted, however, that while the assessments were given within the required time frame, the assessment documents were often not scanned into the Docuware system until several days, sometimes weeks, later. This created an accountability concern since the date that document was entered into the Docuware system becomes the date of the document. Hence, TCF data is not a proper reflection of the work conducted. Since realizing this software concern, TCF has changed its procedures to enter all risk assessments are scanned into the electronic database the same day that they are performed.

(C) The PREA screening assessment is conducted using an objective screening instrument (Sexual Victimization and Abusiveness Assessment Form). A review of the survey questions provided to inmates does not present with either an implicit bias or leading statements. The PREA assessment process does not contain value statements, bias language, or implied negative consequences for affirmative answers to any of the questions asked. Rather, it is a strictly utilitarian form that was administered in a nonjudgmental manner during a mock screening demonstration. To determine an inmate's risk of sexual victimization, an inmate is asked nine questions. To determine an inmate's risk of sexual abusiveness, the inmate is asked seven questions.

(D) The PREA assessment process does consider, at a minimum, if the inmate has a mental, physical, or developmental disability. It considers the age of the inmate, the inmate's physical build, whether the inmate has previously been incarcerated, whether the inmate's criminal history is exclusively nonviolent, whether the inmate has prior convictions for sex offenses against an adult or child, whether the inmate has previously experienced sexual victimization, the inmate's own perception of vulnerability, and whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming. Inmates are explicitly asked if they are gay, lesbian, bisexual, transgender, intersex, or gender nonconforming/gender nonbinary. Inmates are then asked if others perceive them as the same. The risk screener is allowed to enter his/her subjective perception of other factors to consider, as well as any additional information regarding the inmate's sexual safety. It should be noted that the KDOC does not detain offenders solely for immigration purposes. During inmate interviews, most inmates stated that they had, in fact, been asked the aforementioned questions upon their receipt into the TCF. Of these, a significant number of inmates interviewed also affirmed that staff later asked them questions related to their sexual safety.

(E) In assessing inmates for their risk of being sexually abusive, the Sexual Victimization and Abusiveness Assessment Form does consider prior acts of sexual abuse, prior convictions for violent offenses, and the history of prior institutional violence or sexual abuse. Along with observing the screening process, the auditor also reviewed several Sexual Victimization and Abusiveness Assessment Forms completed within the auditing time frame. All forms were filled out in their entirety, with inmates having generally provided relevant answers to each of the questions asked. It should further be noted that Intake staff both confirmed that offenders may refuse to answer any question on the survey or may refuse participation in the entire survey without the threat of negative consequences.

(F) Policy (IMPP #10-139D) requires that "within 30 days of intake, every offender has another SVA completed to determine if any changes occurred in measuring the risk for sexual victimization and/or sexual aggression." Within the audit time frame,

100% of the 436 offenders with a length of stay in the facility for 30 days or more, were reassessed for their risk of sexual victimization or of being sexually abusive within 30 days after their arrival to the TCF. In speaking with TCF Unit Management staff, their adherence to this policy was confirmed. It should be noted, however, that while the assessments were given within the required time frame, the assessment documents were often not scanned into the Docuware system until several days, sometimes weeks, later. This created an accountability concern since the date that document was entered into the Docuware system becomes the date of the document. Hence, TCF data is not a proper reflection of the work conducted. Since realizing this software concern, TCF has changed its procedures to enter all risk assessments are scanned into the electronic database the same day that they are performed.

(G) Per the PREA Compliance Manager, any employee may make a referral for an inmate to be assessed for risk of victimization/abusiveness, or to be seen by mental health based on staffs' observation of the inmate's behavior or at the inmate's request, which include referrals based on concerns the inmate has been or is at high risk of being subject to sexual misconduct. Both the TCF PREA Compliance Manager and staff who perform screening for risk of victimization and abusiveness confirm reassessments are conducted as required. As well, in discussing reassessment processes with inmates, several inmates stated that after having brought concerns for their safety to the attention of security personnel, they were subsequently interviewed by either the TCF PREA Compliance Manager or Unit Management staff regarding these concerns. Ultimately, most of these inmates believed that TCF staff did address their needs in a timely manner. When asked, all of these inmates, as well as all other inmates interviewed, stated that they felt their sexual safety was not at risk at TCF.

(H) Policy (PREA Application User Manual) expressly prohibits disciplinary sanctions against any inmate who refuses to answer or fails to provide complete and/or accurate answers to any of the questions noted on the PREA Assessment Form. When interviewed, Intake, Risk Assessors, and the TCF PREA Compliance Manager all affirmed that disciplinary sanctions were not imposed against inmates for refusing or failing to answer any of the questions on the Sexual Victimization and Abusiveness Assessment Form. As well, inmate interviews confirmed that said population was aware of their right not to answer related questions.

(I) Policy (IMPP #10-103D) requires that PREA victimization or related risk assessments are considered sensitive information. Policy further requires, as well as reinforced by the electronic credential requirements necessary to gain access to the Sexual Victimization and Abusiveness Assessment Form, that facility staff must restrict the spread of information obtained as a function of the PREA assessment process to only those designated staff members with an operational need for said information in order to inform classification, housing and work assignments,

programmatic and non-programmatic activities, or other relevant institutional activities. The PREA Compliance Manager, Unit Managers, and other operative staff associated with the PREA assessment process affirmed the information obtained by way of said document was considered restricted, and as such, was not distributed to unauthorized staff. Lastly, the auditor observed that completed Sexual Victimization and Abusiveness Assessment Forms did require authorized credentials in order to access said documents within the KDOC electronic data base.

Reasoning & Findings Statement:

This standard works to ensure inmates are properly screened for their risks of sexual victimization and abusiveness. Agency policy provides for an objective PREA Assessment Form, which is administered and scored at the facility level as a simple fact assessment. Inmates are reassessed as required by policy, to include if new information is discovered by facility staff that might warrant changes in inmates' risk status. Interviews with facility screening staff, as well as with inmates, confirm that the proper screening tool is being utilized at the TCF. As well, the information gleaned from this form is appropriately used to inform classification, housing, work, and other facility-based activities. Staff charged with administering PREA Assessment Forms affirm the restricted nature of the information and their adherence to the facility's limited distribution list. As such, the TCF has satisfied the requirements of this standard and is found to meet its expectations.

115.42	Use of screening information
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: • KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 • KDOC IMPP #10-139D, Screening for Sexual Victimization and Abusiveness, 10-16-19 • KDOC PREA Application User Manual, 12-20-17 • KDOC Sexual Victimization Assessment Form • TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 • TCF SVA Assessment: 2-23-21, 4-21-21, 7-16-21, 10-24-21 • TCF SVA Assessment: 1-13-22, 4-14-22, 7-5-22, 10-13-22 • TCF SVA Assessment, Transgender, 8-23-22 • TCF SVA Assessment, Transgender, 1-31-23 • TCF Biannual SVA Review, 1-31-23 • TCF PREA Classification Report: 6-17-22, 1-7-22, 5-13-22, 3-18-22, 2-11-22, 4-28-22, 7-22-22, 8-19-22, 10-14-22, 12-09-22, 11-21-22, 9-23-22 Interviews: • Agency PREA Coordinator • TCF Facility Warden • TCF PREA Compliance Manager • Intermediate or Higher-Level Facility Staff • Intake Staff • Medical Staff • Mental Health Staff

- Staff Who Perform Screening for Risk of Victimization and Abusiveness
- Random Staff
- Offenders Who Identify as Lesbian, Gay, Bisexual, Transgender, or Intersex
- Disabled Offenders
- Limited English Proficient Offenders

Site Review Observations:

- Observed PREA screening process
- Reviewed offender risk assessments
- Observed offender housing and work assignments

Standard Subsections:

(A) Policy (IMPP #10-139D, IMPP #10-103D, GO #01-102) requires that the agency use information from the Sexual Victimization Assessment Form to help separate inmates with a high risk of being sexually victimized from those inmates with a high risk of being sexually abusive. As such, the information gleaned from the Sexual Victimization Assessment Form is used to inform inmate housing, bed, work, education, and program assignments. In speaking with Intake staff and the TCF PREA Compliance Manager, once an inmate is deemed as a possible high risk for sexual victimization, staff will ensure that the inmate at risk is not housed in a vulnerable location with respect to other inmates who are assessed at a high risk to sexually abuse other inmates. Facility documentation reflects this is an institutionalized process.

(B) Policy (IMPP #10-139D, IMPP #10-103D, GO #01-102) requires that the facility makes individualized determinations on how to ensure the safety of each inmate. In speaking with the PREA Coordinator, the TCF PREA Compliance Manager, and the TCF Warden, staff affirmed that the concerns for every inmate are reviewed on an individual basis. In speaking with inmates currently assigned to the TCF, most stated that their own opinions regarding their personal safety are considered by TCF staff when provided housing or job assignments. Inmates further stated that if their concerns for their own safety changed, they believed TCF staff would take their concerns seriously. As such, there weren't any inmates who expressed any fear or

concern for their sexual safety while assigned to TCF.

(C) In deciding whether to assign a transgender or intersex offender to a facility for male or female offenders, agency policy (IMPP #10-139D, IMPP #10-103D, GO #01-102) requires that administrators consider, on a case-by-case basis, whether such a placement would ensure the offender's health and safety and whether such a placement would present management or security problems. In deciding whether to assign a transgender or intersex offender to a specific housing or program assignment, agency policy (IMPP #10-139D, IMPP #10-103D, GO #01-102) dictates administrators consider, on a case-by-case basis, whether such a placement would ensure the offender's health and safety and whether such a placement would present management or security problems. In speaking with the PREA Coordinator, the TCF PREA Compliance Manager, and the TCF Warden, staff affirmed that an inmate's genital status is not the sole determining factor in placing transgender or intersex inmates in male or female facilities, or in placing said inmates within specific housing or program assignments within a facility.

(D) Agency policy (IMPP #10-139D, IMPP #10-103D, GO #01-102) requires that the placement and programming assignments of transgender or intersex inmates are reviewed at least every six months to examine any possible safety concerns expressed by the inmate. When interviewed, TCF Classification staff did affirm the facility's compliance with this policy. As well, along with routine informal safety checks by the TCF PREA Compliance Manager and housing staff, all transgender inmates confirmed that their living or other environmental concerns for their sexual safety were formally reviewed by agency officials at least every six months.

(E) Agency policy (IMPP #10-139D, IMPP #10-103D, GO #01-102) requires that upon the routine review of the placement and programming assignments of transgender or intersex inmates, the transgender or intersex inmate's own view with respect to his or her own safety shall be given serious consideration. When interviewed, TCF staff and the TCF PREA Compliance Manager affirmed that the facility strictly adheres to this policy. Additionally, during random and targeted interviews with inmates, most stated that they believed TCF staff would consider inmates' own views with respect to their own safety.

(F) Policy (IMPP #10-139D, IMPP #10-103D, GO #01-102) allows for transgender and intersex inmates to be given the opportunity to shower separately from other inmates. In interviewing transgender inmates, all such inmates were aware of their right to shower separately from the general inmate population. All showers do contain PREA privacy screens.

(G) There aren't any correctional facilities within the KDOC subject to consent decrees, legal settlements, or legal judgments requiring any facility to be established as a dedicated facility or housing unit for lesbian, gay, bisexual, transgender, or intersex offenders. As such, policy

(IMPP #10-139D, IMPP #10-103D, GO #01-102) expressly states that "the facility must not place lesbian, gay, bisexual, transgender, or intersex offenders in dedicated facilities or wings solely based on such identification status." In speaking with the PREA Coordinator, the TCF PREA Compliance Manager, and the TCF Warden, staff adamantly affirm that inmates who identify as transgender or intersex are not placed in a facility, or within a housing assignment, based solely on their sexual or gender identity. During interviews of transgender, gay, lesbian, and bisexual inmates, none stated that they had ever been housed in a facility, or in a specific housing assignment within the TCF, based solely on their gender identity or sexual orientation. As well, of the random staff interviewed, all staff affirmed that the TCF does not house transgender, intersex, gay, lesbian, or bisexual inmates in any specific areas based solely on their gender identity or sexual orientation.

Reasoning & Findings Statement:

This standard works to ensure the adequate use of screening information to promote and protect inmates who may be at high risk of being sexually victimized. The KDOC has numerous policies in place to ensure the most effective and secure use of the PREA Assessment Form. Inmates deemed to be at high risk are routinely monitored by the TCF PREA Compliance Manager, as well as unit staff, to ensure their sexual safety. Agency policies require staff to make individualized determinations on a case-by-case basis regarding inmate safety. Interviews with the agency PREA Coordinator and the TCF PREA Compliance Manager reflect that facility staff have discretion in managing the safety of individual inmates. The TCF PREA Compliance Manager, as well as all other TCF staff, affirm their adherence to agency policies and also confirm that the inmate's own views regarding the inmate's own safety are given serious consideration specific to facility operations. Transgender inmates are allowed to shower separately from the general population. Additionally, transgender inmates are reviewed every six months specific to their placement and programming assignments. As such, agency policy meets, and TCF adheres to, the requirements of this standard.

115.43	Protective Custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC IMPP #20-108, Protective Custody, 2-15-02 · KDOC IMPP #20-105A, Restrictive Housing: Basic Operations of Administrative Restrictive Housing, 5-13-22 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 Interviews: • Agency PREA Coordinator • TCF Facility Warden • TCF PREA Compliance Manager • Designated Staff Member Charged with Monitoring Retaliation • Incident Review Team Member • Intermediate or Higher-Level Facility Staff • Staff Who Supervise Offenders in Segregated Housing • Offenders Who Reported Sexual Abuse • Random Inmate Interviews • Targeted Inmate Interviews Site Review Observations: • Observed custody housing assignments

Standard Subsections:

(A) Policy (#10-103D, IMPP #20-108, GO #01-102) mandates that agency staff shall refrain from placing inmates at high risk for sexual victimization in protective custody. Rather, “admission to protective custody shall be made only when there is documentation that protective custody is warranted and that a reasonable alternative is not available” (IMPP #20-108). In speaking with the TCF PREA Compliance Manager and the TCF Warden, staff confirm that there have not been any (0) offenders placed in protective custody for risk of sexual victimization during the audit time frame. As well, inmate interviews did not suggest that TCF utilizes any form of restrictive housing as a primary means of separation for investigatory purposes. As such, there wasn’t any relevant documentation to review.

(B) Policy (#10-103D, IMPP #20-108, GO #01-102) allows that if the victim is housed a restrictive housing environment, that person should be afforded, to the extent possible, the same level of privileges the victim was permitted immediately prior to the housing change. Specifically, efforts should be made to ensure these inmates receive similar access to programmatic activities, privileges, educational activities, and work opportunities as offenders assigned to the general population. If the facility restricts access to programs, privileges, education, or work opportunities, the facility must document any restrictions. In speaking with the TCF PREA Compliance Manager and the TCF Warden, staff confirm that there have not been any (0) offenders placed in the protective custody for risk of sexual safety during the audit time frame. Additionally, no inmates stated that they had been placed in such housing. As such, there wasn’t any relevant documentation to review.

(C) Policy (#10-103D, IMPP #20-108, GO #01-102) mandates that protective custody for inmates at a high risk of sexual victimization shall only be used until an alternative means of separation from likely abusers can be arranged. As well, per the PREA Compliance Manager, if an inmate were to be placed in restrictive housing, it would only be until an alternative means of separation could be found and would not ordinarily exceed a period of 30 days. In speaking with the TCF PREA Compliance Manager and the TCF Warden, staff confirmed that there have not been any (0) inmates placed in the protective custody for risk of sexual safety during the audit time frame. Additionally, no inmates stated that they had been placed in such housing. As such, there wasn’t any relevant documentation to review.

(D) Policy (#10-103D, IMPP #20-108, GO #01-102) requires that upon placement of an inmate into the restrictive housing, the facility must clearly document the basis of

the facility's concern for the offender's safety. Additionally, the facility must document whether a determination has been made that there is no available alternative means of separation from the likely abusers, including documentation of what alternatives were considered and assessed to be unavailable. In speaking with the TCF PREA Compliance Manager and the TCF Warden, staff confirmed that there have not been any (0) inmates placed in the Involuntary Transitional Program Unit for risk of sexual safety during the audit time frame. Additionally, no inmates stated that they had been placed in such housing. As such, there wasn't any relevant documentation to review.

(E) Policy ((#10-103D, IMPP #20-108, GO #01-102, IMPP #20-105A) requires that an inmate placed in the restrictive housing due to being a high risk of sexual victimization shall have this status reviewed within 24 hours the initial placement and at least one per week for the first four weeks, followed by at least once a month thereafter. In speaking with the TCF PREA Compliance Manager and the TCF Warden, staff confirmed both their knowledge of this policy and the fact that there have not been any (0) inmates placed in the Involuntary Transitional Program Unit for risk of sexual safety during the audit time frame. Additionally, no inmates stated that they had been placed in such housing. As such, there wasn't any relevant documentation to review.

Reasoning & Findings Statement:

This standard works to ensure that the use of involuntary protective custody is not a de facto management solution for inmate safety concerns. Agency policy explicitly mandates that staff refrain from placing inmates at high risk for sexual victimization in restrictive housing unless an assessment of all available alternatives has been made and there are no other available means of separation from likely abusers. In speaking with the TCF PREA Compliance Manager and the TCF Warden, staff confirmed that there have not been any (0) inmates placed in the Involuntary Transitional Program Unit for risk of sexual safety during the audit time frame. Additionally, no inmates stated that they had been placed in such housing. As such, there wasn't any relevant documentation to review. Correctional staff routinely assigned to work within Segregated Housing were interviewed. While these staff confirmed that inmates assigned to restrictive housing for high risk of sexual victimization would be afforded similar activities as inmates within general population, to the best of their knowledge, there have not been any (0) such inmates assigned to such housing within the audit time frame. In total, the TCF has satisfied all component parts of this standard and found to have met its provisions.

115.51	Inmate reporting
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	Documents: • KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 • KDOC PREA Signage, 2022, English • KDOC PREA Signage, 2022, Spanish • KDOC PREA Flyer, Intake, English • KDOC PREA Flyer, Intake, Spanish • KDOC PREA Brochure, 30 Day & Annual Reviews, English • KDOC PREA Brochure, 30 Day & Annual Reviews, Spanish • KDOC Legal Services for Prisoners Signage, English • KDOC Legal Services for Prisoners Signage, Spanish • KDOC MOU Legal Services for Prisoners, 1-26-23 • KDOC Public Website Reporting • TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 • TCF Memo, PREA Standard 115.51, Inmate Reporting, 1-23-23 • TCF Email, PREA Refresher, 1-27-23 Interviews: • Agency Head • Agency PREA Coordinator • TCF Facility Warden • TCF PREA Compliance Manager • Random Staff

- Just Detention International
- Community-Based Victim Advocacy Staff
- Random Offenders
- Offenders Who Disclosed Sexual Victimization During Risk Screening
- Offenders Who Reported Sexual Abuse

Site Review Observations:

- Reviewed documentation related to inmate reports of sexual abuse and sexual harassment.
- Observed PREA Intake and Risk Assessment demonstration
- Observed informational posters throughout the facility advising offenders of various reporting mechanisms for allegations of sexual abuse and sexual harassment
- Observed numerous PREA educational and reporting references available for offender use within the facility Law Library and computer terminals
- Tested inmate reporting hotline via inmate phone
- Tested website reporting function

Standard Subsections:

(A) The agency provides multiple internal ways for inmates to privately report sexual abuse and sexual harassment, as well as neglect or violations of staff responsibilities that may have contributed to such incidents. Additionally, the agency provides numerous avenues by which inmates may report any subsequent retaliatory measures experienced by inmates as a result of having reported said abuse. Upon receipt onto the facility, all inmates are provided a PREA risk screening, via the PREA Assessment Form, and advised of their right to be free of sexual abuse and sexual harassment under the PREA standards. Inmates are subsequently given a more comprehensive inmate orientation within 7 days of their receipt into the facility. This orientation includes detailed training on the KDOC PREA program. This training includes information on, and contact information for, internal and external reporting agencies. Inmates are also provided with an KDOC Inmate Handbook, which contains contact information for internal and external reporting agencies and victim services

organizations. In interviewing staff, all employees were aware of an inmate's right to report allegations of sexual abuse and sexual harassment and to be free from measures of retaliation for having reported said abuse. In interviewing inmates, all inmates were equally aware of their right to report allegations of sexual abuse and sexual harassment and to be free from measures of retaliation for having reported said abuse. During random and targeted interviews, all inmates were able to articulate at least one manner by which a report could be made, with the majority of inmates being able to provide multiple reporting methods.

(B) As noted in policy (#10-103D, PREA Informational Brochures), the facility also provides multiple avenues and contact information for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency. Inmates are provided the phone numbers to the agency's support center and an Outside Advocates Hotline, with calls to both of these agencies being anonymous and without cost to the inmate. Inmates are provided the email address to the primary reporting entity via the GTL system, which can receive and immediately forward offender reports to agency officials for their investigation. Upon an inmate's request, the inmate to remain anonymous. Per the agency PREA coordinator, the KDOC does not detain inmates solely for civil immigration purposes. Nonetheless, information on how to contact relevant consular officials is available in the TCF facility Law Library and computer terminals assigned to each housing area.

(C) Per policy (#10-103D), staff accept all reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties. All employees interviewed stated that they would act on any report of sexual abuse or sexual harassment regardless of the manner by which they became aware of that information. In doing so, all staff stated they would document the information as soon as possible following the allegations being presented to them. All inmates interviewed affirmed their right to make either verbal or written reports of sexual abuse and sexual harassment. Most inmates were also aware that they could make reports of sexual abuse and sexual harassment via third party or anonymously. The overwhelming majority of inmates interviewed stated that they believed TCF staff would take any complaint of sexual safety seriously and act accordingly to address their concerns.

(D) Per policy (#10-103D), staff have an affirmative duty to report any knowledge, suspicion, or information they may have regarding sexual abuse, sexual harassment, or retaliation against inmates or staff for having reported such abuse. Nonetheless, per agency policy, staff may also privately report sexual misconduct by emailing the PREA Coordinator or calling the Third-Party Reporting Line. When asked, staff were generally aware that they could make anonymous reports of sexual abuse and sexual harassment.

Reasoning & Findings Statement:

This standard works to ensure inmates, staff, and outside agents have the ability to report all instances of sexual abuse and sexual harassment against inmates. The agency does have multiple avenues by which inmates may make formal reports, to include verbal, written, anonymous, and third-party reports. Inmates are provided detailed instructions, contact persons, phone numbers, e-mail addresses, and physical addresses for correspondence where incidents or suspicions of sexual abuse, sexual harassment, and retaliation may be reported. To test the functionality of these services, the auditor utilized the weblink on the KDOC website to submit a written test complaint. In response, the auditor received responsive comments from the agency within one business day. Additionally, while inmates are not encouraged to utilize rape counseling support service centers as reporting avenues, they will also serve in this capacity if explicitly requested by the inmate. With this in mind, the auditor solicited inmate contact information from the local rape counseling center central to the TCF and a nationally based referral service. The referral service, Just Detention International, indicated that it did not receive any complaints of sexual abuse or sexual harassment from offenders assigned to the TCF within the reporting time frame. The Young Women's Christian Association (YWCA) Center for Safety and Empowerment, a local rape counseling advocacy service, was also contacted and asked to provide relevant information specific to the TCF PREA audit. Lastly, the auditor conducted a testing of the PREA Hotline number commonly referenced by the inmates. In doing this, a confirmation response was received within the same business day. In interviewing correctional staff, all such persons were aware that inmates could report allegations of sexual abuse and sexual harassment verbally, in writing, anonymously, and through a third party. When receiving verbal reports of sexual abuse and sexual harassment, all staff recognized the need to take immediate action to protect the inmate in question and the need to document the verbal complaint as soon as possible. In speaking with inmates, all persons were aware of their right to be free from sexual abuse and sexual harassment, as well as their right not to suffer retaliation for having reported such abuse. All inmates understood their right to make verbal and written complaints. The majority of inmates understood their right to make anonymous and third-party complaints. As such, it is evident that the TCF has exceeded the requirements of this standard.

115.52	Exhaustion of administrative remedies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · Kansas Statute #44-15-204, Special procedures for sexual abuse grievances · Kansas Statute #44-15-101b, Time limit for filing grievances · Kansas Statute #44-15-106, Emergency grievance · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 · TCF PREA Grievances, CY22 Interviews: · TCF Facility Warden · PREA Compliance Manager • Investigative Staff • Random Offenders Site Review Observations: · Reviewed complaint submission process Standard Subsections:

(A) The KDOC does have administrative procedures to address inmate grievances regarding sexual abuse.

(B) Policy (Kansas Administrative Remedy [KAR] 44-15-204) permits offenders to submit grievances regarding allegations of sexual abuse and sexual harassment. Per TCF Grievance staff, grievances involving allegations of sexual abuse would not be screened for time no matter how long ago the incident was alleged to have occurred.

(C) Policy (KAR 44-15-204) allows that inmates may submit reports of sexual misconduct to any person without first attempting to resolve the complaint through the person with whom the complaint is against. The complaint is subsequently processed by the institutional investigator, not the person with whom the complaint is against.

(D) Policy (KAR 44-15-204) requires that any grievance alleging sexual abuse will be answered and returned to the inmate within ten business day. Including time for appeal, "in all cases, a final decision on the merits of any portion of a grievance alleging sexual abuse, or an appeal thereof, shall be issued by the secretary within 90 days of the initial filing of the grievance."

(E) Policy (KAR 44-15-204) allows that "third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist any inmate in filing requests for administrative remedies relating to allegations of sexual abuse."

(F) Policy (KAR 44-15-204) allows inmates to "submit a grievance concerning imminent sexual abuse." Upon receipt, "the warden or designee shall provide an initial response with 48 hours and shall issue a final decision within five calendar days."

(G) Policy (KAR 44-15-204) allows that "any inmate may be disciplined for filing a grievance related to alleged sexual abuse only if it can be demonstrated that the inmate filed the grievance in bad faith."

Reasoning & Findings Statement:

	This standard works to ensure inmate access to courts by way of exhausting administrative remedies specific to allegations of sexual abuse and sexual harassment. Policy (KAR 44-15-204) permits inmates to file grievances alleging sexual abuse or sexual harassment. If received, the agency must investigate the allegations and issue a response to the inmate within 10 calendar days. Documentation supporting the submission of grievances was reviewed to confirm TCF Grievance staff completed the investigation process within a timely fashion. During the audit time frame, six (6) such grievances were received by the facility, with all six (6) allegations were subsequently in accordance to policy. As such, the TCF meets the provisions of this standard.
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115.53	Inmate access to outside confidential support services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 · TCF MOU with YWCA Center for Safety and Empowerment, 12-27-22 · TCF YWCA Signage, English · TCF YWCA Signage, Spanish · TCF Notice of Monitored Communication, English · TCF Notice of Monitored Communication, Spanish · TCF Informed Consent, English · TCF Informed Consent, Spanish Interviews: • Agency PREA Coordinator • TCF Facility Warden • TCF PREA Compliance Manager • Medical Staff • Mental Health Staff • SAFE and/or SANE Personnel of St. Vincent's Medical Center • Mailroom Staff • Random Staff • KDOC Website Third Party Reporting Coordinator • Just Detention International

- Sexual Assault Response Network of Central Kansas
- YMCA HOPE Center
- Random Offenders
- Offenders Who Disclosed Sexual Victimization During Risk Screening

Site Review Observations:

- Reviewed PREA Risk Screening Assessment.
- Review of distributed information upon TCF reception at Intake areas.
- Observed informational posters throughout the facility advising offenders of various reporting mechanisms for allegations of sexual abuse and sexual harassment.
- Observed numerous PREA educational and reporting references available for offender use within the facility Law Library, tablet, and via computer terminal access on inmate housing areas.
- Observed Inmate PREA training video with reporting information.
- Observed offender general visitation and legal visitation informational posters.
- Observed visitation area designated for members of an approved victim advocate service.

Standard Subsections:

(A) Policy (IMPP #10-103D) requires that the institution will provide inmates with contact information for rape advocacy centers, such as a mailing address and telephone number, including toll-free hotline numbers of local, state, or national victim advocacy or rape crisis organizations. The TCF Inmate Handbook provides contact information for reporting sexual abuse and sexual harassment. Via institutional awareness posters, inmates are also provided the physical address to write for confidential emotional support services. As well, the Law Library contains a listing of Contact Information for Rape Crisis Programs in Kansas. This reference includes the contact person, physical address, phone number, and a GTL email address. It also included the contact information for local rape crisis center, YWCA Center for Safety and Empowerment.

Per policy (IMPP #10-103D) the agency does provide toll-free telephone calls to rape crisis advocates and hotlines. Policy (IMPP #10-103D) also allows that communication between inmates and advocates within these rape crisis centers is as confidential as possible; however, inmates must be notified that telephone calls are not confidential. Facility documentation does indicate where all inmates are provided informed consent. In speaking with Mailroom staff, it was further noted that outgoing mail to rape crisis centers is not restricted or monitored to any extent greater than any other outgoing special correspondence. Additionally, the agency allows Victim Support Persons, specifically trained for this purpose by the agency, to provide inmates with emotional support related to sexual abuse and sexual harassment.

Per the agency PREA coordinator, the KDOC does not detain inmates solely for civil immigration purposes. Nonetheless, information on how to contact relevant consular officials is available in the facility's Law Library. When interviewed, most inmates knew that the agency provided free rape crisis support services or mental health services to inmates in need of such assistance. Additionally, all offenders were aware of at least one means by which they could contact rape crisis support services, with most offenders knowing that they could access those services by way of the phone number (aka the PREA Hotline) provided via the PREA posters located throughout the facility.

(B) Per policy (IMPP #10-103D) inmates are notified that calls to the national hotline number, as well as to local rape crisis centers, are subject to monitoring.

(C) The TCF has negotiated a contract between itself and the YWCA Center for Safety and Empowerment to help provide rape crisis support services as requested by inmates assigned to the TCF. The TCF does maintain, and did supply, a facility-based contract for review.

Reasoning & Findings Statement:

This policy works to ensure that inmates assigned to the TCF have access to outside confidential rape crisis support services and that access is provided in the most confidential manner as possible. Inmates are advised that calls to rape crisis centers are subject to monitoring. The TCF has also secured memorandums of understanding with a local rape crisis center, the YWCA Center for Safety and Empowerment, for support services. When interviewed, all employees and inmates knew that the agency provided free emotional support or mental health services to offenders upon request. As well, most offenders knew that they could initiate access to those services by

	using the information posted on the PREA awareness posters predominately displayed throughout the facility. As such, the TCF has met the minimum standards of this provision.
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115.54	Third-party reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 · TCF Third-Party Reporting Poster, English · TCF Third-Party Reporting Poster, Spanish · TCF YWCA Signage, English · TCF YWCA Signage, Spanish • KDOC Website Email Address for Third Party Reporting Interviews: • Agency PREA Coordinator • TCF Facility Warden • TCF PREA Compliance Manager • Investigative Staff • Random Offenders • KDOC Website Third Party Reporting Coordinator • Just Detention International • Community-Based Victim Advocacy Staff Site Review Observations: • Review KDOC website specific to PREA and third-party reporting methods

- Tested KDOC online third-party reporting system
- Tested PREA Hotline number inmates can use to engage third-party reporting
- Observed the Offender Visitation Area informational posters
- Observed informational postings and other publications throughout the offender housing areas
- Observed PREA reporting information available in the Law Library, via inmate tablets, and/or via computer terminal access in inmate housing areas

Standard Subsections:

(A) Policy (#10-103D) allows for the use of third-party reporting on allegations of sexual abuse and sexual harassment. During the on-site review, signage throughout the facility encouraged offenders to third-party report if needed. Public notices on PREA reporting, specifically third-party reporting, were available for review by offender family and friends via the facility's Offender Visitation Room. Additionally, public notice on third party PREA reporting is available to the general public on the agency's website. To verify the system was operational, the auditor submitted a test email to the agency's online reporting address. As well, the PREA Hotline used by incarcerated individuals was also tested for functionality and service. In both instances, a response was received back from the agency within one business day. Documentation review reflected that TCF staff would accept, and does process, third-party PREA allegations to the same extent as complaints made by affected inmates. All staff interviewed confirmed that the TCF would accept third-party reports of sexual abuse. Lastly, inmates interviewed believed that the facility would accept, and take seriously, any allegations of sexual abuse reported by a third party.

Reasoning & Findings Statement:

This standard works to ensure a publicly available third-party reporting mechanism exists for claims of sexual abuse and sexual harassment being inflicted upon inmates. In accordance with policy (#10-103D), the TCF promotes the use of third-party reporting via informational posters spread out across the facility, to include the Inmate Visitation Area. Electronic contact information is freely distributed on the agency's website to allow the general public direct access to reporting information. To ensure the functionality of the KDOC site, all electronic links were tested and found to be operating as required. To ensure the functionality of the KDOC online third-party reporting system, a test submission was successfully sent. As well, PREA informational posters provide inmates with a plethora of agency telephone numbers, physical addresses, and electronic contact methods that can be used to make a third-

	party report. While inmates themselves should not be able to access Internet resources, they can communicate this reference information to their family, friends, and personal advocates. Inmates themselves are provided numerous state and advocacy addresses to submit third-party correspondence. As well, inmates may also make a third-party party complaint via any staff member or other PREA reporting mechanisms, such as the PREA Hotline. The PREA Hotline was tested for functionality and service. When interviewed, all staff were aware that the facility would accept and investigate third-party complaints of sexual abuse and sexual harassment from inmate advocates. Accordingly, the TCF has satisfied the provisions of this standard.
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115.61	Staff and agency reporting duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 Interviews: • Agency PREA Coordinator • TCF Facility Warden • TCF PREA Compliance Manager • Investigative Staff • Medical Staff • Mental Health Staff • Random Staff • Random Offenders • Offenders Who Reported Sexual Abuse • Offenders Who Disclosed Sexual Victimization During Risk Screening Site Review Observations: • Employee training records Standard Subsections:

(A) Policy (IMPP #10-103D) mandates that all employees must immediately report all knowledge, suspicion, or information of any sexual misconduct that occurred within the correctional institution. As well, staff have an affirmative duty to report all knowledge, suspicion, or information regarding retaliation against offenders or staff for having reported an incident of sexual abuse and sexual harassment. Staff also have an affirmative duty to report any negligence or violation of responsibilities that may have contributed to an incident of sexual abuse, sexual harassment, or retaliation. A review of employee training records, as well as training curriculum records, reflects that all TCF staff have received initial PREA training, as well as subsequent training where appropriate, which includes acknowledgment of their affirmative duty responsibilities. When interviewed, all staff confirmed their obligation to immediately report any information they might have regarding allegations of sexual abuse and sexual harassment.

(B) Policy (IMPP #10-103D) notifies all staff that any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decision. As well, staff are advised not reveal any information related to a sexual abuse report to anyone other than to the extent necessary. As such, employees are cautioned to share reported information only with authorized staff. Random staff interviews confirm that facility employees are aware of the sensitive and confidential nature of said complaints. In speaking with the TCF PREA Compliance Manager, the totality and reasoning surrounding the confidential investigatory process was clearly explained.

(C) Policy (IMPP #10-103D) requires that medical and mental health practitioners have a duty to disclose their mandatory reporting status, including limitations of confidentiality. During medical/mental health services staff interviews, the need for medical staff to inform offenders (at the initiation of professional services) of their duty to report, as well as to their limitations of confidentiality, was affirmed.

(D) All inmates incarcerated within the TCF are legally classified as adults. As such, there aren't any juveniles assigned to this facility. However, the facility may still have persons classified as vulnerable adults. A vulnerable adult is a person who has been identified as having an intellectual and/or developmental disability. If an inmate is considered a vulnerable adult, the EAI Investigator notes that a report would be forwarded to state and local offices are required by state law.

(E) Policy (IMPP #10-103D) mandates that all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, are referred to the TCF EAI Investigator for processing. When interviewing random facility staff, all employees

affirmatively responded that any reports of sexual abuse and sexual harassment received by them would be immediately referred to supervisory and/or other entities appropriate for further investigations.

Reasoning & Findings Statement:

This standard works to ensure mandatory staff and agency reporting requirements. Both agency and facility policies mandate staffs' duty to report all allegations of sexual abuse and sexual harassment. Policy further stresses the importance of confidentiality as it applies to reported incidents of sexual abuse and sexual harassment. Lastly, policy requires that all medical and mental health staff disclose their limits of confidentiality and obtain informed consent prior to the initiation of services. In interviewing correctional staff, both uniformed and non-uniformed, all employees expressed an understanding of policy. Training records and course curriculums document correctional staff training specific to mandatory reporting requirements. In interviewing TCF medical and mental health staff, the process of limited confidentiality and informed consent used by said staff was explained in detail. As well, training records and course curriculums for the specialized training of medical staff document an understanding of mandatory reporting requirements. As such, the TCF meets the provisions established within this standard.

115.62	Agency protection duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC IMPP #20-108, Protective Custody, 2-15-02 · KDOC IMPP #20-105A, Restrictive Housing: Basic Operations of Administrative Restrictive Housing, 5-13-22 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 Interviews: • Agency PREA Coordinator • TCF Facility Warden • TCF PREA Compliance Manager • Designated Staff Member Charged with Monitoring Retaliation • Incident Review Team Member • Intermediate or Higher-Level Facility Staff • Investigative Staff • Intake Staff • Staff Who Perform Screening for Risk of Victimization and Abusiveness • Medical Staff • Mental Health Staff • Random Staff • Random Offenders • Offenders Who Reported Sexual Abuse

- Offenders Who Disclosed Sexual Victimization During Risk Screening

Site Review Observations:

- Review of retaliation monitoring documentation

Standard Subsections:

- Per policy (IMPP #10-103D, IMPP #10-139D), when the TCF learns that an inmate is subject to a substantial risk of imminent sexual abuse, agency officials have an affirmative duty to take immediate action to protect the offender. In speaking with the TCF PREA Compliance Manager, TCF Facility Warden, TCF Unit Managers, and random staff, a plethora of possible options were discussed specific to inmate protection measures. As noted by the TCF PREA Compliance Manager, the TCF did not find any evidence within the audit time frame that any inmates assigned to the facility were at a substantial risk of sexual abuse, the facility has no documentation for review. Likewise, no protective actions were required.

Reasoning & Findings Statement:

This standard works to actualize the processes of inmate protection. Agency policy (IMPP #10-103D) requires staff to take immediate action to ensure the safety of all inmates who are at a high risk of sexual victimization. Provided there are no other alternative options available to ensure the inmate's safety, policy (IMPP #20-108) further allows the facility to immediately increase the safety of the at-risk inmate by placing said inmate in restrictive housing. However, placement in restrictive housing would only be used if no other general housing assignments available could ensure inmate safety. During the audit time frame, the TCF did not receive any reports from inmates who were at a substantial risk of sexual abuse. In interviewing random staff, all persons were asked specifically what actions would be taken if an inmate presented as a high risk for sexual victimization. Unequivocally, all staff responded that they would take immediate action to protect the potential victim. Additionally, supervisory staff were questioned as to their role in this potentially dangerous situation. While supervisory staff did provide a more technical and inclusive response, they too, were centrally focused on protecting the inmate. Hence, the TCF has clearly realized the provisions of this standard.

115.63	Reporting to other confinement facilities
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 · TCF Warden to Warden notification of sexual abuse allegations, 9-8-22 · TCF Warden to Warden notification of sexual abuse allegations, 9-23-22 · TCF Warden to Warden notification of sexual abuse allegations, December 2022 · TCF Warden to Warden notification of sexual abuse allegations, January 2023 Interviews: • Agency Head • TCF Facility Warden • TCF PREA Compliance Manager • Offenders Who Reported Sexual Abuse • Offenders Who Disclosed Sexual Victimization During Risk Screening Site Review Observations: • Review of facility-to-facility referral process Standard Subsections: (A) KDOC policy (IMPP #10-103D) requires that when a facility receives notice

regarding allegations of sexual abuse and sexual harassment occurring at another facility, the receiving facility must provide written notice of these allegations to the managing officer (Warden) of the destination facility within 72 hours. A review of documents for the past twelve months reflects that there have not been any (0) referrals made by TCF to another facility and four (4) referrals received by TCF from another facility.

(B) Per KDOC policy (IMPP #10-103D), written notice of the aforementioned allegations must be provided as soon as possible, but not more than 72 hours after learning of the allegations. While there has not been a need to make facility-to-facility referrals during the audit time frame, the TCF Warden confirmed that if such a need rose, all notices would be sent by the Warden's Office to the destination facility as soon as possible, but certainly within 72 hours.

(C) When received, the TCF does provide written document this notification in accordance to policy (IMPP #10-103D).

(D) Upon receipt of said allegations, policy (IMPP #10-103D) requires that the Warden of the destination facility must then process these allegations in accordance with standard protocol. During the audit time frame, the TCF did not received four (4) allegations from other facilities.

Reasoning & Findings Statement:

This policy works to ensure agency staff are provided sufficient due process with respect to the timely notification of inmate allegations involving sexual abuse and sexual harassment. Within the last 12 months, the TCF has not received any (0) incoming allegations of sexual abuse and sexual harassment from inmates who reported such at another KDOC facility. Within the last 12 months, the TCF has sent four (4) outgoing allegations of sexual abuse and sexual harassment from inmates who reported to TCF staff that such an incident occurred at another facility. Documentation relevant to this reporting process was reviewed to ensure they had occurred within required timelines. Additionally, facility staff were very much aware of the required timelines and assured that should the need arise, notifications would be made as indicated by policy. Accordingly, agency policy, staff comments, and an explanation of the collaborative processes all reflect that the TCF has satisfied the provisions of this standard.

115.64	Staff first responder duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 Interviews: • TCF Facility Warden • TCF PREA Compliance Manager • TCF Investigative Staff • Intermediate or Higher-Level Facility Staff • Random Staff • First Responders • Random Offenders • Offenders Who Reported Sexual Abuse • Offenders Who Disclosed Sexual Victimization During Risk Screening Site Review Observations: • Review of employee training records • Review of investigator narrative case files Standard Subsections:

(A) Policy (IMPP #10-103D) requires the first responding security staff member to immediately separate the alleged victim and abuser. After ensuring the safety of the victim, per the PREA Compliance Manager, staff are required to preserve and protect the crime scene until evidence collection is possible. If the first responder learns that the victim has been sexually abused, and the abuse occurred within a time period that still allows for the collection of physical evidence, the first responder should 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. Once the first responder learns that an offender has been sexually abusive, and the abuse occurred within a time period that still allows for the collection of physical evidence, the first responder should 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. Within the past twelve months, TCF has received fourteen (14) allegations from inmates who claim to have been victims of sexual abuse. Interviews with first responders, as well as documentation related to such, reflects that staff took the appropriate actions required of their role consistent with policy. As well, during contractor and volunteer interviews, it was noted that all contractors and volunteers understood the absolute need to protect the victim, as well as a need to preserve and protect the crime scene or evidence that could be available.

(B) Policy IMPP #10-103D requires that non-security first responders contain and assess the situation and notify their immediate supervisor or the security shift supervisor. Within the past twelve months, TCF has received fourteen (14) allegations from offenders who claim to have been victims of sexual abuse. In this, three (3) of those claims were made to non-security staff. Interviews with first responders, as well as documentation related to such, reflects that staff took the appropriate actions required of their role consistent with the situation and policy.

Reasoning & Findings Statement:

This standard works to determine whether facility staff understand their role when responding to inmate allegations of sexual abuse and sexual harassment. Of primary importance is separating and securing the alleged victim and abuser. Of this, all staff interviewed absolutely articulated that point. The majority of staff then articulated the need to preserve any evidence possibly remaining at the crime scene and on the alleged victim. A review of employee training records and class curriculums reflect staff have received required training specific to the preservation of evidence regarding allegations of sexual abuse and sexual harassment. The immediate notification of a security supervisor provides assurance that all subsequent critical steps will be followed. This information, combined with agency policy, staff interviews, facility training documentation, and the review of documentation related

	to the PREA initiation process sufficiently supports the expectations required by this standard.
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115.65	Coordinated response
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 Interviews: • Agency PREA Coordinator • TCF Facility Warden • TCF PREA Compliance Manager • Designated Staff Member Charged with Monitoring Retaliation • Incident Review Team Member • Intermediate or Higher-Level Facility Staff • Investigative Staff • Medical Staff • Mental Health Staff • SAFE and/or SANE Personnel of Stormont Vail Hospital • Random Staff • First Responders • Inmates Who Reported Sexual Abuse Site Review Observations: • Review of departmental level facility processes

Standard Subsections:

(A) The TCF has developed a written institutional plan; namely, TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23, to coordinate actions amongst first responders, medical and mental health practitioners, investigators, and facility leadership in response to incidents of sexual abuse and sexual harassment.

Reasoning & Findings Statement:

This provision works to coordinate facility efforts so that victims of sexual abuse and sexual harassment receive adequate support services. To coordinate facility efforts in the most efficient manner possible, the TCF implemented a unit-based policy, TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23, that details the coordinated response plan to an incident of inmate sexual abuse. In this, the roles of all facility staff are discussed and, perhaps even more importantly, the way those roles interact with one another are outlined. This policy is a conveniently written overview of departmental responsibilities, equipped with notification and referral reminders. When asked, various departmental staff were able to articulate their role in the response process. As well, during interviews with inmates who had reported sexual abuse, many were able to articulate the responsibilities of responding staff; thus, demonstrating this process has been institutionalized within the facility. As such, the TCF has met all the provisions within this standard.

115.66	Preservation of ability to protect inmates from contact with abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC MOU Kansas Organization of State Employees · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 Interviews: • Agency Head • Agency Contract Administrator • Agency PREA Coordinator • TCF Facility Warden • TCF PREA Compliance Manager • Administrative (Human Resources) Staff • Offenders Who Reported Sexual Abuse • Offenders Who Disclosed Sexual Victimization During Risk Screening Site Review Observations: • Reviewed agency labor contracts Standard Subsections:

(A) Per the PREA Compliance Manger, both the agency, as well as any other governmental entity responsible for collective bargaining on the agency's behalf, are prohibited from entering into or renewing any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted. Current contracts between the State of Kansas and the Kansas Organization of State Employees, ensures that the KDOC retains the management rights for facilitates to remove alleged staff sexual abusers from contact with inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

(B) The auditor is not required to audit this provision.

Reasoning & Findings Statement:

This provision allows the agency to protect inmates from having contact with sexual abusers and sexual harassers. Policy allows for employees to be suspended from duty pending the outcome of a sexual abuse or sexual harassment investigation. In speaking with investigative staff and the TCF Warden, the process of suspending or separating an employee from employment as a function of a negative sexual abuse or sexual harassment investigation finding was explained. It was also noted that the KDOC; more specifically, the TCF unit administration, has no reservations about discharging employees for engaging in sexual abuse and sexual harassment. Hence, the TCF has satisfactorily met all provisions within this standard.

115.67	Agency protection against retaliation
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 Interviews: • Agency PREA Coordinator • TCF Facility Warden • TCF PREA Compliance Manager • Institutional Investigator • Designated Staff Member Charged with Monitoring Retaliation • Random Staff • Random Offenders • Offenders Who Reported Sexual Abuse • Offenders Who Disclosed Sexual Victimization During Risk Screening Site Review Observations: • Reviewed process for utilizing retaliation monitoring logs Standard Subsections: (A) Policy (IMPP #10-103D) prohibits retaliation for reporting sexual abuse or sexual

harassment and for cooperating with a sexual abuse and sexual harassment investigations. In accordance with these policies, the TCF PREA Compliance Manager monitors all retaliation resulting from cases of sexual harassment. The TCF EAI Investigator monitors all retaliation resulting from cases of sexual abuse.

(B) Per the PREA Compliance Manager, the institution may employ multiple protection measures, such as housing changes, or transfers for inmate victims or abusers, and removal of alleged staff or inmate abusers from contact with victims who fear retaliation for reporting sexual misconduct or for cooperating with investigations.

(C) Per PREA Compliance Manager, for a minimum of three (3) months following a report of sexual abuse or sexual harassment, the facility shall monitor the conduct and treatment of:

- a. An inmate who reported an incident of sexual abuse or sexual harassment (including a third-party reporter)
- b. An inmate who was reported to have suffered sexual abuse or sexual harassment; and
- c. An employee who reported an incident of sexual abuse or sexual harassment of an inmate.
- d. Monitoring staff shall employ multiple protection measures to prevent inmate retaliation, such as reviewing inmate disciplinary, housing changes, job changes, and program changes.
- e. Monitoring staff shall employ multiple protection measures to prevent staff retaliation, such as negative performance reviews for staff and the reassignment of staff.
- f. Monitoring shall go beyond 90 days if the initial monitoring indicates a continuing need.
- g. Within the past twelve months, the TCF has not had a reported incident of retaliation.

(D) Per PREA Compliance Manager, in the case of inmates, such monitoring shall also include periodic in-person status checks at least every 30 days. Documentation reflects that retaliation monitoring is scheduled and conducted in accordance with policy. Within the audit time frame, as noted by the TCF PREA Compliance Manager, there have not been any acts of retaliation noted for having engaged the PREA process.

(E) Per PREA Compliance Manager, if any other individual (staff, volunteer, contractor, offender, adolescent offender, resident, etc.) who cooperates with an investigation expresses a fear of retaliation, the facility and agency shall take appropriate measures to protect that individual against retaliation. Documentation reflects that within the audit time frame, there have not been any expressed concerns of fear for retaliation due to having cooperated with, or having engaged, the PREA process. As such, there has not been a need to monitor staff for retaliation purposes during the audit time frame.

(F) The auditor is not required to audit this provision.

Reasoning & Findings Statement:

This standard works to prevent retaliation against employees and inmates for reporting sexual abuse and sexual harassment or for having cooperated with an investigation into such. KDOC policy provides a comprehensive overview of agency protection against sexual abuse and sexual harassment. In speaking with inmates, none noted that they had ever experienced retaliation for participating in a PREA related facility investigation. Both the TCF PREA Compliance Manager and the TCF EAI Investigator provided detailed explanations of the monitoring process. In speaking with inmates who had filed previous allegations of sexual abuse and sexual harassment, none stated that they had experience retaliation as a function of their reports. The auditor also reviewed the monitoring process for inmate files. Given the totality of the policies provided and staff knowledge regarding the process, the TCF has satisfied the basic provisions of this standard.

115.68	Post-allegation protective custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 Interviews: • TCF Facility Warden • TCF PREA Compliance Manager • Designated Staff Member Charged with Monitoring Retaliation • Random Staff • Staff Who Supervise Offenders in Segregated Housing • Random Offenders • Offenders Who Reported Sexual Abuse • Offenders Who Disclosed Sexual Victimization During Risk Screening Site Review Observations: · Observed the restrictive housing areas. Standard Subsections: (A) Policy (IMPP #10-103D) prohibits placing inmates who allege sexual abuse or to be at a high risk of sexual abuse in involuntary segregated housing unless an assessment of all other available alternatives has been made and a subsequent

determination concludes that there are no available alternatives means of separation from likely abusers. As confirmed by the TCF Warden, within the past twelve months, the TCF has not placed any (0) inmates who have alleged sexual abuse or who are at a high risk of sexual abuse in the restrictive housing pending completion of their assessment.

Reasoning & Findings Statement:

Agency policy strictly prohibits the use of involuntary segregated housing; namely, restrictive housing, as a de facto response to inmate safety concerns. Rather, as explained by the TCF PREA Compliance Manager, the use of involuntary segregated housing should be considered only as the last available option, and even at that, as only a temporary measure. While conversations with the TCF Warden and the TCF PREA Compliance Manager did indicate that if absolutely necessary, inmates would be placed in involuntary segregated housing, it would be their absolute last option. Within the reporting time frame, TCF did not place any (0) inmate alleging sexual abuse or sexual harassment within involuntary segregated housing. In speaking with inmates who had filed previous allegations of sexual abuse and sexual harassment, none (0) stated that they had been placed in involuntary segregated housing as a function of their reports. As such, the TCF has satisfied the requirements of this provision.

115.71	Criminal and administrative agency investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC IMPP #22-103D, Investigation Procedures, 11-2-22 · Kansas Records Retention Schedules, 10-28-20 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 · TCF EAI Investigative Report, 9-26-22 (12-4-22) · TCF Victim Interview, 12-5-22 · TCF Suspect Interview, 12-5-22 · TCF Evidence Processing & Conclusion, 12-21-22 · PREA Incident Checklist, 12-23-22 · PREA Incident Checklist, 12-4-22a · PREA Incident Checklist, 12-4-22b · PREA Incident Checklist, 12-4-22c · PREA Incident Checklist, 11-21-22 · PREA Incident Checklist, 11-14-22 · PREA Incident Checklist, 11-2-22 · PREA Incident Checklist, 10-10-22 · PREA Incident Checklist, 10-31-22 · PREA Incident Checklist, 9-26-22a · PREA Incident Checklist, 9-26-22b · TCF EAI Case Log, 12-23-22 · TCF EAI Case Log, 12-16-22 · TCF EAI Case Log, 12-4-22a

- TCF EAI Case Log, 12-4-22b
- TCF EAI Case Log, 12-4-22c
- TCF EAI Case Log, 12-1-22
- TCF EAI Case Log, 11-14-22
- TCF EAI Case Log, 11-22-22
- TCF EAI Case Log, 11-1-22
- TCF EAI Case Log, 11-3-22

Interviews:

- Agency PREA Coordinator
- TCF Facility Warden
- TCF PREA Compliance Manager
- Investigative Staff
- Offenders Who Reported Sexual Abuse
- Offenders Who Disclosed Sexual Victimization During Risk Screening

Site Review Observations:

- Reviewed investigator training certifications
- Reviewed agency training records documenting investigator training curriculums
- Reviewed thirteen (13) sexual abuse and sexual harassment case files

Standard Subsections:

(A) Agency policy requires that investigations into allegations of sexual abuse and sexual harassment are done so promptly, thoroughly, and objectively for all allegations, including third-party and anonymously. A review of case files while onsite

confirmed this process. However, it should be noted that while the cases are thoroughly investigated, there are instances where a single case contained multiple victims, with each victim receiving a different disposition to the allegations. Additionally, it was noted that in one instance, when two inmates filed claims against each other, only one case was opened, making each person both a victim and an abuser in the same case. As a best practice, it was noted that each victim should receive a case file separate onto herself, regardless of how many inmates are making similar cases. Following the onsite portion of the audit, the KDOC engaged an agency wide meeting to discuss EAI investigation requirements. As a result of that meeting, each victim will be required to have their own case file. As such, no further action is warranted specific to the aforementioned observations.

(B) Policy (IMPP #10-103D, IMPP #22-103D) requires investigators to have received specialized training in excess of the generalized sexual abuse and sexual harassment training provided to other staff. In interviewing the TCF PREA Compliance Manager and the TCF EAI Investigator, said staff confirmed participation in numerous related courses, to include NIC's Investigating Sexual Abuse in a Confinement Setting. Additionally, training curriculums, employee training certifications, as well as completed training rosters, provide additional documentation to support facility compliance.

(C) Per policy (IMPP #10-103D, IMPP #22-103D), EAI Investigators and/or the TCF PREA Compliance Manager gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data. Policy allows that EAI Investigators and/or the TCF PREA Compliance Manager will interview alleged victims, suspected perpetrators, and witnesses. EAI Investigators and/or the TCF PREA Compliance Manager are also required to review prior reports and complaints of sexual abuse involving the suspected perpetrator.

(D) Policy (IMPP #10-103D, IMPP #22-103D) allows compel interviews only after consulting with the prosecution to determine if compelled interviews may be problematic for subsequent judicial hearings, if deemed appropriate. In speaking with the TCF EAI investigator, it was noted that the facility had no concerns about bringing a case to the county prosecutor for review.

(E) Policy (IMPP #10-103D, IMPP #22-103D) requires that the credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and not based on that individual's status as an inmate or staff member. Policy further prohibits the use of a polygraph test or other truth-telling device as a condition of investigating allegations of sexual abuse or sexual harassment. The EAI Investigator confirms that the credibility of the interviewed subject is, in fact, determined on an individual basis

after considering the totality of the evidence presented. Reviewed documentation generally supports adherence to this criterion.

(F) Policy requires administrative investigations to consider whether staff actions or failures to act contributed to the sexual abuse and sexual harassment. All administrative investigations are documented in written reports. As a function on that documentation, these reports should include a description of the physical evidence and testimonial evidence, the reasoning behind credible assessments, as well as investigative facts and findings. The TCF PREA Compliance Manager confirms that the credibility of the interviewed subject is, in fact, determined on an individual basis considering the totality of the evidence presented. Reviewed documentation supports the facility's adherence to this policy.

(G) Policy further requires that all criminal investigations are documented in written reports. As a function on that documentation, these reports should include a description of the physical evidence, testimonial evidence, and documentary evidence. Reviewed documentation supports the facility's adherence to this policy.

(H) As noted by the EAI Investigator and required by policy, all substantiated allegations of conduct that appear to be criminal in nature are referred for prosecution. Reviewed documentation supports the facility's adherence to this policy.

(I) Policy (Record Retention Schedule) requires that all KDOC Special Investigation Case Files, to include all sexual abuse and sexual harassment investigations, are retained indefinitely.

(J) Policy mandates that the departure of the alleged abuser or victim from the employment or control of the institution or KDOC does not provide a basis for terminating an investigation.

(K) The auditor is not required to audit this provision.

(L) Policy (IMPP #10-103D, IMPP #22-103D) requires facility staff to cooperate with outside investigators and endeavor to remain informed about the progress of the investigation. In speaking with the TCF PREA Compliance Manager and TCF EAI Investigator, it was confirmed that should an outside agency become involved with an institutional case, facility staff would remain involved of the process.

Reasoning & Findings Statement:

The EAI operates as the law enforcement branch inside of the KDOC and maintains an office inside each KDOC prison. As such, KDOC administrative staff conduct administrative investigations while the EAI staff conduct all criminal investigations for allegations of sexual abuse. To perform administrative and criminal investigations, KDOC staff must have met additional training requirements for conducting sexual abuse/sexual harassment investigations within a confinement setting. EAI staff do have the authority to investigate criminal cases within the KDOC, to include collecting evidence, as well as interviewing victims, suspected perpetrators, and witnesses. EAI officers have been trained on the standards of evidence required to support a finding of guilt in criminal cases. As well, EAI officers have been trained on due process and procedural requirements of criminal cases. As confirmed through interviews with KDOC and EAI staff, EAI officers and KDOC staff work collaboratively in order to facilitate communication between the two investigative processes. Lastly, it is noted that all PREA investigations are referred to the EAI to determine if the allegations necessitate a criminal investigation and/or subsequent criminal prosecution. As such, the TCF has clearly meet the requirements of this standard.

115.72	Evidentiary standard for administrative investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC IMPP #22-103D, Investigation Procedures, 11-2-22 · Kansas Records Retention Schedules, 10-28-20 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 · TCF EAI Investigative Report, 9-26-22 (12-4-22) · TCF Victim Interview, 12-5-22 · TCF Suspect Interview, 12-5-22 · TCF Evidence Processing & Conclusion, 12-21-22 · PREA Incident Checklist, 12-23-22 · PREA Incident Checklist, 12-4-22a · PREA Incident Checklist, 12-4-22b · PREA Incident Checklist, 12-4-22c · PREA Incident Checklist, 11-21-22 · PREA Incident Checklist, 11-14-22 · PREA Incident Checklist, 11-2-22 · PREA Incident Checklist, 10-10-22 · PREA Incident Checklist, 10-31-22 · PREA Incident Checklist, 9-26-22a · PREA Incident Checklist, 9-26-22b · TCF EAI Case Log, 12-23-22 · TCF EAI Case Log, 12-16-22 · TCF EAI Case Log, 12-4-22a

- TCF EAI Case Log, 12-4-22b
- TCF EAI Case Log, 12-4-22c
- TCF EAI Case Log, 12-1-22
- TCF EAI Case Log, 11-14-22
- TCF EAI Case Log, 11-22-22
- TCF EAI Case Log, 11-1-22
- TCF EAI Case Log, 11-3-22

Interviews:

- TCF Facility Warden
- TCF PREA Compliance Manager
- TCF EAI Investigative Staff

Site Review Observations:

- Reviewed procedures for processing sexual abuse and sexual harassment allegations.
- Reviewed thirteen (13) sexual abuse and sexual harassment case files

Standard Subsections:

(A) Policy (IMPP #22-103D, EAI Investigations Protocol Manuel) clearly establishes the standard of proof required to substantiate claims of sexual abuse and sexual harassment; namely that the KDOC will not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual misconduct are substantiated. Specifically, per the TCF EAI Investigator, the allegations are determined substantiated, unsubstantiated, or unfounded based on the preponderance of the evidence.

Reasoning & Findings Statement:

Agency policy requires that the KDOC establish a standard of proof no higher than a preponderance of the evidence when determining whether allegations of sexual abuse or sexual harassment are substantiated. When interviewed, the TCF PREA Compliance Manager and the TCF EAI Investigator confirmed that standard of proof to be slightly more than half. As such, the TCF has satisfied all material provisions for this standard.

115.73	Reporting to inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC IMPP #22-103D, Investigation Procedures, 11-2-22 · Kansas Records Retention Schedules, 10-28-20 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 · TCF EAI Investigative Report, 9-26-22 (12-4-22) · TCF Victim Interview, 12-5-22 · TCF Suspect Interview, 12-5-22 · TCF Evidence Processing & Conclusion, 12-21-22 · PREA Incident Checklist, 12-23-22 · PREA Incident Checklist, 12-4-22a · PREA Incident Checklist, 12-4-22b · PREA Incident Checklist, 12-4-22c · PREA Incident Checklist, 11-21-22 · PREA Incident Checklist, 11-14-22 · PREA Incident Checklist, 11-2-22 · PREA Incident Checklist, 10-10-22 · PREA Incident Checklist, 10-31-22 · PREA Incident Checklist, 9-26-22a · PREA Incident Checklist, 9-26-22b · TCF EAI Case Log, 12-23-22 · TCF EAI Case Log, 12-16-22 · TCF EAI Case Log, 12-4-22a

- TCF EAI Case Log, 12-4-22b
- TCF EAI Case Log, 12-4-22c
- TCF EAI Case Log, 12-1-22
- TCF EAI Case Log, 11-14-22
- TCF EAI Case Log, 11-22-22
- TCF EAI Case Log, 11-1-22
- TCF EAI Case Log, 11-3-22
- TCF EAI Case Log, 2-23-23
- TCF EAI Case Log, 4-27-22
- TCF EAI Case Log, 6-6-22
- TCF Notification of Investigation Status, 3-14-22
- TCF Notification of Investigation Status, 12-12-22

Interviews:

- TCF Facility Warden
- TCF PREA Compliance Manager
- Designated Staff Member Charged with Monitoring Retaliation
- EAI Investigative Staff
- Offenders Who Reported Sexual Abuse

Site Review Observations:

- Reviewed procedures for processing sexual abuse and sexual harassment allegations.
- Reviewed thirteen (13) sexual abuse and sexual harassment case files

Standard Subsections:

(A) Policy (IMPP #22-103D, EAI Investigations Protocol Manual) requires that the KDOC will not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual misconduct are substantiated. Following an investigation into an inmate's allegation that she suffered sexual abuse in an institution, the EAI investigator will inform the inmate as to whether the allegations were determined to be substantiated, unsubstantiated, or unfounded. During the audit time frame, TCF has completed fourteen (14) investigations of alleged inmate sexual abuse, of which, all inmates were notified in writing of the results of the investigation.

(B) Policy (IMPP #22-103D, EAI Investigations Protocol Manual) further requires that if the KDOC did not conduct the investigation, it shall request the relevant information from the law enforcement agency who did conduct said investigation so that the inmate can be informed of the final disposition. In speaking with the TCF EAI Investigator, the communication process was discussed.

(C) Policy (IMPP #22-103D, EAI Investigations Protocol Manual) requires that when an offender has filed allegations of sexual abuse against a staff member (unless unfounded), the institutional investigator shall inform the inmate upon the following:

- a. The staff member is no longer posted within the inmate's unit;
- b. The staff member is no longer employed at the facility;
- c. The institution learns that the staff member has been indicted on a charge related to sexual abuse within the institution;
- d. The institution learns that the staff member has been convicted on a charge related to sexual abuse within the institution.

(D) Policy (IMPP #22-103D, EAI Investigations Protocol Manual) requires that when an offender has filed allegations of sexual abuse against another offender, the agency must notify the offender whenever the alleged abuser has been:

- a. Indicted on a charge related to sexual abuse within the facility and
- b. Whenever the agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

(E) Policy (IMPP #22-103D, EAI Investigations Protocol Manual) requires that the agency issue in writing all notifications or attempted notifications regarding

disposition to inmate allegations of sexual abuse and/or sexual harassment. Interviews with the TCF PREA Compliance Manager and the TCF EAI Investigator confirm adherence to said policy. As well, a review of documented notifications support said adherence.

(F) Auditor is not required to audit this provision.

Reasoning & Findings Statement:

Agency policy requires KDOC staff to provide inmates with dispositions for all claims of sexual abuse and sexual harassment. The KDOC conducts all administrative and criminal sexual abuse/sexual harassment investigations. Agency policy provides that all inmates who have filed a previous substantiated sexual abuse and sexual harassment claims against agency staff or other offenders, receives notification upon a change in housing status for the offender or a change in job status for the employee. Lastly, policy requires these notifications to be documented. Within the audit time frame, TCF documentation reflects inmates are notified of the final disposition to sexual abuse and sexual harassment claims as required by policy. Also, in speaking with inmates who have filed sexual abuse and sexual harassment claims, these persons state that they were provided with a final disposition to their claims. As such, the TCF is operating in accordance with all parts of this provision.

115.76	Disciplinary sanctions for staff
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC IMPP #02-120D, Employee Disciplinary Procedures and Informal/Formal Actions, 5-7-15 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 Interviews: • TCF Facility Warden • TCF PREA Compliance Manager • Investigative Staff • Random Staff Site Review Observations: · Review of staff disciplinary protocols for sexual abuse and sexual harassment determinations Standard Subsections: (A) Policy (IMPP #02-120D, IMPP #10-103D) clearly advises staff that employees will be subject to disciplinary sanctions up to and including termination for violating KDOC sexual misconduct policies. Interviews with the TCF PREA Compliance Manager, TCF Facility Warden, and the TCF Institutional Investigators confirm facility adherence to agency policy specific to employee disciplinary and termination processes for any employee found to be engaging in acts of sexual abuse or sexual harassment.

Interviews with random staff reflect employee awareness to zero-tolerance policies for engaging in sexual abuse and sexual harassment of inmates.

(B) Policies (IMPP #02-120D, IMPP #10-103D) continues by noting that any perpetrator of a sexual abuse or sexual harassment will be dealt with through discipline or prosecution to the fullest extent permitted by law. In this, termination is the presumptive disciplinary sanction for staff who have engaged in sexual abuse of an inmate. During the audit time frame, there weren't any TCF staff members who violated agency sexual abuse or sexual harassment policy.

(C) Policies (IMPP #02-120D, IMPP #10-103D) stipulate disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. Interviews with the TCF PREA Compliance Manager, TCF Warden, and TCF Institutional Investigators confirm their adherence to agency policy specific to employee disciplinary and termination processes for any employee found to be engaging in acts of sexual abuse or sexual harassment. During the audit time frame, there weren't any TCF staff members who violated agency sexual abuse or sexual harassment policy.

(D) Policy (IMPP #02-120D, IMPP #10-103D) notes that staff found in violations of the agency's sexual abuse policies will be prosecuted to the fullest extent of the law. In that, the KDOC will aid in the persecution of any criminal charges to the fullest extent possible. During the audit time frame, there weren't any TCF staff members who violated agency sexual abuse or sexual harassment policy.

Reasoning & Findings Statement:

This standard works to ensure agency staff understand the gravity and the criminal nature of engaging in sexual abuse or sexual harassment of incarcerated persons. The State of Kansas has made the consequences of engaging in such behavior exceptionally clear. During the audit time frame, there weren't any TCF staff members who violated agency sexual abuse or sexual harassment policy. During staff interviews, all staff interviewed did expressed their knowledge of the agency's zero tolerance policy. In total, the KDOC, as well as TCF administration, has satisfied the provisions of this standard.

115.77	Corrective action for contractors and volunteers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC IMPP #02-120D, Employee Disciplinary Procedures and Informal/Formal Actions, 5-7-15 · KDOC IMPP #13-101D, Volunteering, 10-22-14 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 Interviews: • Agency Contract Administrator • TCF Facility Warden • Investigative Staff • Administrative (Human Resources) Staff • Contractors Who May Have Contact With Offenders Site Review Observations: • Review contractor/volunteer files Standard Subsections: (A) Policy (IMPP #13-101D) advises contractors and volunteers that no person should allow themselves to show partiality toward, or become emotionally, physically, or financially involved with offenders, paroles, probationers, transitional controlees or their families, or establish any pattern of social fraternization said persons. Policy

(IMPP #10-103D, IMPP #13-101D) further notes that any contractor or volunteer who engages in sexual misconduct is prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and also to relevant licensing bodies. Interviews with contracted staff and volunteers evidenced that the agency's zero-tolerance policy was institutionalized. A review of contractor/volunteer files and PREA training materials indicates that all such persons are aware of agency policy regarding the sexual abuse and sexual harassment of inmates. During the audit time frame, TCF has not found any (0) contractors or volunteers to have engaged in sexual abuse of an inmate who was subsequently reported to a law enforcement agency for said conduct.

(B) Policy (IMPP #10-103D, IMPP #13-101D) states that the facility will take appropriate remedial measures and terminate the contract or volunteer arrangement with independent contractors or volunteers or shall demand that the offending employee of a contractor be excluded from providing services under the contract. Interviews with contracted staff and volunteers evidenced that the agency's zero-tolerance policy was institutionalized. A review of contractor/volunteer files and PREA training materials indicates that all such persons are aware of agency policy regarding the sexual abuse and sexual harassment of inmates. During the audit time frame, TCF has not found any (0) contractors or volunteers to have engaged in sexual abuse of an inmate, thus being subsequently barred from facility entrance in order to prevent contact with inmates.

Reasoning & Findings Statement:

Policy expressly states that contractors and volunteers who engage in sexual abuse with inmates will be removed from contact with inmates pending the outcome of the investigation. Contractors or volunteers who engage in sexual abuse will be reported to law enforcement and to any relevant licensing body. These persons will also be subject to criminal sanctions. Over the past twelve months, the TCF has not had any (0) contractors or volunteers engage in sexual abuse or harassment of any inmate. During TCF contractor and volunteer interviews, both the prohibition against sexual abuse and sexual harassment of inmates, as well as the consequences of having engaged such, were clearly known. Documentation of contractor and volunteer training records further supports this assertion. Hence, the provisions of this standard have been met and TCF is in compliance with such.

115.78	Disciplinary sanctions for inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · Kansas Statute, 44-12-1001 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 Interviews: • TCF Facility Warden • TCF PREA Compliance Manager • Investigative Staff • Medical Staff • Mental Health Staff • Random Staff • Random Offenders Site Review Observations: • Review of offender disciplinary files Standard Subsections: · Policy (Kansas Statute, 44-12-1001, IMPP #10-103D) provides the standards

associated with disciplinary hearings, to includes hearings related to inmate-on-inmate sexual abuse/sexual harassment. Policy (Kansas Statute, 44-12-1001, IMPP #10-103D) further notes that following an administrative finding that an offender engaged in inmate-on-inmate sexual abuse, said offender is subject to disciplinary sanctions pursuant to formal disciplinary processes. During the audit time frame, the TCF has not had any (0) administrative findings of inmate-on-inmate sexual abuse.

(A) Policy (Kansas Statute, 44-12-1001, IMPP #10-103D) ensures that disciplinary sanctions imposed are 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. As well, sanctions consider aggravating and mitigating factors. A review of disciplinary hearing records supports adherence to this policy.

(B) When determining an offender's disciplinary sanctions, policy (Kansas Statute, 44-12-1001, IMPP #10-103D) does consider how an offender's mental disabilities or mental illness contributed to his behavior. TCF disciplinary documentation reflects that the mental disabilities of inmates are, in fact, given consideration during the disciplinary process. A review of disciplinary hearing documentation does reflect the mental state of inmates is given consideration during the sentencing phase of disciplinary proceedings.

(C) Per policy (Kansas Statute, 44-12-1001, IMPP #10-103D), inmates found guilty of sexual abuse shall be given appropriate programming and interventions if determined to be necessary by mental health services in consultation with sex offender services. As noted by TCF Mental Health staff, programming and/or interventions services are provided to inmates found to have engaged in sexual abuse.

(D) Per policy (Kansas Statute, 44-12-1001, IMPP #10-103D), the KDOC may discipline an inmate for sexual contact and/or sexual conduct with staff only upon finding out that the staff member did not consent to such contact or conduct.

(E) Per policy (Kansas Statute, 44-12-1001, IMPP #10-103D), a report made in good faith based upon a reasonable belief that the alleged conduct did occur does not constitute falsely reporting an incident or lying for the purpose of disciplinary action, even if the investigation does not establish evidence sufficient to substantiate the allegations.

(F) Per policy (Kansas Statute, 44-12-1001, IMPP #10-103D), the agency clearly distinguishes between consensual sex, which is still a violation of agency policy, and inmate-on-inmate sexual abuse, which is defined as when one or more offenders engage in sexual conduct, including sexual contact, with another offender against his or her will or by use of force, threats, intimidation, or other coercive actions.

Reasoning & Findings Statement:

The inmate disciplinary process is a formal means to address institutional misconduct. The TCF uses a progressive disciplinary system, which allows for consideration of aggravating and mitigating factors. Within the audit time frame, the TCF has not processed any (0) administrative findings of guilt regarding inmate-on-inmate sexual abuse that occurred at the facility. A review of documentation reflects that the mental health and of an inmate is given serious consideration in sentencing and availability of subsequent mental health services. In considering agency policies, facility procedures, staff interviews, and offender comments, TCF is compliant with disciplinary standards as required under this provision.

115.81	Medical and mental health screenings; history of sexual abuse
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC IMPP #10-139D, Screening for Sexual Victimization and Abusiveness, 10-16-19 · KDOC SVA Scoring, 2021 · Centurion, P-F-06a, Federal Sexual Abuse Regulations · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 · TCF Email, Behavioral Health Follow-Up, Packet, 1-28-22 · TCF Email, Behavioral Health Follow-Up, Packet, 9-5-22 · TCF Inmate Informed Consent, 2-1-22 Interviews: • TCF PREA Compliance Manager • Intake Staff • Investigative Staff • Medical Staff • Mental Health Staff • Staff Who Perform Screening for Risk of Victimization and Abusiveness • Offenders Who Reported Sexual Victimization During Risk Screening Site Review Observations:

- Observed Medical Department and Risk Screening Areas
- Review of Medical/Mental Health PREA Screening Forms

Standard Subsections:

(A) Policy (IMPP #10-139D) requires that upon arrival, all TCF inmates will be screened for sexual abuse risk factors. If the assessment indicates that the inmate has had prior sexual victimization, whether it occurred in an institutional setting or in the community, staff will offer a follow-up meeting with a mental health or medical practitioner within fourteen calendar days of the intake screening. Within the audit time frame, 100% of offenders received at the TCF who disclosed prior victimization during screening were offered a follow-up meeting with a medical or mental health practitioner. Interviews with inmates who reported previous sexual victimization verify this finding. Also, a review of both medical and mental health referrals, as well as conversations with medical and mental health staff, confirms the institutionalization of this practice.

(B) Per policy (IMPP #10-139D), persons with a history of being sexually abusive must be referred for mental health services within 14 calendar days. In speaking with Mental Health staff, it is noted that the nature of the referral is in accordance with the individualized needs of each inmate. As noted by the TCF PREA Compliance Manager, within the audit time frame, 100% of offenders received at the TCF who had previously perpetrated sexual abuse, as indicated during the screening, were offered a follow-up meeting with a mental health practitioner.

(C) Per policy (IMPP #10-103D, IMPP #10-139D, P-F-06a), regular mental health referrals are addressed within a timeframe consistent with the nature of the referral and within 14 days of the intake screening. Review of PREA assessment documentation verifies TCF's adherence to agency policy.

(D) Per policy (IMPP #10-103D, IMPP #10-139D, P-F-06a) and in accordance with the Prison Rape Elimination Act (PREA) Standards, 28 C.F.R. 115.81, 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 laws. As noted by medical and mental health staff during the interview process, 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.

(E) Per policy (IMPP #10-103D, IMPP #10-139D, P-F-06a) and in accordance with the Prison Rape Elimination Act (PREA) Standards, 28 C.F.R. §115.81, 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 laws. As noted by medical and mental health staff during the interview process, 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 years or considered a vulnerable adult. In speaking with medical and mental health staff, it was noted that staff do require informed consent prior to reporting incidents of prior sexual victimization that did not occur in an institutional setting for all persons except juveniles and individuals with developmental disabilities.

Reasoning & Findings Statement:

Within the audit time frame, 100% of inmates who had disclosed prior victimization during risk screening were offered a follow-up meeting with a medical or mental health practitioner. Within the audit time frame, 100% of offenders who had previously perpetrated sexual abuse as indicated during risk screening were offered a follow-up meeting with a medical or mental health practitioner. As noted by medical and mental health staff, the TCF is providing routine and regular medical screens and other health services in accordance to qualified medical assessments, as well as to policy. Documentation specific to the PREA assessment form for medical and mental health staff reflects the appropriate use of the screening tool to determine necessary housing and medical needs. Lastly, per agency, all inmates except juveniles and individuals with developmental disabilities, are required to provide informed consent prior to facility staff reporting information about prior sexual victimization that did not occur in an institutional setting. As such, the facility is meeting all provisions as established within this standard.

115.82	Access to emergency medical and mental health services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC IMPP #10-139D, Screening for Sexual Victimization and Abusiveness, 10-16-19 · KDOC SVA Scoring, 2021 · Centurion, P-F-06a, Federal Sexual Abuse Regulations · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 · TCF Email, Behavioral Health Follow-Up, Packet, 1-28-22 · TCF Email, Behavioral Health Follow-Up, Packet, 9-5-22 · TCF Inmate Informed Consent, 2-1-22 Interviews: • TCF PREA Compliance Manager • Medical Staff • Mental Health Staff • SAFE and/or SANE Personnel of Stormont Vail Hospital • Security Staff and/or Non-Security Staff Who Have Acted As First Responders • Random Staff Site Review Observations: • Observed Medical Department

- Review of Medical/Mental Health Screening Form
- Review of Medical Protocol

Standard Subsections:

(A) In accordance with the KDOC and Centurion Health Care policy, all inmates reporting sexual abuse will be escorted to health services as soon as possible. In interviewing medical and mental health staff, said staff confirmed the ability to treat inmates in accordance to their professional medical judgement. It was further noted by medical and/or mental health staff, that if can staff cannot provide medical treatment that is evidentiary or medically appropriate, the inmate will be transported to the Emergency Department (ED) for examination, treatment, and counseling.

(B) As noted by Medical/Mental Health staff, the facility maintains twenty-four (24) hour medical coverage, to include an on-call physician. Additionally, staffing requirements, and subsequent scheduling documentation, confirms the continuous availability of qualified medical and mental health staff. Lastly, during interviews with first responders, as well as random security staff, all personnel recognized with immediacy the need to notify medical staff of any sexual abuse allegations.

(C) As noted by Medical/Mental Health staff, inmates alleging sexual abuse will be transported to the area hospital where they will receive timely and appropriate prophylactic information and treatment for sexually transmitted diseases. In speaking with medical staff, adherence to this policy was confirmed. In speaking with medical and SANE/SAFE personnel, it was further noted that all medical precautions, to include appropriate prophylactic information and treatment for sexually transmitted diseases, are given to victims of sexual abuse. Inmates who had previously made allegations of sexual abuse also confirmed that they had received medical and/or mental health treatment in a timely manner.

(D) Policy (IMPP #10-103D) allows that all inmates claiming sexual abuse shall have access to forensic medical examinations at an outside facility without financial cost where evidentiary or medically appropriate. These service are provided to the alleged victim regardless of whether the victim names the alleged abuser or cooperates with any investigation arising out of the incident. In speaking with medical staff, adherence to this policy was confirmed. Additionally, inmates who had previously received medical treatment for allegations of sexual abuse generally confirmed that they were not charged a medical fee for said services.

Reasoning & Findings Statement:

This standard is designed to provide inmates access to emergency medical and mental health services. In this, facility staff are meeting all of the provisions within this standard. Policy allows that upon receipt of an offender into the Medical Department, medical staff shall determine the offender's course of treatment; specifically, what is medically indicated on the basis of evidence collection or physical trauma. Inmate interviews further acknowledge that inmates are provided appropriate medical and mental health treatment, as well as access to advocacy services from local rape crisis centers. Lastly, documentation reflecting access to medical and mental health care, to include outside services, was reviewed. In reviewing the totality of the information provided, the TCF has met the provisions of this standard via emergency (24-hour) access to qualified medical staff.

115.83	Ongoing medical and mental health care for sexual abuse victims and abusers
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC IMPP #10-139D, Screening for Sexual Victimization and Abusiveness, 10-16-19 · KDOC SVA Scoring, 2021 · Centurion, P-F-06a, Federal Sexual Abuse Regulations · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 · TCF Email, Behavioral Health Follow-Up, Packet, 1-28-22 · TCF Email, Behavioral Health Follow-Up, Packet, 9-5-22 · TCF Inmate Informed Consent, 2-1-22 Interviews: • TCF PREA Compliance Manager • Medical Staff • Mental Health Staff Site Review Observations: • Observed Medical Department • Review of Medical and Mental Health PREA Screening Forms

Standard Subsections:

(A) Policy (IMPP #10-103D) requires that all allegations of sexual assault must be evaluated immediately by the facility health staff. In providing this evaluation, medical services should follow medical policy, which includes instructions for assuring appropriate examination, documentation, transport to the local emergency department, testing for sexually transmitted diseases, counseling, prophylactic treatment, follow-up, and referral for mental health evaluation. In speaking with medical and mental health staff, adherence to this policy was confirmed. In speaking with correctional staff, there were no instances where any staff indicated that the medical or mental health departments had ever, or would ever, refuse to provide medical or mental health treatment to any inmate who claimed to have been a victim of sexual abuse. In speaking with inmates who were previously receiving mental health treatment services for sexual abuse allegations, they confirmed that upon disclosing such, or upon facility transfer, they were allowed to speak with mental health staff at their assigned facility.

(B) In reviewing a collection of mental health policies, as well as speaking with Medical/Mental Health staff, it is evident that the KDOC offers continuing mental health services to inmates throughout their assignment to the KDOC, and if appropriate, follow-up care within an outside facility.

(C) As noted by Medical/Mental Health staff, agency policy requires that all victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. If not referred to an outside hospital emergency department, the inmate is treated in the facility infirmary after evaluation by a primary care provider. In each instance, as confirmed by medical and mental health staff, related services are provided in accordance to the judgement of qualified health care providers.

(D) Within the past 12 months, TCF has not had any females allege to be the victim of vaginal penetration while incarcerated. As such, pregnancy tests are not medically appropriate.

(E) Within the past 12 months, TCF has not had any females allege to be the victim of vaginal penetration while incarcerated. Accordingly, pregnancy services are not medically appropriate.

(F) Per SANE staff assigned to the local hospital, when medically appropriate, victims are offered tests for sexually transmitted infections. In speaking with SANE staff, it was noted that all inmates are provided medical services as appropriate for the nature of their concerns. In speaking with inmates who had previously alleged sexual abuse, agency adherence to this policy was confirmed.

(G) Policy (IMPP #10-103D) requires that victims of sexual abuse shall have access to forensic medical examinations at an outside facility without financial cost where evidentiary or medically appropriate. In speaking with medical staff, as well as the SAFE/SANE personnel of the local hospital, adherence to this policy was confirmed. Additionally, TCF inmates who had previously received medical treatment for allegations of sexual abuse also confirmed that they were not charged a medical fee for said services.

(H) Policy (IMPP #10-103D, IMPP #10-139D) requires that mental health services will conduct mental health evaluations on known abusers within sixty (60) calendar days of learning of such history and offer treatment when deemed appropriate. TCF documentation reflects adherence to this criterion. Specifically, 100% of all known abusers entering the facility have been scheduled for an evaluation by mental health services within the required time frame. In speaking with Medical/Mental Health staff, the need for known abusers to receive mental health service was stressed.

Reasoning & Findings Statement:

This standard is designed to ensure ongoing medical and mental health care for sexual abuse victims and abusers. The TCF offers qualified and coordinated medical and mental health care regardless of an inmate's ability to pay for said services. As appropriate, inmates are provided the opportunity to attend follow-up treatments, for both medical and mental health services. Once established, agency policy requires that access to said treatment follows the inmate throughout the KDOC system and can be coordinated with community care upon the inmate's release from the KDOC. The medical and mental health services provided are consistent with the community level of care. Additionally, because this level of care is coordinated to ensure that inmates receive every aspect of sexual abuse treatment, addressing both medical and mental health needs on a regular and timely basis, without regard to cost, the opportunity for treatment received in this institutional setting far exceeds that of individuals receiving similar treatments within the community. Accordingly, the TCF Medical and Mental Health Departments have collectively exceeded the provisions of this standard.

115.86	Sexual abuse incident reviews
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC IMPP #12-118D, Serious Incident Review Board Actions Pending and Subsequent to Incident Reviews, Sexual Incident Review, 3-28-18 · KDOC PREA Application Manual, 12-20-17 · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 · TCF Sexual Assault Incident Review: 9-22-22, 8-25-22a, 8-25-22b, 7-28-22a, 7-28-22b, 4-28-22a, 4-28-22b, 4-28-22c, 4-28-22d Interviews: • Agency PREA Coordinator • TCF Facility Warden • TCF PREA Compliance Manager • Incident Review Team Member Site Review Observations: • Reviewed Incident Review Team procedures Standard Subsections: (A) Policy (IMPP #12-118D, IMPP #10-103D) indicates that a Sexual Abuse Incident

Review (SAIR) Team shall review all sexual abuse incidents, unless determined to be unfounded, within thirty (30) calendar days of the conclusion of investigation. During the audit time frame, the TCF received nine (9) sexual abuse allegations, excluding only unfounded incidents. Accordingly, per the TCF PREA Compliance Manager, the TCF has engaged nine (9) SIRB meetings. In speaking with the TCF PREA Compliance Manager, the TCF Warden, and the TCF EAI Investigator, each person explained their role within the incident review process.

(B) Policy (IMPP #12-118D, IMPP #10-103D) requires the SAIR to review all sexual abuse incidents, unless determined to be unfounded, within thirty (30) calendar days of the conclusion of investigation. During the audit time frame, the TCF received nine (9) sexual abuse allegations, excluding only unfounded incidents. Accordingly, per the TCF PREA Compliance Manager, the TCF has engaged nine (9) SAIR Team meetings. Documentation evidencing the practice of SAIR was reviewed to ensure timely compliance.

(C) Policy (IMPP #12-118D) requires that “each facility shall conduct a sexual abuse incident review coordinated by the facility PREA Compliance Manager at the conclusion of every sexual abuse investigation, including those in which the allegation has not been substantiated, unless the allegation has been determined to be unfounded. Such reviews shall ordinarily occur within 30 days of the conclusion of the investigation. The SAIR team shall include, at a minimum:

- The PREA Compliance Manager, or other staff designated by the warden/superintendent, as chairperson;
- The EAI Special Agent Supervisor or EAI Special Agent;
- A CSII/JCOIII (Lieutenant) or higher;
- A health care or mental health professional; and
- Additional staff as appointed by the warden/superintendent.

(D) Policy (IMPP #12-118D) requires that the SAIR shall consider:

- whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse,
- Consider whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation, or was motivated or otherwise caused by other group dynamics at the facility,
- Examine the area in the facility where the incident allegedly occurred to assess

whether physical barriers in the area may enable abuse;

- Asses the adequacy of staffing levels in that area during different shifts, and
- Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The SAIR team shall prepare a report of its findings... any recommendations for improvement.

(E) Upon completion of the incident review report, “the facility shall implement the recommendations for improvement or shall document its reasons for not doing so. In speaking with the TCF Warden, the responsibilities of the managing officer to implement SAIR recommendations was explained.

Reasoning & Findings Statement:

During the audit time frame, the TCF disposed of nine (9) sexual abuse allegations, excluding only unfounded incidents. As such, it was necessary to engage the Sexual Abuse Incident Review Team upon the conclusion of each investigation, with the exception of unfounded investigations. A review of documentation reflects the timely convergence of those designated staff members. In speaking with the TCF PREA Compliance Manager, the TCF Warden, and the TCF EAI Investigator, each person explained their role within the incident review process. As such, it is evident that the facility has procedures in place to engage incident reviews and that staff are knowledge in their obligations to the team. Accordingly, TCF has satisfied the requirements of this standard.

115.87	Data collection
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC Survey of Sexual Victimization, 2021 · KDOC Memo, Link to Contracted Facilities · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 Interviews: • Agency PREA Coordinator • TCF Facility Warden • TCF PREA Compliance Manager Site Review Observations: • Extensive review of agency website/PREA section • Reviewed 2022 Annual PREA Report Standard Subsections: (A) Policy (IMPP #10-103D) provides all staff within the KDOC a standardized set of definitions specific to sexual abuse/sexual harassment allegations. Policy (IMPP #10-103D) further mandates that all investigators will report their investigative summary and report, as well as other relevant documentation, “in as prompt a manner as possible.” In speaking with the TCF EAI Investigator, adherence to this provision was confirmed.

(B) Policy (IMPP #10-103D) further requires that “the KDOC PERA Coordinator must, on an annual basis, review and analyze the aggregated data to assess for compliance with the national PREA standards and to improve the effectiveness of the sexual abuse prevention and intervention program.”

(C) Per the PREA Coordinator, the KDOC utilizes the U.S. Department of Justice, Bureau of Justice Statistics, Survey of Sexual Victimization, to report its statistical data. The data collection device includes information necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Bureau of Justice Statistics.

(D) Per the TFC EAI Investigator, all case filed entered into the EAI Case Log are maintained indefinitely.

(E) Per the PREA Coordinator, the agency does require contracted agencies to collect incident-based and aggregated data. This data is made available to the public through review of the agency’s website: <https://www.doc.ks.gov/facilities/prea/contracts>

(F) Per the PREA Coordinator, the agency is required to provide aggregated data on sexual abuse and sexual harassment occurring within the KDOC to the Department of Justice (DOJ); specifically, the Bureau of Justice Statistics, on an annual basis. This data is provided to the DOJ no later than June 30th of each year.

Reasoning & Findings Statement:

This standard works to ensure that specific data relative to promoting sexual safety within a correctional institution is collected on a monthly basis. That data is then aggregated and made available for public review. The TCF has complied with the timely collection of said data and subsequently furnishes it to appropriate entities as required. Hence, the TCF has met all provisional requirements and is in compliance with this standard.

115.88	Data review for corrective action
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC Survey of Sexual Victimization, 2021 · KDOC Memo, Link to Contracted Facilities · KDOC Memo, Link to KDOC public website · KDOC 2021 Annual PREA Report · KDOC 2022 Annual PREA Report · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 Interviews: • Agency Head • Agency PREA Coordinator • TCF Facility Warden • TCF PREA Compliance Manager Site Review Observations: • Extensive review of agency website/PREA section · Reviewed KDOC 2021 Annual PREA Report · Reviewed KDOC 2022 Annual PREA Report Standard Subsections:

(A) Policy (IMPP #10-103D) requires the PREA Coordinator to review data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, response policies, and training. Specifically, the KDOC works to identify problem areas, take corrective action on an ongoing basis, and prepares an annual report of its findings from the data review and any corrective actions for each facility, as well as the agency as a whole. The PREA Coordinator confirmed adherence to this policy. As well, the KDOC Annual PREA Report for years 2021 and 2022 does reflect the intelligent use of said data.

(B) A review of the KDOC Annual PREA Report for years 2021 and 2022 include annual statistics that compare 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. The PREA Coordinator confirms adherence to this policy. As well, the KDOC 2022 Annual PREA Report and KDOC 2021 Annual PREA Report reflect this purpose.

(C) Policy (IMPP #10-103D) requires that upon completion of each year's Annual Internal Report on Sexual Assault Data, "the report shall be approved by the Director and posted on the DRC internet site." A review of the KDOC website indicates that upon approval from the agency director, the report is then made available to the public through the KDOC website. The PREA Coordinator confirms adherence to this policy. Furthermore, a review of the KDOC website finds all agency PREA reports publicly available: <https://drc.Kansas.gov/prea>

(D) Policy (IMPP #10-103D) requires that "any information redacted from the report due to a clear and specific threat to the safety and security of the facility must indicate the reason for redaction." In speaking with the agency PREA Coordinator, it was noted that should the agency need to redact specific information other than publicly identifying statistics, proper procedural restraints would be applied.

Reasoning & Findings Statement:

This standard works to determine if agency, and by extension, facility base staff use aggregated data to promote the overall safety and security of the facility. In speaking with the agency-wide PREA Coordinator, TCF PREA Compliance Manager, and the TCF Warden, the manner in which these persons utilized the data to improve overall institutional safety, based on their role within the agency, was explained. Hence, the TCF has demonstrated clear compliance with each of the provisions, and as such, has reached the goal of the standard.

115.89	Data storage, publication, and destruction
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 · KDOC Survey of Sexual Victimization, 2021 · KDOC Kansas Records Retention Schedules · KDOC Memo, Link to Contracted Facilities · KDOC Memo, Link to KDOC public website · KDOC 2021 Annual PREA Report · KDOC 2022 Annual PREA Report · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 Interviews: • Agency PREA Coordinator • TCF Facility Warden • TCF PREA Compliance Manager Site Review Observations: • Extensive review of agency website/PREA section Standard Subsections: (A) Per the TFC EAI Investigator, all investigative data is retained permanently. The

PREA Coordinator confirms agency compliance with this directive. As well, review of the agency website reflects the collection of all annual aggregated reports previously published pursuant to §115.87.

(B) The PREA Coordinator confirms agency compliance with this provision. As well, review of the agency website reflects the collection of all annual aggregated reports previously published pursuant to §115.87. This data is made readily available to the public through the KDOC website.

(C) The PREA Coordinator confirms that all personal identifiers have been removed from publicly available data.

(D) Per the TFC EAI Investigator, all investigative data is retained permanently. The PREA Coordinator confirms agency compliance with this directive. As well, review of the agency website reflects the collection of all annual aggregated reports previously published pursuant to §115.87. This data is made readily available to the public through the KDOC website.

Reasoning & Findings Statement:

This standard works to ensure both public availability and agency integrity in the presentation of aggregated sexual abuse data. In reviewing agency documents and speaking with staff, it is more than apparent that both the KDOC PREA Coordinator, as well as the administration of the TCF, operate with transparency in government. As such, the facility has clearly obtained each provision, and thus, satisfactorily achieve overall compliance.

115.401	Frequency and scope of audits
	Auditor Overall Determination: Exceeds Standard Auditor Discussion Documents: • KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 KDOC PREA Webpage • TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 Interviews: • Agency PREA Coordinator • TCF Facility Warden • TCF PREA Compliance Manager • Random/Targeted Staff • Random/Targeted Offenders Site Review Observations: • On-site inspection of the entire TCF • Review of documentation available via the KDOC PREA website Standard Subsections: (A) As evidenced by presence of facility audits on the KDOC website, and confirmed by the PREA Coordinator, PREA Audits have been completed at all KDOC correctional facilities to provide for at least one-third of each facility type operated by the Agency being audited during each audit year.

(B) This is Audit Year 1 of Cycle 4.

(H) The auditor had full access to all areas of the facility.

(A) All documents requested by the auditor were received in a timely manner.

(A) The auditor was permitted to conduct private interviews with inmates.

(B) Inmates were permitted to correspond with the auditor using privileged mail processes.

Reasoning & Findings Statement:

Both the PREA Coordinator and the TCF PREA Compliance Manager were exceptionally prepared for this review. The auditor was provided the PAQ well in advance of arriving to the facility. The auditor was given unrestricted access to the institution and provided with all reference materials requested. The auditor was provided with a convenient location from which to interview both employees and staff in a confidential manner. Agency staff ensured that the flow of interview traffic was never restricted and that the auditor was able to attend all requested inmate functions throughout the facility as needed. The auditor did not experience any significant barriers, at any stage of the audit, that were under the control of either the agency or the TCF. Accordingly, TCF has exceeded the provisions of this standard.

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: · KDOC IMPP #10-103D, Coordinated Response to Sexual Abuse and Harassment, 10-16-19 KDOC PREA Webpage · TCF General Orders #01-102, Prison Rape Elimination Act (PREA), 1-1-23 Interviews: • Agency PREA Coordinator Site Review Observations: • Review of documentation available via the KDOC PREA website Standard Subsections: (F.)A review of the agency website reflects that the KDOC has published all final audit reports for prior audits completed during the last three years preceding this audit. The PREA Coordinator affirms that all facilities within the KDOC have been audited, and their reports subsequently published, on the agency's website. Reasoning & Findings Statement: The function of this standard is to promote transparency in government by ensuring that all facility audits are available for public review, by way of, for example, the agency's website. In this case, the KDOC does have an agency website and has made all facility PREA reports conveniently accessible to the public.

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
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Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment?	yes
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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
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Is the PREA Coordinator position in the upper-level of the agency hierarchy?	yes
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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
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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
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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
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115.12 (a) Contracting with other entities for the confinement of inmates

If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	yes
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115.12 (b)	Contracting with other entities for the confinement of inmates	
	Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	yes

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

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

115.16 (a)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual 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.)	na
115.18 (b)	Upgrades to facilities and technologies	
	If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)	yes
115.21 (a)	Evidence protocol and forensic medical examinations	
	If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

115.71 (j)	Criminal and administrative agency investigations	
	Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?	yes
115.71 (l)	Criminal and administrative agency investigations	
	When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).)	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.)	na

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

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

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

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

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

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

115.83 (h)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)	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.)	na
	If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)	na
115.401 (h)	Frequency and scope of audits	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes
115.401 (i)	Frequency and scope of audits	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes
115.401 (m)	Frequency and scope of audits	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes
115.401 (n)	Frequency and scope of audits	
	Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes

115.403 (f)	Audit contents and findings	
	The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or, in the case of single facility agencies, there has never been a Final Audit Report issued.)	yes