

PREA Facility Audit Report: Final

Name of Facility: Edna Mahan Correctional Facility for Women

Facility Type: Prison / Jail

Date Interim Report Submitted: 09/04/2023

Date Final Report Submitted: 03/15/2024

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input checked="" type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input checked="" type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input checked="" type="checkbox"/>
Auditor Full Name as Signed: SONYA LOVE	Date of Signature: 03/15/ 2024

AUDITOR INFORMATION	
Auditor name:	Love, Sonya
Email:	sonya.love57@outlook.com
Start Date of On-Site Audit:	07/10/2023
End Date of On-Site Audit:	07/14/2023

FACILITY INFORMATION	
Facility name:	Edna Mahan Correctional Facility for Women
Facility physical address:	30 County Road 513, Clinton, New Jersey - 08809
Facility mailing address:	PO Box 4004, Clinton, New Jersey - 08809

Primary Contact	
Name:	Amelia Renshaw
Email Address:	amelia.renshaw@doc.nj.gov
Telephone Number:	908-735-7111x 3287

Warden/Jail Administrator/Sheriff/Director	
Name:	Ryan O'Dea
Email Address:	ryan.odea@doc.nj.gov
Telephone Number:	908-735-7111x3600

Facility PREA Compliance Manager	
Name:	Amelia Renshaw
Email Address:	amelia.renshaw@doc.nj.gov
Telephone Number:	O: 9087357111

Facility Health Service Administrator On-site	
Name:	Dr. Sandra Braimbridge
Email Address:	braims1@ubhc.rutgers.edu
Telephone Number:	908-735-7111x3429

Facility Characteristics	
Designed facility capacity:	872
Current population of facility:	383
Average daily population for the past 12 months:	355
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:	20-78
Facility security levels/inmate custody levels:	max, medium, GM, FM, close
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	491
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	99
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	41

AGENCY INFORMATION

Name of agency:	New Jersey Department of Corrections
Governing authority or parent agency (if applicable):	
Physical Address:	1300 Stuyvesant Avenue, Trenton, New Jersey - 08618
Mailing Address:	
Telephone number:	6092924036

Agency Chief Executive Officer Information:

Name:	Comm. Victoria L. Kuhn, Esq.
Email Address:	Victoria.Kuhn@doc.nj.gov
Telephone Number:	609-292-4036-5656

Agency-Wide PREA Coordinator Information

Name:	Sandra Capra	Email Address:	Sandra.a.capra@doc.nj.gov
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Facility AUDIT FINDINGS

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:

2	<ul style="list-style-type: none"> • 115.11 - Zero tolerance of sexual abuse and sexual harassment; PREA coordinator • 115.33 - Inmate education
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Number of standards met:

43

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:	2023-07-10
2. End date of the onsite portion of the audit:	2023-07-14

Outreach

10. Did you attempt to communicate with community-based organization(s) or victim advocates who provide services to this facility and/or who may have insight into relevant conditions in the facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Identify the community-based organization(s) or victim advocates with whom you communicated:	New Jersey Ombudsman Office, Assistant CEO.

AUDITED FACILITY INFORMATION

14. Designated facility capacity:	872
15. Average daily population for the past 12 months:	355
16. Number of inmate/resident/detainee housing units:	12
17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Not Applicable for the facility type audited (i.e., Community Confinement Facility or Juvenile Facility)

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

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

36. Enter the total number of inmates/residents/detainees in the facility as of the first day of onsite portion of the audit:	362
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:	3
39. Enter the total number of inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) in the facility as of the first day of the onsite portion of the audit:	2
40. Enter the total number of inmates/residents/detainees who are Blind or have low vision (visually impaired) in the facility as of the first day of the onsite portion of the audit:	0
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:	1
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:	1
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:	0

<p>44. Enter the total number of inmates/residents/detainees who identify as transgender or intersex in the facility as of the first day of the onsite portion of the audit:</p>	<p>29</p>
<p>45. Enter the total number of inmates/residents/detainees who reported sexual abuse in the facility as of the first day of the onsite portion of the audit:</p>	<p>3</p>
<p>46. Enter the total number of inmates/residents/detainees who disclosed prior sexual victimization during risk screening in the facility as of the first day of the onsite portion of the audit:</p>	<p>13</p>
<p>47. Enter the total number of inmates/residents/detainees who were ever placed in segregated housing/isolation for risk of sexual victimization in the facility as of the first day of the onsite portion of the audit:</p>	<p>0</p>
<p>48. Provide any additional comments regarding the population characteristics of inmates/residents/detainees in the facility as of the first day of the onsite portion of the audit (e.g., groups not tracked, issues with identifying certain populations):</p>	<p>A larger portion of inmates sampled were assigned to Edna Mahan more than one year ago, which makes it challenging to identify specific populations.</p>
<p>Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit</p>	
<p>49. Enter the total number of STAFF, including both full- and part-time staff, employed by the facility as of the first day of the onsite portion of the audit:</p>	<p>491</p>
<p>50. Enter the total number of VOLUNTEERS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:</p>	<p>71</p>

<p>51. Enter the total number of CONTRACTORS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:</p>	<p>99</p>
<p>52. Provide any additional comments regarding the population characteristics of staff, volunteers, and contractors who were in the facility as of the first day of the onsite portion of the audit:</p>	<p>No text provided.</p>
<p>INTERVIEWS</p>	
<p>Inmate/Resident/Detainee Interviews</p>	
<p>Random Inmate/Resident/Detainee Interviews</p>	
<p>53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:</p>	<p>13</p>
<p>54. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)</p>	<p> <input checked="" type="checkbox"/> Age <input checked="" type="checkbox"/> Race <input checked="" type="checkbox"/> Ethnicity (e.g., Hispanic, Non-Hispanic) <input checked="" type="checkbox"/> Length of time in the facility <input checked="" type="checkbox"/> Housing assignment <input checked="" type="checkbox"/> Gender <input type="checkbox"/> Other <input type="checkbox"/> None </p>
<p>55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?</p>	<p>Communication with the PREA Coordinator and the facility PREA Compliance Manager.</p>
<p>56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?</p>	<p> <input checked="" type="radio"/> Yes <input type="radio"/> No </p>

57. Provide any additional comments regarding selecting or interviewing random inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):	No text provided.
Targeted Inmate/Resident/Detainee Interviews	
58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:	33
<p>As stated in the PREA Auditor Handbook, the breakdown of targeted interviews is intended to guide auditors in interviewing the appropriate cross-section of inmates/residents/detainees who are the most vulnerable to sexual abuse and sexual harassment. When completing questions regarding targeted inmate/resident/detainee interviews below, remember that an interview with one inmate/resident/detainee may satisfy multiple targeted interview requirements. These questions are asking about the number of interviews conducted using the targeted inmate/resident/detainee protocols. For example, if an auditor interviews an inmate who has a physical disability, is being held in segregated housing due to risk of sexual victimization, and disclosed prior sexual victimization, that interview would be included in the totals for each of those questions. Therefore, in most cases, the sum of all the following responses to the targeted inmate/resident/detainee interview categories will exceed the total number of targeted inmates/residents/detainees who were interviewed. If a particular targeted population is not applicable in the audited facility, enter "0".</p>	
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:	2
61. Enter the total number of interviews conducted with inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) using the "Disabled and Limited English Proficient Inmates" protocol:	2
62. Enter the total number of interviews conducted with inmates/residents/detainees who are Blind or have low vision (i.e., visually impaired) using the "Disabled and Limited English Proficient Inmates" protocol:	0

<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>I spoke to medical practitioners to verify inmates in the target group.</p>
<p>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:</p>	<p>1</p>
<p>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:</p>	<p>2</p>
<p>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:</p>	<p>2</p>
<p>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:</p>	<p>5</p>

<p>67. Enter the total number of interviews conducted with inmates/residents/detainees who reported sexual abuse in this facility using the "Inmates who Reported a Sexual Abuse" protocol:</p>	<p>14</p>
<p>68. Enter the total number of interviews conducted with inmates/residents/detainees who disclosed prior sexual victimization during risk screening using the "Inmates who Disclosed Sexual Victimization during Risk Screening" protocol:</p>	<p>5</p>
<p>69. Enter the total number of interviews conducted with inmates/residents/detainees who are or were ever placed in segregated housing/isolation for risk of sexual victimization using the "Inmates Placed in Segregated Housing (for Risk of Sexual Victimization/Who Allege to have Suffered Sexual Abuse)" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>The facility tour included a face-to-face with inmates housed in segregation. Zero inmates indicated placement in segregation was PREA-related as a victim or accused.</p>
<p>70. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):</p>	<p>No text provided.</p>

Staff, Volunteer, and Contractor Interviews

Random Staff Interviews

71. Enter the total number of RANDOM STAFF who were interviewed:

25

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:

Gender fluid

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):

No text provided.

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):

13

76. Were you able to interview the Agency Head?	<input checked="" type="radio"/> Yes <input type="radio"/> No
77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?	<input checked="" type="radio"/> Yes <input type="radio"/> No
78. Were you able to interview the PREA Coordinator?	<input checked="" type="radio"/> Yes <input type="radio"/> No
79. Were you able to interview the PREA Compliance Manager?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if the agency is a single facility agency or is otherwise not required to have a PREA Compliance Manager per the Standards)

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

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

	<input type="checkbox"/> Other
81. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Enter the total number of VOLUNTEERS who were interviewed:	1
b. Select which specialized VOLUNTEER role(s) were interviewed as part of this audit from the list below: (select all that apply)	<input type="checkbox"/> Education/programming <input type="checkbox"/> Medical/dental <input type="checkbox"/> Mental health/counseling <input checked="" type="checkbox"/> Religious <input type="checkbox"/> Other
82. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Enter the total number of CONTRACTORS who were interviewed:	2
b. Select which specialized CONTRACTOR role(s) were interviewed as part of this audit from the list below: (select all that apply)	<input type="checkbox"/> Security/detention <input type="checkbox"/> Education/programming <input checked="" type="checkbox"/> Medical/dental <input type="checkbox"/> Food service <input type="checkbox"/> Maintenance/construction <input checked="" type="checkbox"/> Other
83. Provide any additional comments regarding selecting or interviewing specialized staff.	Mental health staff

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

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

<p>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).</p>	<p>No text provided.</p>
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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.

<p>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?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
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<p>91. Provide any additional comments regarding selecting additional documentation (e.g., any documentation you oversampled, barriers to selecting additional documentation, etc.).</p>	<p>No text provided.</p>
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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	20	0	20	0
Staff-on-inmate sexual abuse	52	0	52	0
Total	72	0	72	0

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	39	0	39	0
Staff-on-inmate sexual harassment	21	0	21	0
Total	60	0	60	0

Sexual Abuse and Sexual Harassment Investigation Outcomes

Sexual Abuse Investigation Outcomes

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

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

	Ongoing	Referred for Prosecution	Indicted/ Court Case Filed	Convicted/ Adjudicated	Acquitted
Inmate-on-inmate sexual abuse	0	0	0	0	0
Staff-on-inmate sexual abuse	20	0	0	0	0
Total	20	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	16	3	1	2
Staff-on-inmate sexual abuse	17	21	14	0
Total	33	22	15	2

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	26	0	11	2
Staff-on-inmate sexual harassment	8	1	11	1
Total	34	1	22	1

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:	16
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<p>99. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual abuse investigation files)</p>
<p>Inmate-on-inmate sexual abuse investigation files</p>	
<p>100. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</p>	<p>8</p>
<p>101. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
<p>102. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
<p>Staff-on-inmate sexual abuse investigation files</p>	
<p>103. Enter the total number of STAFF-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</p>	<p>8</p>
<p>104. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>

<p>105. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>
<p>Sexual Harassment Investigation Files Selected for Review</p>	
<p>106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>8</p>
<p>107. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual harassment investigation files)</p>
<p>Inmate-on-inmate sexual harassment investigation files</p>	
<p>108. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>8</p>
<p>109. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
<p>110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>

Staff-on-inmate sexual harassment investigation files	
111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:	8
112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)
113. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)
114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.	No text provided.
SUPPORT STAFF INFORMATION	
DOJ-certified PREA Auditors Support Staff	
115. Did you receive assistance from any DOJ-CERTIFIED PREA AUDITORS at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.	<input type="radio"/> Yes <input checked="" type="radio"/> 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

a. Enter the TOTAL NUMBER OF NON-CERTIFIED SUPPORT who provided assistance at any point during this audit:

1

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

Standards	
Auditor Overall Determination Definitions	
<ul style="list-style-type: none"> • Exceeds Standard (Substantially exceeds requirement of standard) • Meets Standard (substantial compliance; complies in all material ways with the stand for the relevant review period) • Does Not Meet Standard (requires corrective actions) 	
Auditor Discussion Instructions	
<p>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.</p>	

115.11	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	<p>115.11 (a): The New Jersey Department of Corrections (NJDOC) has a written policy mandating zero tolerance toward sexual abuse and sexual harassment and outlining the agency's approach to preventing, detecting, and responding to such conduct.</p> <p>115.11 (b): The NJDOC employs an upper-level, agency-wide PREA Coordinator. During her interview, the agency PREA Coordinator confirmed that she has sufficient time and authority to develop, implement, and oversee agency efforts to comply with its facilities' PREA standards. The position of PREA Coordinator is solely dedicated.</p> <p>115.11 (c): NJDOC operates multiple facilities with a designated PREA Compliance Manager. During her interview, Edna Mahan, PREA Compliance Manager, confirmed that she has sufficient time and authority to coordinate the facility’s efforts to comply with the PREA standards. At Edna Mahan, this PREA Compliance Manager is dedicated to PREA-related duties to enhance the sexual safety of inmates and staff. She is the only PCM in NJDOC solely dedicated to PREA. Further, NJDOC has designated two (2) PREA Compliance Regional Managers as regional managers who assist facility PREA</p>

	Compliance Managers in adherence to all PREA standards.
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115.12	Contracting with other entities for the confinement of inmates
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>115.12 (a): A public agency that contracts for the confinement of its inmates with private agencies or other entities, including other government agencies, shall include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards. NJDOC reported having contracts (13) for the confinement of inmates that the agency entered into or renewed with private entities or other government agencies on or after August 20, 2012, or since the last PREA audit. The facility uploaded a few contracts that are reportedly applicable to Edna Mahan. All agreements are written in the same format with identical content. In Section 1.11, entitled "Compliance with All Applicable Laws Required," the agreement does not explicitly require compliance with PREA standards. Still, it requires compliance with the legal requirements outlined in the contract and any other applicable laws, regulations, or codes. The contracts state that the listed laws, rules, and codes cited are available for review at the State Library. A memo from the NJDOC Office of Compliance, Policy, and Strategic Planning, NJDOC contracts office should include specific PREA language in all future contracts. The Auditor requested contracts executed within the last 12 months to determine if PREA language is included in all applicable written contractual agreements for community Residential Placement Programs for inmates. SECTION I State of New Jersey Department of Corrections Request for Proposal Residential Community Release Program(s) General Information stipulates compliance with the Prison Rape Elimination Act. This standard requires corrective action.</p> <p>115.12 (b): Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards. In an interagency memo from NJDOC dated April 15, 2019, the Office of Community Programs contracts section was advised by the Office of Compliance, Policy, and Strategic Planning that NJDOC contracts should include specific PREA language in future Requests for Proposals—re-bids for contracts in effect under RFP Bid No. PCS-2016, ending June 30, 2019, would require PREA compliance language. The development of the RCRP Request for Proposals under PCS-2019 requires the contractor's administrative responsibilities to comply with PREA. The PCS- 2019 also covered any new contractors' obligation to become PREA compliant by January 1, 2021. NJDOC monitoring requires the contractor to provide PREA audit results to the</p>

	<p>Office of Community Programs. Annually, the contractor must meet NJDOC monitoring requirements for PREA compliance. Bidders who are RCRP contractors when the RFP is issued (Current Contractors) are required to maintain PREA compliance for the RCRP throughout the term of the Contract.</p> <p>Corrective Action:</p> <ol style="list-style-type: none"> 1. NJDOC reported having contracts (13) for the confinement of inmates that the agency entered into or renewed with private entities or other government agencies on or after August 20, 2012, or since the last PREA audit. This substandard requires corrective action. 2. NJDOC will amend contracts to include language to comply with the Prison Rape Elimination Act. NJDOC will provide evidence of compliance. <p>Note: NJDOC is currently negotiating all contracts with private entities for the confinement of inmates. Contract renewals are pending.</p>
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115.13	Supervision and monitoring
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p>
	<p>PCS.001.008 Prevention, Detection, and Response of Sexual Abuse and Harassment, NJDOC Annual Staffing Analysis, EMCF Internal PREA Audit 2023, Collapse Post Report, Alpha Logbook, CUS 001.CRP (camera review procedures) address the requirements of PREA standard 115.13.</p> <p>115.13 (a): NJDOC policy stipulates that the agency shall ensure that each facility it operates shall develop, document, and make its best efforts to comply regularly with a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration: (1) Generally accepted detention and correctional practices; (2) Any judicial findings of inadequacy; (3) Any findings of inadequacy from Federal investigative agencies; (4) Any findings of inadequacy from internal or external oversight bodies; (5) All components of the facility’s physical plant (including “blind-spots” or areas where staff or inmates may be isolated); (6) The composition of the inmate population; (7) The number and placement of supervisory staff; (8) Institution programs occurring on a particular shift; (9) Any applicable State or local laws, regulations, or standards; (10) The prevalence of substantiated and unsubstantiated</p>

incidents of sexual abuse; and (11) Any other relevant factors.

115.13 (b): When the staffing plan is not complied with, Edna Mahan documents and justifies all deviations from the plan. (See Collapse Post Report)

115.13 (c): Whenever necessary, but no less frequently than once each year, for each facility the agency operates, in consultation with the PREA Coordinator required by § 115.11, the agency shall assess, determine, and document whether adjustments are needed to: (1) The staffing plan established under paragraph (a) of this section; (2) The facility's deployment of video monitoring systems and other monitoring technologies; and (3) The resources the facility has available to commit to ensure adherence to the staffing plan. A document termed Internal EMCF PREA Audit was provided as evidence of compliance with this substandard. The document was not signed by the facility Warden nor the PREA Coordinator, which could serve as an acknowledgment of a consultation with the PREA Coordinator. This substandard requires corrective action.

115.13 (d): Each NJDOC has 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. Such policies and practices were implemented for night and day shifts. Each NJDOC facility follows an agency policy that prohibits staff from alerting other staff members that these supervisory rounds are occurring unless such an announcement is related to the legitimate operational functions of the facility. Interviews with custody supervisors acknowledge how to conduct random unannounced rounds.

Corrective Action:

1. Standard 115.13 (c) indicates: Whenever necessary, but no less frequently than once each year, for each facility the agency operates, in consultation with the PREA Coordinator required by § 115.11, the agency shall assess, determine, and document whether adjustments are needed to: (1) The staffing plan established under paragraph (a) of this section; (2) The facility's deployment of video monitoring systems and other monitoring technologies; and (3) The resources the facility has available to commit to ensure adherence to the staffing plan. A document termed Internal EMCF PREA Audit was provided as evidence of compliance with this substandard. The document was not signed by the facility Warden nor the PREA Coordinator, which could serve as an acknowledgment of a consultation with the PREA Coordinator. This substandard requires corrective action.
2. The Auditor will review the update to the acknowledgment as proof of consultation with the PREA Coordinator regarding the staffing plan.

	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p>
	<p>115.14 (a): According to the PREA Compliance Manager and agency PREA Coordinator and a review of the Pre-Audit Questionnaire (PAQ), Edna Mahan does not house inmates identified as "youthful inmates."</p> <p>115.14 (b): This facility does not house youthful inmates.</p> <p>115.14 (c): This facility does not house youthful inmates.</p>

115.15	Limits to cross-gender viewing and searches
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p>
	<p>Policy CUS.001.SEA.001 Searches of Inmates and Correctional Facilities, Policy CUS.001.SEA.011 Searches of Inmates and Correctional Facilities, Policy CUS.001.GRC.001 Gender Restriction of Custody Post, Policy PCS.001.TGI.01, Transgender and Intersex Inmates, New Jersey Administrative Code (NJAC), Title 10 A: 3-5.6, Corrections, Chapter 3, Security and Control, Subchapter 5, Searches of Inmates and Facilities, April 2019, regarding Pat Searches, New Jersey Administrative Code (NJAC), Title 10 A:3-5.7, Corrections, Chapter 3, Security and Control, Subchapter 5, Searches of Inmates and Facilities, April 2019, regarding Strip Searches as well as Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault and Policy PCS.001.008 Prevention, Detection and Response of Sexual Abuse all address Standard 115.15 Limits to cross-gender viewing and searches address this standard.</p> <p>115.15 (a): Edna Mahan Correctional Facility is an adult female correctional facility. NJDOC Policy CUS.001.SEA.001, Searches of Inmates and Correctional Facilities, mandates all Organizational Unit Administrators or designees within the New Jersey Department of Corrections (NJDOC) are responsible for following all related Level 1/3 Internal Management Procedures and developing appropriate written Level 3 Operational Unit Internal Management Procedures consistent with this policy. All random and specialized staff interviewed during this PREA audit confirmed that Edna Mahan should not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning an examination of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners. All inmates interviewed during the onsite portion of this audit denied being searched by an opposite-gender staff member unless stipulated based on gender identity and search</p>

preference.

115.15 (b): Edna Mahan has a rated capacity that exceeds 50. The facility does not permit cross-gender pat-down searches of female inmates absent exigent circumstances such as a life-threatening medical emergency or gender identity and search gender preference. Facilities shall not restrict female inmates' access to regularly available programming or other out-of-cell opportunities to comply with this provision. Random and targeted inmates interviewed during the onsite portion of this audit denied ever being restricted access to regularly available programming or out-of-cell opportunities to comply with this substandard.

115.15 (c): Evidence examined in quarterly cross-gender search reports (January - June 2023) indicate that Edna Mahan documents all cross-gender strip and visual body cavity searches and shall document all cross-gender pat-down searches of female inmates.

115.15 (d): Edna Mahan has implemented policies and procedures such as NJDOC Policy CUS.001.SEA.001, Searches of Inmates and Correctional Facilities, N.J.A.C. 10A:3-5.6 through 10A:3-5.8 and PCS.001.006 Transgender/Intersex Inmates that enable inmates to shower, perform bodily functions, and change clothing without a non-medical 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—for example, Policy CUS.001.GRC.001 Gender Restriction of Custody Post, Post Assignments indicates when two (2) or more officers are assigned to a housing unit, post, or detail (which requires the inmate(s) to be strip-searched), at least one must be female. The policies and procedures also require a staff of the opposite gender to announce their presence when entering an inmate housing unit. All staff sampled during this PREA audit confirmed that opposite-gender staff must announce their presence when entering an inmate housing unit. Random and targeted inmates' sampled awareness answers varied from not never, to sometimes, to all opposite-gender staff making the mandatory opposite-gender announcements. Some inmates indicated that echoes and loud fans are problematic.

115.15 (e): The facility shall not search or physically examine a transgender or intersex inmate to determine the inmate's genital status. When the inmate's genital status is unknown, in that case, it may be determined during conversations with the inmate by reviewing medical records or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. Interviews with a sample of random and targeted inmates confirmed staff had not searched or physically examined a transgender or intersex inmate to determine the inmate's genital status. It should be mentioned the inmate sample included a broad range of transgender, intersex, and cisgender inmates.

115.15 (f): By examination of a sample of training files, this Auditor determined that NJDOC educates custody staff on how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, professionally and respectfully and in the least intrusive way possible consistent with security needs. Further, the evidence reviewed also confirms that custody staff at Edna Mahan participated in

	<p>facility cross-gender training, class description, IS2009.032-SEARCH OF PERSONS-REFRESHER with 349 custody staff in attendance between 01/01/2022 and 12/31/2022.</p> <p>Random custody staff confirmed that the cross-gender strip searches, cross-gender training, and NJDOC PAT Search Training included training on conducting pat-down searches and strip searches professionally, respectfully, and in the least intrusive manner possible, consistent with security needs. Further, the same training curriculum includes a module for training custody staff on conducting searches of transgender and intersex inmates professionally, respectfully, and in the least intrusive manner possible, consistent with security needs. The facility Pre-audit questionnaire (PAQ) indicates zero cross-gender strip searches or visual body cavity searches of any kind in the past 12 months, as confirmed by the acting PREA Compliance Manager.</p>
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115.16	Inmates with disabilities and inmates who are limited English proficient
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy SUP.004.001 Limited English Proficient (LEP) Language Assistance Bilingual Staff and Use of the Language Line, Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault, Policy PCS.001.008 Prevention, Detection and Response of Sexual Abuse, Policy PCS.001.DFH.01 Deaf/Hard of Hearing Inmates, Policy IMM.002.003 Americans with Disabilities Act (ADA) and New Jersey Law Against Discrimination – Reasonable Accommodations for Inmates collectively address the policy requirements of Standard 115.16.</p> <p>115.16 (a): By examination and interview with the PREA Coordinator and PREA Compliance Manager, this Auditor determined that NJDOC, the agency, takes appropriate steps to ensure that inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) have an equal opportunity to participate in or benefit from all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing and providing access to interpreters who can interpret</p>

effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the agency shall ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates with intellectual disabilities, limited reading skills, or who are blind or have low vision. An agency is not required to take actions that it can demonstrate would result in a fundamental alteration in a service, program, or activity or undue financial and administrative burdens, as those terms are used in regulations promulgated under Title II of the Americans with Disabilities Act, 28 CFR 35.164.

115.16 (b): Further, NJDOC takes reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary by giving guidance to facilities to assist inmates who are limited English proficient (LEP) inmates within the NJDOC, as well as for those LEP individuals who may otherwise encounter individuals at NJDOC correctional facilities, programs and activities. This assistance will be provided with, but not limited to, the use of bi-lingual staff and through the use of the language line services. Edna Mahan utilized staff interpreters and the language line during this audit to bridge the communication gap between non-English speaking persons.

In compliance with the Lugo v Middlesex County settlement agreement, NJDOC provides access to specific care and services by a preference for the method Policy SUP.004.001 Limited English Proficient (LEP) Language Assistance Bilingual Staff and Use of the Language Line provides facilities with guidelines to help with limited English proficient (LEP) inmates within the NJDOC correctional facilities, programs, and activities. Language Line Services is an over-the-phone telephone interpretation system that permits the oral transmission of a message from one language into another for LEP inmates.

115.16 (c): According to the PREA Compliance Manager, NJDOC does not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under § 115.64, or the investigation of the inmate's allegations. Further, interviews with random and specialized staff confirmed that only in a life-threatening emergency would the agency employ the aid of an inmate during an investigation. All LEP inmates interviewed confirmed being educated regarding PREA in a language they understood. Likewise, each LEP inmate interviewed understood how to report PREA using multiple reporting methods. All LEP inmates understood their right to be free from sexual abuse, sexual harassment, and retaliation for reporting an incident.

During random staff interviews (100%) of participants confirmed they 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-

	<p>response duties under §115.64, or the investigation of the inmate’s allegations.</p> <p>According to the random staff interviewed during the onsite portion of this audit in the last 12 months, Edna Mahan did not rely on inmate interpreters, readers, or other types of inmate assistance involving PREA cases or investigations. During the onsite portion of the audit, the Auditor confirmed with the agency administrators that statistical data relevant to this standard was unchanged since the development of the PAQ.</p>
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115.17	Hiring and promotion decisions
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>NJDOC Policy ADM.006.007 Pre-Employment and ID Card Renewal Background Checks: Issuance of Employee/Volunteer ID Cards, PSM.001.011 Staff Selection and Promotion, PSM.001.001 The Reporting of Summons, Arrests, Incarcerations: The Confiscation of Firearms and/or Suspension of Firearms Privileges of New Jersey Department of Corrections Employees support Standard 115.17.</p> <p>115.17 (a): Policy ADM.006.007 Pre-Employment and ID Card Renewal Background Checks: Issuance of Employee/Volunteer ID Cards, and PSM.001.011 Staff Selection and Promotion mandate that the agency shall not hire or promote anyone who may have contact with inmates and shall not enlist the services of any contractor who may have contact with inmates who— (1) Have engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997); (2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or (3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.</p> <p>NJDOC Policy ADM.006.007 Pre-Employment and ID Card Renewal Background Checks: Issuance of Employee/Volunteer ID Cards, PSM.001.011 Staff Selection and Promotion mandates that extensive, computerized criminal background checks be conducted on all individuals being considered for employment, whether permanent, temporary, or contract positions or to be volunteers within the Department. All prospective employees and volunteers must complete an Application for Clearance and Issuance of an Identification Card. This form is utilized to conduct background checks. The Special Investigations Division conducts the background checks, and the background check results determine if an applicant is suitable for employment and/or performing volunteer services for the Department. All approved applicants will be</p>

fingerprinted, and NJDOC ID cards specific to the employment/volunteer position will be issued to the new employees/volunteers. The NJDOC shall conduct background checks at least every five years for current permanent employees, every three years for contractors, and annually for temporary employees and volunteers. The Special Investigations Division will complete the background check at the time the NJDOC ID card is renewed.

115.17 (b): NJDOC by examination, considers any incidents of sexual harassment in determining whether to hire or promote anyone or to enlist the services of any contractor who may have contact with inmates.

115.17 (c): Before hiring new employees, who may have contact with inmates, the agency shall (1) Perform a criminal background record check and (2), Consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse. (See Policy ADM.006.007 Pre-Employment and ID Card Renewal Background Checks: Issuance of Employee/Volunteer ID Cards, PSM.001.011 Staff Selection and Promotion)

115.17 (d): The agency shall also perform a criminal background record check before enlisting the services of any contractor who may have contact with inmates. (See Policy ADM.006.007 Pre-Employment and ID Card Renewal Background Checks: Issuance of Employee/Volunteer ID Cards, PSM.001.011 Staff Selection and Promotion)

115.17 (e): The agency shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees. (See Policy ADM.006.007 Pre-Employment and ID Card Renewal Background Checks: Issuance of Employee/Volunteer ID Cards, PSM.001.011 Staff Selection and Promotion)

115.17 (f): The agency shall 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 and in any interviews or written self-evaluations conducted as part of reviews of current employees. The agency shall also impose a continuing affirmative duty to disclose any such misconduct upon employees. (See Policy ADM.006.007 Pre-Employment and ID Card Renewal Background Checks: Issuance of Employee/Volunteer ID Cards, PSM.001.011 Staff Selection and Promotion)

115.17 (g): Material omissions regarding such misconduct or the provision of materially false information are grounds for termination. (See Policy ADM.006.007 Pre-Employment and ID Card Renewal Background Checks: Issuance of Employee/Volunteer ID Cards, PSM.001.011 Staff Selection and Promotion)

115.17 (h): Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former

	<p>employee upon receiving a request from an institutional employer for whom such employee has applied to work. (See Policy ADM.006.007 Pre-Employment and ID Card Renewal Background Checks: Issuance of Employee/Volunteer ID Cards, PSM.001.011 Staff Selection and Promotion)</p> <p>Corrective Action:</p> <ol style="list-style-type: none"> 1. Edna Mahn will provide all criminal background information identified by the Auditor to sample and determine compliance with this standard. 2. Based on the evidence reviewed by the Auditor, she will determine if additional corrective action is needed.
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115.18	Upgrades to facilities and technologies
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>NJDOC Policy SUP.001.000Capital Planning and Construction: Mission, Goals and Objectives, Internal Management Procedure CUS.001.CRP.01 Camera Review Procedures, Edna Mahan Correctional Facility (EMCF) Camera Review Audit and EMCF Staffing Report address Standard 115.18.</p> <p>115.18 (a): Edna Mahan has acquired an annex building during this reporting period. According to the NJDOC Commissioner, when designing or developing any new facility and planning any substantial expansion or modification of existing facilities, NJDOC considers the effect of the design, acquisition, expansion, or improvement upon the agency’s ability to protect inmates from sexual abuse. The satellite annex was acquired from the depopulation of a minimum unit correctional unit called William Fauver Youth Correctional Facility. According to the agency Commissioner the newly acquired Edna Mahan annex is equipped with monitoring technology to improve the sexual safety of the inmate population.</p> <p>115.18 (b): When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, NJDOC considered how such technology might enhance the agency’s ability to protect inmates from sexual abuse, such as in the acquisition of an annex building to house Edna Mahan inmates as confirmed by the agency Commissioner.</p>

115.21	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy PCS.001.008 Prevention, Detection and Response of Sexual Abuse, Internal Management Procedure ADM.SID.035, Internal Management Procedure CUS.0010CSM.01 Crime Scene Management, Internal Management Procedure MED.MHS.002.001 Emergency Mental Health Services, Internal Management Procedure MED.MLI.005 Forensic Specimen Collection, Internal Management Procedure MED.MLI.007 Sexual Assault, Internal Management Procedure 014 Procedures for Sexual Offenses, Internal Management Procedure MED.MHS.002.010 and Sexual Assault Victims Bill of Rights N.J. Stat. Ann. § 52:4B-60.1 et seq., New Jersey Office of the Attorney General DIVISION OF CRIMINAL JUSTICE collectively address this standard.</p> <p>115.21 (a): NJDOC is responsible for investigating allegations of sexual abuse. During his interview, a SID investigator explained how the agency follows a uniform evidence protocol to maximize the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. New Jersey Department of Corrections/Edna Mahan SID conducts administrative and criminal sexual abuse investigations (including inmate-on-inmate sexual abuse or staff sexual misconduct). Specifically, the NJDOC/Edna Mahan Correctional Facility SID conducts criminal sexual abuse investigations (including inmate-on-inmate sexual abuse or staff sexual misconduct). Edna Mahan Correctional Facility houses no youthful inmates. When necessary, Edna Mahan Correctional Facility SID would notify the Office of the Hunterdon County Prosecutor of a sexual abuse allegation to request guidance in the investigation.</p> <p>115.21 (b): Edna Mahan Correctional Facility is an adult female facility. The protocol adapted is 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.</p> <p>115.21 (c): The agency shall 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. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The SID investigator confirmed during his interview that NJDOC documents its efforts to provide SAFEs or SANEs.</p> <p>115.21 (d): NJDOC attempts to make a victim advocate from a rape crisis center available to the victim. If a rape crisis center is not available to provide victim advocate services, the agency makes available to provide these services a qualified staff member from a community-based organization or a qualified agency staff</p>

member. Agencies shall document efforts to secure services from rape crisis centers. For this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g (b)(2)(C), to victims of sexual assault of all ages. The agency may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.

115.21 (e): As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

115.21 (f): To the extent NJDOC itself is not responsible for investigating allegations of sexual abuse, NJDOC will request that the investigating agency follow the requirements of paragraphs (a) through (e) of this section.

115.21 (g): The requirements of paragraphs (a) through (f) of this section shall also apply to (1) Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in prisons or jails and (2) Any Department of Justice component that is responsible for investigating allegations of sexual abuse in prisons or jails.

115.21 (h): For this section, a qualified agency staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.

115.22	Policies to ensure referrals of allegations for investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Policy PCS.001.008 Prevention, Detection, and Response of Sexual Abuse, Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault, Internal Management Procedure ADM.SID.035 Investigation Procedure, Internal Management Procedure CUS.0010CSM.01 Crime Scene Management, Policy ADM.006.011 Investigations by the Special Investigations Division, Internal Management Procedure MED.MLI.007 Sexual Assault, New Jersey Statutes, Title: 52, State Government, Department and Officers, Chapter 4B: Section: 52:4B-50: Findings, declarations relative to Sexual Assault Nurse Examiner Program collectively address Standard 115.22.

115.22 (a): The NJDOC agency PREA Coordinator confirmed that the agency and Edna Mahan ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. During interviews with random and targeted inmates, all inmates confirmed communication between NJDOC, the Edna Mahan administration, and the inmate population had significantly improved. However, the PREA reporting system falls short of ensuring complete trust and confidence in the reporting system. According to Standard 115.22, "a robust policy and practice that consistently investigates all allegations of sexual abuse and sexual harassment gives credibility to the reporting system within the facility." A sample of random and targeted inmates reported that, in some instances, Edna Mahan did not respond to some PREA-related allegations filed during this reporting period. The PREA Coordinator explained to the Auditor that "Not PREA" allegations were moved to a "Not PREA" category, which was investigated but not counted as a PREA allegation in this reporting period.

Problematic: If NJDOC determined that an allegation did not meet the criteria of PREA, the allegation would not receive a finding of "unfounded" as required in Standard 115.73. Further, the reporting requirement to inform an inmate of the outcome of an allegation of sexual abuse was voided because of the "Not PREA" designation adopted as a result of the agency's interpretation of PREA Standards 115.22 and 115.73. See Standard 115.73. Standard 115.73 mandates that following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, the agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. Standard 115.5 PREA general definitions indicate that an unfounded allegation is an allegation that was investigated and determined not to have occurred.

Moreover, NJDOC's policy and procedure to comply with 115.22 would deem the requirement for investigating allegations of sexual abuse or sexual harassment outside the guidelines of PREA standards but not unfounded, as outlined in Standard 115.5's general definition of the term. This Auditor determined that establishing a "Not PREA" category represented an inmate investigative test for PREA Standards 115.22 and 115.73 and posed a reporting challenge for the agency to resolve to meet this standard. This substandard requires corrective action.

To determine compliance with this standard, this Auditor will sample allegations of sexual abuse and sexual harassment alleged during this reporting period identified as "Not PREA" to determine if the allegations were investigated as outlined in all PREA standards.

115.22 (b): The agency shall have a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations unless the allegation does not involve potentially criminal behavior. NJDOC refers PREA-related allegations that may be criminal to the local prosecutor's office for action.

By examination, this Auditor determined that NJDOC publishes such policies on its website. This Auditor determined that NJDOC documents all referrals of allegations of

sexual abuse or sexual harassment for criminal investigation. Further, this Auditor reviewed a category of PREA allegations during this reporting period identified by the agency as "NOT PREA" initially, filed by the inmates as a PREA allegation or concern. The Auditor sampled the NJDOC completed investigations identified by the agency as "NOT PREA" investigations initiated during the reporting period. Problematic: The inmate initiating the complaint was seldom notified of the outcome. This substandard requires corrective action.

115.22 (c): If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity. This substandard is not applicable.

115.22 (d): NJDOC, by examination of a sample of investigations from this reporting period, this Auditor determined that NJDOC is a state entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails and has in place a policy governing the conduct of such investigations. (See Policy PCS.001.008 Prevention, Detection, and Response of Sexual Abuse, Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault, Internal Management Procedure ADM.SID.035 Investigation Procedure, Internal Management Procedure CUS.0010CSM.01 Crime Scene Management, Policy ADM.006.011 Investigations by the Special Investigations Division).

115.22 (e): Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations. According to NJDOC, 115.22 (a)-3, In the past 12 months, the number of allegations resulting in an administrative investigation was 132, with 67 pending review or (50.76%) investigations and 10 allegations initially reported as PREA but were re-categorized as "Not PREA" by the agency. This standard requires corrective action.

Corrective Action:

1. 115.22 (a): NJDOC shall ensure that an administrative or criminal investigation is completed for **all allegations** of sexual abuse and sexual harassment.
2. As a result of the corrective action period, inmates at Edna Mahan will be notified of the outcome of their allegations filed during this reporting period.
3. Effective immediately, inmates will be notified if an allegation is deemed "Not PREA" and thus unfounded. The notification process will follow PREA standards.
4. Edna Mahan will provide this Auditor with evidence of compliance with this standard in the form of notifications of investigations for this reporting period, including any allegation identified by the agency as "Not PREA" and unfounded.
5. This Auditor will sample allegations of sexual abuse or sexual harassment for this reporting period identified as "NOT PREA" for compliance with all PREA standards.

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115.31 Employee training
Auditor Overall Determination: Meets Standard
Auditor Discussion
<p>Policy PCS.001.008 Prevention, Detection and Response of Sexual Abuse, Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault, Policy ADM.010.004 Standards of Professional Conduct: Staff/Inmate Over Familiarity, NJDOC PREA brochure, New Jersey Training Plan/On the Job Training Session/Security Skills Evaluations/Learning Plan Transcript/ Acknowledgment of Receipt, NJDOC Basic Course and In-service for Correctional Staff Employees Policy 02-01-115, Sexual Abuse Prevention and Policy 01-05-101 Staff Development and Training, the PREA Presentation Guide, Training Records and Training Acknowledgement Sheets, NJDOC Quick Reference, NJDOC Basic Course and In-service for Correctional Staff Employees Policy 02-01-115, Sexual Abuse Prevention and Policy 01-05-101 Staff Development and Training, the PREA Presentation Guide, Training Records, and Training Acknowledgement Sheets collectively address the requirements of Standard 115.31.</p> <p>115.31 (a): By examination of training documents and random training records this Auditor determined that NJDOC trains all employees who may have contact with inmates on: (1) Its zero-tolerance policy for sexual abuse and sexual harassment; (2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures; (3) Inmates' rights to be free from sexual abuse and sexual harassment; (4) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment; (5) The dynamics of sexual abuse and sexual harassment in confinement; (6) The common reactions of sexual abuse and sexual harassment victims; (7) How to detect and respond to signs of threatened and actual sexual abuse; (8) How to avoid inappropriate relationships with inmates; (9) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.</p> <p>115.31 (b): By reviewing the training curriculum (employee training script), this Auditor determined that the lesson plan is gender neutral, but the agency provided ongoing training on gender-specific issues relative to Such training shall be tailored to the gender of the inmates at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only female inmates or vice versa.</p> <p>115.31 (c): According to the PREA Compliance Manager, all current employees who have not received PREA-related training are trained within one year of the effective</p>

	<p>date of the PREA standards. By examination of training documents, this Auditor confirmed that NJDOC provides each employee with refresher training every two years to ensure that all employees know the agency’s current sexual abuse and sexual harassment policies and procedures. In years when an employee does not receive refresher training, the agency provides information on current sexual abuse and sexual harassment policies in the form of memos during shift briefings and emails.</p> <p>115.31 (d): By examination of training and attendance documents, this Auditor determined that NJDOC documents, through employee signature or that employees understand the training they have received. A sample of random and specialized staff interviewed during the onsite portion of this audit confirms PREA-related training yearly in accordance with PCS.001.008 Prevention, Detection, and Response of Sexual Abuse and Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault.</p>
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115.32	Volunteer and contractor training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault and Internal Management Procedure PCS.001.VOL.001 Volunteer Services, NJDOC Staff PREA Quick Reference Guide addresses Standard 115.32.</p> <p>115.32 (a): According to the PREA Compliance Manager, NJDOC ensures 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. By examination, this Auditor reviewed volunteer and contractor training records to determine compliance with this standard.</p> <p>115.32 (b): By examining training scripts and other PREA-related handout materials, this Auditor determined that NJDOC provided training tailored to the level of involvement with the inmate population. More, the level and type of training provided to volunteers and contractors are based on the services they offer and their level of contact with inmates. Still, all volunteers and contractors who have contact with inmates shall be notified of the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.</p> <p>Further, the PREA training curriculum provides multi-types of training platforms determined based on the services offered by the volunteer or contractor and contact with inmates. Moreover, the curriculum also covers the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment and informs contractors and volunteers on how to report such incidents. New Jersey Department of Corrections</p>

	<p>ensures 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. The agency maintains documentation confirming that volunteers and contractors understand the training they have received. During the audit, Edna Mahan indicates 41 volunteers and 99 contractors who provide services to inmates and may have contact.</p> <p>115.32 (c): By examination of training records and NJDOC Office of Training Sign-Office Attendance Forms for volunteers and contractors, this Auditor determined that NJDOC maintains documentation confirming that volunteers and contractors understand the training they have received. Interviews with specialized medical and mental health practitioners also confirmed mandatory participation in annual PREA training and ongoing training as needed.</p>
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115.33	Inmate education
	<p>Auditor Overall Determination: Exceeds Standard</p>
	<p>Auditor Discussion</p>
	<p>Policy IMM.002.003 Americans with Disabilities Act and New Jersey Law Against Discrimination-Reasonable Accommodations for Inmates</p> <p>Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault, Policy PCS.001.008 Prevention, Detection, and Response of Sexual Abuse, Policy Number SUP.004.001 Limited English Proficient (LEP) Language Assistance: Bilingual Staff and Use of the Language Line, Internal Management Procedure PCS.001.DFH.01 Deaf/Hard of Hearing Inmates collectively address the requirements of Standard 115.33.</p> <p>115.33 (a): During the intake process, inmates sampled during the onsite portion of this audit all confirmed that NJDOC/Edna Mahan provides 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. (See Inmate Handouts in English, Spanish, and Mandarin, and Inmates PREA training script)</p> <p>115.33 (b): By examination of intake documents of a sample of random and targeted inmates, this Auditor determined that within 30 days of intake, NJDOC/Edna Mahan provides a comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents. (See Inmate Handouts in English, Spanish, and Mandarin, and Inmates PREA training script)</p> <p>115.33 (c): Current inmates who have not received such education shall be educated</p>

	<p>within one year of the effective date of the PREA standards and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate’s new facility differ from those of the previous facility.</p> <p>115.33 (d): By examination of training documents such as the training script, this Auditor determined that NJDOC/Edna Mahan provides inmate education in formats accessible to all inmates (See Inmate Handouts in English, Spanish, and Mandarin, and Inmates PREA training script), including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills. Further, during the intake process, NJDOC asks LEP, deaf, and hard-of-hearing inmates a preferred method of communication. At the same time, this inquiry allows the inmate to declare the best way to communicate with staff and receive communication regarding vital information, policies, practices, etc., while in custody.</p> <p>115.33 (e): By examination of inmate training documents provided by the facility and selected by the Auditor, this Auditor determined that the agency maintains documentation of inmate participation in these education sessions.</p> <p>115.33 (f): During a facility tour, this Auditor noted PREA-related education throughout each living unit and in common areas. By providing such education, NJDOC ensures that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, Deaf and Hearing Wavier for the Universal Symbol of Hearing Loss Placement on Cell Door, TDD Phone Call Form, or other written formats. Moreover, interviews with random and targeted inmates confirmed that NJDOC/Edna Mahan provides all inmates with continuous and readily available education regarding PREA-related education through brochures, videos, printed posters, and electronic information.</p>
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115.34	Specialized training: Investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy ADM.006.000 Special Investigations Division Mission, Goals and Objectives and Organizational Structure, Policy PCS.001.008 Prevention, Detection and Response of Sexual Abuse, and Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault, Specialized Investigative Training Moss Group, Special Investigations Division, PREA Crime Scene Preservation, PowerPoint Presentation (PP), Inservice Training: Special Investigations Division, Reporting and Handling of Sexual Assault Incidents (PP), collectively address the NJDOC's approach to Standard 115.34.</p> <p>115.34 (a): In addition to the general training provided to all employees under</p>

§115.31, NJDOC ensures that to the extent the agency conducts sexual abuse investigations, its investigators receive training in conducting such investigations in confinement settings. During his interview, a PREA investigator from the Special Investigations Division (SID) confirmed that investigative staff completes specialized investigatory training under Standard 115.34. Training records from the Moss Group confirmed four facility PREA investigators completed the required specialized training under this standard.

115.34 (b): According to the PREA Resource Center's website, the Moss group training curriculum modules contains nine modules and includes content on PREA standards relating to investigations, case law demonstrating legal liability issues for agencies, facilities, and investigators to consider when working to eliminate sexual abuse and sexual harassment in confinement settings; proper use of Miranda and Garrity warnings; trauma and victim response; processes of a forensic medical exam; first-response best practices; evidence-collection best practices in a confinement setting; techniques for interviewing male, female, and juvenile alleged victims of sexual abuse and sexual harassment; report writing techniques; and information on what prosecutors consider when determining whether to prosecute sexual abuse cases.

115.34 (c): By examination of training records, this Auditor determined that NJDOC maintains documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.

115.34 (d): Any State entity or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations.

115.35	Specialized training: Medical and mental health care
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy PCS.001.008 Prevention, Detection and Response of Sexual Abuse, and Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault, Internal Management Procedure MED.MHS.002.001 Emergency Mental Health Services, Internal Management Procedure MED.MHS.002.001 and Policy Number MED.002.004 Mental Health Services Staff address the policy requirements for Standard 115.35.</p> <p>115.35 (a): Specifically, Policy Number MED.002.004 Mental Health Services Staff directs that all full- and part-time medical and mental health care practitioners who regularly work in its facilities have been trained in (1) How to detect and assess signs of sexual abuse and sexual harassment; (2) How to preserve physical evidence of sexual abuse; (3) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and (4) How and to whom to report allegations or</p>

	<p>suspicious of sexual abuse and sexual harassment.</p> <p>115.35 (b): Edna Mahan staff do not conduct forensic examinations. This substandard does not apply to this agency. Investigative records indicate inmate victims of sexual abuse are transported to a local hospital with a SANE/SAFE examiner for an examination. Interviews with medical practitioners confirm that NJDOC/Edna Mahan staff does not conduct forensic examinations.</p> <p>115.35 (c): Edna Mahan staff do not conduct forensic examinations. This substandard does not apply to this agency. Interviews with medical practitioners confirm that NJDOC/Edna Mahan staff does not conduct forensic examinations.</p> <p>115.35 (d): Medical and mental health care practitioners shall also receive the training mandated for employees under § 115.31 or contractors and volunteers under § 115.32, depending upon the practitioner's status at the agency. Training documents examined confirmed volunteers and contractors, including medical and mental health practitioners, participate in mandatory PREA-related training at least annually. NJDOC requires a licensed and certified mental health care practitioner to possess all applicable State and federal licensure, certification, or registration requirements. Verification of Medical and Mental Health Service practitioner's state licenses and certifications is maintained on file by NJDOC. The agency conducts semi-annually reviews of all licenses and certifications to ensure continued compliance.</p>
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115.41	Screening for risk of victimization and abusiveness
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy PCS.001.008 Prevention, Detection and Response of Sexual Abuse, and Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault, Internal Management Procedure MED.MHS.002.001 Emergency Mental Health Services, Policy Number MED.002.004 Mental Health Services Staff, Policy PCS.001.TGI.01 Transgender and Intersex Inmates, Policy MED.001.012 Inmate Medical/Health Care Services, Internal Management Procedure MED.IMA.005 Intra-system Transfers and Internal Management Procedure MED.IMA.001 Health Appraisals at Reception, CLS.002.001 Classification Intake Process, CLS.005.001 Review of Inmates by Classification and Review Committees all collectively address this standard.</p> <p>115.41 (a): An intake staff person from Edna Mahan was interviewed during the onsite portion of this audit. The intake staff confirmed all inmates are assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. The medical</p>

practitioners interviewed confirmed their role in initiating the PREA assessment form in the inmate's electronic medical record (EMR). A sample of medical practitioners confirms their role in the intake process as it pertains to obtaining and documenting an inmate's history of victimization, abusiveness, violence, incarceration, and perception of vulnerability. In addition, NJDOC policy prohibits inmates from being disciplined for refusing to answer screening questions about completing any portion of the victimization and abuse screening instrument or for any material omissions.

115.41 (b): By examining a sample of pre-selected inmates' electronic medical records, this Auditor determined that Edna Mahan conducts intake screening ordinarily within 72 hours of arrival at the facility. Problematic Edna employs a subjective screening tool. This standard requires corrective action.

115.41 (c): Such assessments shall be conducted using an objective screening instrument. By examining a sample of pre-selected inmate electronic medical records, this Auditor determined that the Multidimensional Sexual Victimization and Abusiveness Risk Assessment Checklist PREA Monitoring instrument and assessments and, according to the medical practitioner interviewed, the assessment tool is subjective, not objective. Further, **the** Department of Justice indicated in the PREA Notice of Final Rule that the "standard provides that the agency shall attempt to ascertain specific information about the [resident, inmate, or detainee] and that the agency develop an objective, rather than subjective, process for using that information..." See 77 Fed. Reg. 37106, 37154 (June 20, 2012) (emphasis added). Objective screening instruments have been used....to create uniformity, accuracy, and transparency in internal decision-making processes.¹ Such instruments lead to a presumptive determination of risk and are "point-additive," "decision-tree," **or** "software-based algorithm." This substandard requires corrective action.

115.41 (d): By examination of the inmate's electronic medical record, specifically the Multidimensional Sexual Victimization and Abusiveness Risk Assessment Checklist PREA Monitoring Screen, the Auditor determined that the intake screening instrument considers, 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; (2) The age of the inmate; (3) The physical build of the inmate; (4) Whether the inmate has previously been incarcerated; (5) Whether the inmate's criminal history is exclusively nonviolent; (6) Whether the inmate has prior convictions for sex offenses against an adult or child; (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; (8) Whether the inmate has previously experienced sexual victimization; (9) The inmate's perception of vulnerability; and (10) Whether the inmate is detained solely for civil immigration purposes.

115.41 (e): The initial screening instrument considers prior acts of sexual abuse, convictions for violent offenses, and history of previous institutional violence or sexual abuse, as known to the agency, in assessing inmates for risk of being sexually abusive.

115.41 (f): Likewise, within a set period, not to exceed 30 days from the inmate's

arrival at the facility, the facility will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening. Reassessment takes place during classification but within 30 days, and this face-to-face contact allows the inmate another opportunity to disclose information relative to maintaining their sexual safety and protection from harm.

115.41 (g): An inmate's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness. Edna Mahan developed a reassessment system on 1/22, requiring the inmate's presence at the reassessment. The reassessment tool requires the inmate's signature. This process gives the inmate face-to-face contact with the PCM to discuss any changes to the initial assessment completed by the facility 30 days prior or to disclose when warranted new information.

115.41 (h): Inmates may not be disciplined for refusing to answer or for not disclosing complete information in response to questions asked under paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section. Zero inmates (targeted and random) sampled indicated being disciplined for refusing to answer questions or not disclosing complete information in response to questions asked under paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section.

115.41 (i): The agency shall implement appropriate controls on the dissemination of responses to questions asked under this standard within the facility to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates. NJDOC utilizes electronic medical records safeguarded by password protection and restricted access.

Corrective Action:

Ensure that the facility has identified those at heightened risk of being sexually victimized and those at heightened risk of being sexually abusive so that it can make housing and programming decisions to use this information to prevent sexual abuse. The Department of Justice PREA Notice of Final Rule "standard provides that the agency shall attempt to ascertain specific information about the [resident, inmate, or detainee] and that the agency develop an objective, rather than subjective, process for using that information..." See 77 Fed. Reg. 37106, 37154 (June 20, 2012) (emphasis added). Objective screening instruments have been used....to create uniformity, accuracy, and transparency in internal decision-making processes.¹ Such instruments lead to a presumptive determination of risk and are "point-additive," "decision-tree," or "software-based algorithm." This substandard requires corrective action.

Objective Screening Instrument

1. The Auditor will review the objective screening instrument for compliance with Standards 115.41 and 115.42. Edna Mahan will fully comply with this standard

	<p>by employing an objective screening instrument to gain compliance.</p> <ol style="list-style-type: none"> 2. The Auditor will re-sample the Edna Mahan population to determine the institutionalization of the objective screening instrument. 3. This Auditor's sampling methodology relies on the principle of random selection to ensure that the sample represents the entire inmate population. Moreover, using a probability sampling strategy allows this Auditor to make certain generalizations based on the outcome results from the selected group. 4. Inmates assigned to Edna during a specific 31-day period were selected for review by the Auditor during the corrective action period; each inmate assigned to Edna had a known and non-zero chance of being selected.
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115.42	Use of screening information
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy PCS.001.008 Prevention, Detection, and Response of Sexual Abuse and Harassment, NJAC 10A:9-3, IMM.001.004, PCS.001.006, CLS.002.INT and CLS.005.001, Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault, PCS.001.008 Prevention, Detection, and Response of Sexual Abuse and Harassment, CLS.005.001 Review of Inmates by Classification and Review Committees, Internal Management Procedure PCS.001.TGI.01, Internal Management Procedure MED.MHS.002.010 Counseling Services for Victims of Sexual Assault, Internal Management Procedure MED.IMA.005 Intra-system Transfers, Internal Management Procedure CLS.002.INT.001 Classification, Internal Management Procedure MED.IMA.001 Health Appraisals at Reception address this standard.</p> <p>115.42 (a): By examination of the Multidimensional Sexual Victimization and Abusiveness Risk Assessment and the 30-day reassessment, Edna Mahan uses information from the risk screening required by § 115.41 to inform housing, bed, work, education, and program assignments to keep separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. Further, the policy of NJDOC is that all inmates are reviewed and evaluated regarding all aspects of their detention and correctional facility adjustment. Inmates receive comprehensive initial, periodic, pre-release, and release reviews; reviews associated with assignment to a Close Custody Unit; and other reviews as deemed appropriate. Reviews are performed by classification and review committees, according to Policy CLS.005.001 Review of Inmates by Classification and Review Committees. Random and targeted inmates sampled at Edna Mahan in the past 31 days confirmed being</p>

reviewed by the classification committee at the facility. Problematic, the risk screening instrument is subjective, not objective. Standard 115.41 is under corrective action.

115.42 (b): By reviewing a sample of the Multidimensional Sexual Victimization and Abusiveness Risk Assessments and the 30-day assessments, this Auditor determined that individualized determinations are made by the agency/facility about how best to ensure the safety of each inmate. Internal Management Procedure #PCS.001.TGI.01 Housing and Classification indicates NJDOC considers management and security challenges presented by each inmate on a case-by-case basis but considers factors such as: 1. The declaration of a specific gender identity and completion of a Gender Identity Information Form, if applicable; 2. Custody level and sentencing information; 3. Criminal history; 4. Institutional disciplinary history; 5. current gender expression; 6. The inmate's views regarding sexual safety; 7. Medical and mental health needs/information/status; 8. Compliance with medically recommended treatments; 9. Vulnerability to sexual victimization; 10. Likelihood of perpetrating sexual abuse; 11. Facility-specific factors, including physical layouts; and 12. any other relevant information. Random and Targeted inmates sampled confirmed completing an assessment and reassessment at Edna Mahan during the intake process. It should be noted that some inmates were randomly sampled and entered the facility more than one year prior.

115.42 (c): In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates and in making other housing and programming assignments, according to the PREA Coordinator and Chair of the agency PAC Committee, the agency considers on a case-by-case basis whether a placement would ensure the inmate's health and safety and whether the placement would present management or security problems. A review of transgender facility assignment to Edna Mahan confirmed in deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates and in making other housing and programming assignments, NJDOC considers on a case-by-case basis whether a placement would ensure the inmate's health and safety and whether the placement would present management or security problems. In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety and whether the placement would present management or security problems. (See EMCF PREA Classification Committee email dated 6/19/23)

115.42 (d): By examination of a sample of transgender reassessments, this Auditor determined that placement and programming assignments for each transgender or intersex inmate were reassessed at least twice each year to review any threats to safety experienced by the inmate. Evidence suggests that inmates under review were actively involved in the assessment process.

115.42 (e): During her interview, the PREA Compliance Manager confirmed that a transgender or intersex inmate's views concerning their safety were seriously considered. During the onsite portion of this audit, this Auditor interviewed one

intersex person. She was pretty vocal and confirmed that Edna Mahan gave full consideration to her concerns and sexual safety. From the targeted sample of inmates, this Auditor interviewed both transgender males and females. Each confirmed frequent contact with the PREA Compliance Manager, and zero voiced concerns regarding their sexual safety or the failure of the facility to take their concerns seriously.

115.42 (f): According to the facility Warden, transgender and intersex inmates are allowed to shower separately from other inmates. Transgender and intersex inmates sampled confirmed being allowed to shower separately from other inmates. During the facility tour, this Auditor observed shower facilities. Informal interviews with some transgender male inmates housed in the EMCF satellite location complained about their privacy from peers during shower time. My observation did not support their concerns. The facility has installed shower curtains to provide inmates with a measure of privacy but allows for good security management. This Auditor heard staff making announcements about opposite genders before entering the housing unit.

115.42 (g): During her interview, the NJDOC Commissioner explained to the Auditor that the agency does not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely based on such identification or status unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, requirements of Standard 115.42. During the facility tour, this Auditor found zero dedicated units or wings solely based on such identification.

An audit of the NJDOC housing assignments of cisgender, transgender, intersex, and non-binary inmates shows that eleven (11) transgender females have been transferred to Edna Mahan as of the writing of this report. During this reporting period, NJDOC has also conducted reassessments of transgender males assigned to Edna Mahan. There were eleven (11) transgender females assigned to the Edna Mahan facility, a decision relied solely on the provisions of an ACLU settlement agreement, from now on referred to as "agreement," between the ACLU (American Civil Liberties Union) and NJDOC, that required a presumptive placement based on the inmate's gender identification. Edna Mahan housed twenty-two (22) transgender males assigned to the facility during this reporting period. After a review of the settlement agreement, NJDOC opted to follow PREA standards by making housing determinations of transgender and intersex inmates on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.

Moreover, the agreement between the ACLU and NJDOC results from a lawsuit filed by the ACLU challenging the housing assignments of transgender and intersex inmates. As part of the agreement, NJDOC agreed to amend its Internal Management Procedure for Transgender, Intersex, and Non-Binary Inmates to allow a presumptive placement based on the inmates' gender identification. The procedure now states: Once the NJDOC learns and confirms an inmate's gender identity, the inmate's facility and housing unit assignment shall be determined. The PREA Accommodation

Committee (PAC) may deviate from the presumption of placement after an individualized determination and upon written certification that the placement would jeopardize the inmate's health and safety.

During this reporting period, a review of the housing assignments of transgender females at Edna Mahan reveals that the decision to transfer the inmates to Edna Mahan was based on presumptive gender identity and consideration of keeping inmates at high risk of being sexually victimized by inmates at high risk of being sexually abusive. During the corrective action period, NJDOC considered all factors outlined in this standard, including the purpose of protecting such inmates and security management and safety problems. According to the PREA Coordinator, the agency consider on a case-by-case basis, whether a placement would ensure the inmate's health and safety and whether the placement would present management or security problems.

115.42 (b) Standard 115.42 requires NJDOC staff to conduct an individualized determination about how to ensure the safety of each inmate. The audit findings confirmed that the NJDOC staff transferred the sample of transgender females to

Edna Mahan based solely on the inmates' gender identity and that NJDOC did not make an individualized determination about how to keep them safe was not made. A presumptive placement posits that NJDOC will house inmates consistent with their gender identity rather than their sex assigned at birth or other considerations. This Auditor applauds stipulations outlined in the ACLU Doe V. NJDOC Agreement for the added transparency as it pertains to procedural protections for inmates regarding housing decisions, a right to participate in housing reviews, a right to question housing decisions, a right to request a written record of the decision-making, and providing inmates upon request with undergarments based on their gender identity. Deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates and making other housing and programming assignments also requires an agency to consider all inmates under review on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement aligns with Standard 115.42. Standard 115.42 requires NJDOC staff to conduct an individualized determination about how to ensure the safety of each inmate. The audit findings confirmed that the NJDOC staff transferred the sample of transgender females to Edna Mahan based solely on the inmates' gender identity and that NJDOC did not make an individualized determination about how best to keep them safe. Revisions to current policy are underway between the agency, the Attorney General's Office, and the ACLU. By examination, the Auditor determined during corrective action that NJDOC now makes individualized determinations on how best to ensure the safety of each inmate under review and considers all factors associated with compliance with Standards 115.41 and 115.42.

A sample PREA Accommodation Committee (PAC) Gender Identity-Based Housing Decision Forms documents the committees' decisions were based on factors such as the housing accommodation request, vulnerability based on gender identity,

perception of safety, gender identity, or expression of the inmate in question, History of Gender Dysphoria, medical conditions, history of gender-affirming surgery, medical treatment associated with gender identity, the inmate's views and any housing accommodations made during prior incarcerations.

115.42 (c) When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, the agency shall now 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. If an agency by policy or practice assigns inmates to a male or female facility based on anatomy alone, that agency does not comply with this standard. Conversely, if an agency assigns an inmate to a facility based on gender identity alone, that agency is not complying with this standard. Moreover, Paragraph C of Standard 115.42 states that in deciding whether to assign a transgender or intersex inmate to a facility for male not or female inmates and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety and whether the placement would present management or security problems. The NJDOC failed to meet this standard as there is no evidence that the transfer of the transgender females to Edna Mahan was made case-by-case and for protection purposes.

115.42 (d) The Auditor examined a sample of placement and programming assignment reviews for transgender or intersex inmates. The Auditor determined that Edna Mahan's transgender and intersex inmates were reassessed at least twice each year to review any threats to safety experienced by the inmate. The Lead Auditor interviewed several transgender people from this sample of targeted inmates during the onsite portion of this audit. The sample participants' entry dates into Edna Mahan varied. Paragraph D of Standard 115.42 requires NJDOC to reassess the placement and programming assignments for each transgender or intersex inmate at least twice a year to determine any threats to safety experienced by the inmate.

115.42 (e) A transgender or intersex inmate's views concerning his or her safety shall be considered seriously by the agency. During the review period and partly due to a policy change, the Auditor determined that NJDOC met this substandard during the corrective action period. Transgender inmates sampled confirmed participating in a reassessment and being given the option to be a party to the PAC meeting.

115.42 (f) Paragraph F of Standard 115.42 requires transgender and intersex inmates to be given the opportunity to shower separately from other inmates. Transgender inmates sampled confirmed the opportunity to shower separately from other inmates. However, one (1) transgender female alleges a custody staff member was taking photos of her while she was in the shower. At the writing of this report, the incident was under investigation.

115.42 (g) Paragraph G of Standard 115.42 states that the agency shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely based on such identification or status unless such placement is in a

	<p>dedicated facility unit, or wing established in connection with a consent decree, legal settlement, or legal judgment to protect such inmates. NJDOC did not comply with this standard since the transfer of the transgender females to the Edna Mahan facility was based solely on the inmates' gender identification without showing that the transfer was for protection purposes.</p> <p>Corrective action: The agency and the Attorney General's Office are reviewing potential revisions to the current policy. By examination, the Auditor determined during corrective action that NJDOC now makes individualized determinations on how best to ensure the safety of each inmate under review and considers all factors associated with compliance with Standards 115.41 and 115.42. The agency will allow the Auditor sufficient time to determine if the policies and practices align with Standard 115.42 and if the agency has institutionalized the corrective action.</p>
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115.43	Protective Custody
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>Policy PCS.001.008 Prevention, Detection and Response of Sexual Abuse, Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault, Policy IMM.002.003 Americans With Disabilities Act (ADA) and New Jersey Law Against Discrimination - Reasonable Accommodations for Inmates, Internal Management Procedure CLS.002.INT.001 Classification Intake Procedures, Policy ADM.019.003 Close Custody Units, Internal Management Procedure ADM.019.003.IHU Investigative Housing Unit, Internal Management Procedure ADM.019.003.TAH Temporary Administrative Housing and Internal Management Procedure MED.MHS.002.001 Emergency Mental Health Services address Standard 115.43.</p> <p>115.43 (a): According to the facility Warden, inmates at high risk for sexual victimization are not in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination has been made that there is no known alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment. Staff who supervise segregation were interviewed, which confirmed that inmates at high risk for sexual victimization placement in segregation would be a last option to protect the victim's safety.</p> <p>115.43 (b): Inmates placed in segregated housing for this purpose would be provided limited access to privileges and education. The facility would provide work and program opportunities to the extent possible. Suppose the facility restricts access to programs, privileges, education, or work opportunities. In that case, the facility will document (1) The opportunities that have been limited, (2) The duration of the limitation, and (3) The reasons for such limitations according to staff who supervise</p>

	<p>inmates in segregated housing.</p> <p>115.43 (c): The facility Warden confirmed that Edna Mahan would assign inmates to involuntary segregated housing (PREA-related) only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed 30 days.</p> <p>115.43 (d): According to the facility Warden, if an involuntary segregated housing assignment is made under paragraph (a) of this section, the facility shall document: (1) The basis for the facility's concern for the inmate's safety; and (2) The reason why no alternative means of separation can be arranged. During this audit, this Auditor toured segregation; zero inmates requested to speak privately with the Auditor. Zero inmates were being held in segregation for PREA-related reasons as a victim or aggressors.</p> <p>115.43 (e): Staff who supervise inmates in segregated housing indicated that every 30 days, Edna Mahan would afford each such inmate a review to determine whether there is a continuing need for separation from the general population. Likewise, the PREA Compliance Manager also confirmed that every 30 days, the facility would afford each such inmate a review to determine whether there is a continuing need for separation from the general population.</p>
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115.51	Inmate reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy PCS.001.008 Prevention, Detection and Response of Sexual Abuse, Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault, Policy IMM.002.001 Inmate Remedy System, Internal Management Procedure, IMM.002.IRS.001 Inmate Remedy System, Internal Management Procedure IMM.002.JPG.001 JPAY Guidelines, and Internal Management Procedure PCS.001.PREA.OMB Allegations of Sexual Abuse, Assault, Harassment, and Retaliation Reported to the Office of the Ombudsman address the requirements of Standard 115.51.</p> <p>115.51 (a): By examination, this Auditor determined that NJDOC provides multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents like Inmates may report PREA sexual abuse/sexual harassment by using one of the following methods: *Verbally or in writing to any NJDOC staff member, contractor, or volunteer (Note: Under PREA, All NJDOC staff</p>

members, contractors and Volunteers are required to report any occurrence of inmate sexual abuse /sexual harassment) *Contact the Correctional Facility’s Institutional PREA Compliance Manager *Use the Inmate Remedy System/JPAY Kiosk.

Noteworthy: Any person who files an allegation of sexual abuse/sexual harassment, knowing it to be false, will be subject to disciplinary action. NOTE: Residential Community Release Programs (RCRPS’) are contractors who comply with PREA standards, which the NJDOC monitors. Inmates assigned to RCRPs must consult their RCRP Handbook and RCRP PREA Compliance Manager for PREA reporting methods that are specific to RCRPs *Contacting the Special Investigations Division (SID) via the Confidential SID box or by dialing *SID1 # on the Inmate Telephone System (free call).

115.51 (b): The agency shall also provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency and that can receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security, such as Contacting the Corrections Ombudsman, Office of the Corrections Ombudsman, PO Box 855, Trenton, NJ, 08625 Inmate Only Phone # 1-555-555-5555 (free call) or write to Just Detention International at Cynthia Totten, Esq. Just Detention International, 3325 Wilshire Blvd., Suite 340, Los Angeles, CA 90010.

115.51 (c): Random and specialized staff sampled confirmed staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports and document any verbal reports.

115.51 (d): Random and specialized staff indicate that the agency allows staff to report sexual abuse and sexual harassment of inmates privately by a face-to-face meeting with a supervisor, calling the PREA hotline, New Jersey Ombudsman's Office, reporting an incident to the PREA Coordinator, PREA Compliance Manager or the Special Victim Unit.

115.52	Exhaustion of administrative remedies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Policy PCS.001.008 Prevention, Detection and Response of Sexual Abuse, Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault, Policy IMM.002.001Inmate

Remedy System, Internal Management Procedure, IMM.002.IRS.001 Inmate Remedy System and Internal Management. Procedure IMM.002.JPG.001 JPay Guidelines collectively address Standard 115.52.

115.52 (a): NJDOC is not exempt from this standard. NJDOC has administrative procedures to address inmate grievances regarding sexual abuse. (See Policy IMM.002.001 Inmate Remedy System, Internal Management Procedure, IMM.002.IRS.001 Inmate Remedy System and Internal Management)

115.52 (b): (1) By examination, several policies confirm that NJDOC imposes no time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse. (2) The agency applies otherwise applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse. (3) Also, inmates sampled during the onsite portion of this audit confirmed that they are not required to use any informal grievance process to address PREA-related complaints or to attempt otherwise to resolve with staff an alleged incident of sexual abuse. (4) Nothing in this section restricts NJDOC's ability to defend against an inmate lawsuit because the applicable statute of limitations has expired.

115.52 (c): The agency shall ensure that— (1) An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and (2) Such grievance is not referred to a staff member who is the subject of the complaint. Inmates (random and targeted) sampled during the onsite portion of this audit confirmed that they are not required to submit a grievance without submitting it to a staff member who is the subject of the complaint.

115.52 (d): (1) The agency issues 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. (2) Computation of the 90 days does not include inmates' time to prepare any administrative appeal. (3) The agency may claim an extension of time to respond of up to 70 days if the normal period for response is insufficient to make an appropriate decision. The agency shall notify the inmate in writing of any such extension and provide a date by which a decision will be made. (4) At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for the reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level. During this reporting period, this Auditor determined a high percentage of investigations were pending due to departmental reorganization within NJDOC SID. This standard requires corrective action.

115.52 (e): (1) Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and shall also be permitted to file such requests on behalf of inmates. (2) 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 agreed to have the request filed on their behalf and may also require the alleged victim to pursue any subsequent steps in the administrative remedy process personally. (3) If the inmate declines to have

the request processed on their behalf, the agency shall document the inmate's decision.

115.52 (f): (1) The agency shall establish procedures for filing an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse. (2) After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the agency shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final agency decision within five calendar days. The initial response and final decision document the agency's determination of whether the inmate is at substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

115.52 (g): The agency may discipline an inmate for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the inmate filed the grievance in bad faith.

Corrective Action:

1. Clarification. 115.52 (f)-3 The number of emergency grievances alleging substantial risk of imminent sexual abuse filed in the past 12 months: zero.
2. Review a sample of grievances.
3. Review a sample of sexual abuse allegations initially identified as PREA but categorized as "Not PREA" by the agency.
4. Review a sample of PREA allegations of sexual abuse identified as "Not PREA" but determined unfounded.
5. Review inmate notification notices.
6. If applicable, review incident review committee notes.
7. Additional corrective action is based on the outcome of items #1-6.

115.53	Inmate access to outside confidential support services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy PCS.001.008 Prevention, Detection and Response of Sexual Abuse, Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault, NJDOC Edna Mahan PREA Education, NJ DEPARTMENT OF CORRECTIONS PRISON RAPE ELIMINATION ACT (PREA) OVERVIEW Inmate Handout, SAFE Hunterdon Memorandum of Understanding (MOU) collectively address the requirements of Standard 115.53.</p> <p>This facility never detains inmates solely for civil immigration purposes; therefore, the Auditor considers Edna Mahan Correctional Facility for Women exempt from Standard</p>

115.53 (a) regarding civil detention.

115.53 (a): Edna Mahan, located in Hunterdon County, has a contractual agreement with a victim advocacy organization (Safe Hunterdon) to 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, and, for persons detained solely for civil immigration purposes, immigrant services agencies. Inmates are given a toll-free number for Safe Hunterdon, Flemington, NJ, the agency's mailing address, and Just Detention International (JDI), Los Angeles, CA contact information. The duration of the agreement extends from 7-1-2021 through 6-30-2023. NJDOC signature agreement is dated 4-8-2022, and Safe Hunterdon is dated 3-10-2022. Problematic, the agreement ends on 6-30-2023. Clarification and documentation are necessary for this substandard.

The facility shall enable reasonable communication between inmates and these organizations and agencies as confidential as possible. Inmate telephone services are subject to monitoring. This fact was verified during the facility tour and the testing of telephone access from the living units. Random and targeted inmates sampled during this audit confirmed their understanding that phone calls are subject to monitoring.

115.53 (b): Moreover, before giving inmates access, Edna Mahan informs all inmates of the extent to which such communications will be monitored and how reports of abuse will be forwarded to authorities under mandatory reporting laws, as confirmed during inmate interviews during the onsite portion of this audit.

115.53 (c): The agency shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that can provide inmates with confidential emotional support services related to sexual abuse. The agency shall maintain copies of agreements or documentation showing attempts to enter such contracts. The duration of the agreement extends from 7-1-2021 through 6-30-2023. NJDOC signature agreement is dated 4-8-2022, and Safe Hunterdon is dated 3-10-2022. Problematic, the agreement ends on 6-30-2023. Clarification and documentation are necessary for this substandard.

Corrective Action:

1. Edna Mahan, located in Hunterdon County, has a contractual agreement with a victim advocacy organization (Safe Hunterdon) to provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers. Problematic, the agreement ends on 6-30-2023. Clarification and documentation are necessary for this substandard. See 115.53 (a) and (c).
2. Clarification needed: 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.)

115.54 Third-party reporting

Auditor Overall Determination: Meets Standard

Auditor Discussion

Policy PCS.001.008 Prevention, Detection and Response of Sexual Abuse, Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault, Policy IMM.002.001 Inmate Remedy System, Internal Management Procedure, IMM.002.IRS.001 Inmate Remedy System, Internal Management Procedure IMM.002.JPG.001 JPay Guidelines, and Internal Management Procedure PCS.001.PREA.OMB Allegations of Sexual Abuse, Assault, Harassment, and Retaliation Reported to the Office of the Ombudsman collectively address Standard addresses the requirements of Standard 115.54.

115.54 (a): NJDOC/Edna Mahan accepts third-party reports. NJDOC/Edna Mahan has established a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute public information on how to report sexual abuse and sexual harassment on behalf of an inmate. Interviews with random and specialized staff all confirmed the agency mandate to accept third-party reports to document the event and notify the PREA Compliance Manager and custody upper management. JNDOC provides several methods for third-party reporting of inmate sexual abuse/sexual harassment from persons such as family members, friends, attorneys, clergy, or any other third party who may make a report of sexual abuse/sexual harassment or retaliation on an inmate's behalf. by using any of the following methods:

1. Contact the Correctional Facility's Institutional PREA Compliance Manager
2. Contact the Special Investigations Division (SID) by Telephone: (609) 826-5617
3. External Reporting of Inmate Sexual Abuse/Sexual Harassment and Retaliation: The Office of Corrections Ombudsman

The Office of the Corrections Ombudsman is an independent external resource for inmates and third parties to report incidents of sexual abuse, harassment, or retaliation. Reports to this office are confidential and are anonymous upon request. All

	<p>Allegations of inmate sexual abuse, sexual harassment, or retaliation are immediately forwarded to the NJDOC for investigation.</p> <p>Inmates can contact the Office of the Corrections Ombudsman by completing an "Ombudsman Inmate Request for Assistance Form" available at each correctional facility, writing directly to their office, or calling their confidential, toll-free Inmate Telephone System number at 1-555-555-5555 (confidential/free call/inmates only).</p> <p>Third parties can report sexual abuse/sexual harassment or retaliation in writing or by calling the Office's public telephone number. Mail directed to or from the Office of the Corrections Ombudsman is classified as "Legal, Confidential, and Official," Office of Corrections Ombudsman, PO Box 855, Trenton, NJ 08625 with the Public Reporting Number (609) 633-2596 (Confidential)</p>
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115.61	Staff and agency reporting duties
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Policy PCS.001.008 Prevention, Detection, and Response of Sexual Abuse, Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault, and Internal Management, Procedure PCS.001.VOL.001 Volunteer Services collectively address the requirements of Standard 115.61.</p> <p>115.61 (a): NJDOC mandates 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, retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. (See Policy PCS.001.008 Prevention, Detection, and Response of Sexual Abuse)</p> <p>115.61 (b): According to specialized staff interviewed at Edna Mahan during this audit process, NJDOC staff are prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions, apart from reporting to designated supervisors or officials.</p> <p>115.61 (c): Medical and mental health practitioners interviewed during this audit confirmed that unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph (a) of this section and to inform inmates of the practitioner's duty to</p>

	<p>report, and the limitations of confidentiality, at the initiation of services. Electronic medical records sampled during this audit confirmed inmates are routinely advised of the limits to confidentiality and the practitioner's duty to report.</p> <p>115.61 (d): Edna Mahan does not house youthful inmates or inmates under 18. Throughout this reporting period, zero inmates were assigned to the facility under the age of 18. During separate interviews, medical and mental health practitioners each confirmed if the alleged victim was under 18 or considered a vulnerable adult under a State or local vulnerable persons statute, NJDOC would report allegations of abuse to the designated State or local services agency under applicable mandatory reporting laws.</p> <p>115.61 (e): Interviews with specialized and random staff all confirmed a duty to report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators. Some targeted inmates voiced concern that unknown sources were leaking facts related to allegations of abuse. No other specifics were provided by the inmates to the Auditor.</p>
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115.62	Agency protection duties
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>PCS.001.008 Prevention, Detection and Response of Sexual Abuse and Harassment; ADM.019.003 Close Custody Units; ADM.019.003.IHU Investigative Housing Unit; ADM.019.003.TAH Temporary Administrative Housing and IMM.001.004 Zero Tolerance Prison Sexual Assault addresses the requirements of Standard 115.62.</p> <p>115.62 (a): During an interview with the NJDOC Commissioner, she confirmed when an inmate is subject to a substantial risk of imminent sexual abuse, agency policy mandates the facility to take immediate action to protect the inmate.</p> <p>NJDOC and, by extension, Edna Mahan policies and procedures related to PREA mandates that when staff, volunteers, or contractors learn that an inmate is subject to a substantial risk of imminent sexual abuse, immediate action is taken to protect the inmate victim (e.g., appropriate, and immediate protective measures). Interviews with random staff, custody line staff, and custody supervisors affirmed a duty to report, prevent, and immediately respond to an inmate in imminent danger of sexually abusive predatory behavior and then document the incident.</p> <p>Further, Edna Mahan's PCM, warden, specialized, and custody staff interviewed all affirmed a duty and responsibility to ensure the safety of victims of sexual abuse and</p>

	<p>a readiness to employ multiple measures, including but not limited to 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 harassment or for cooperating with NJDOC SID as mandated by agency policies and procedures. Staff and contractors interviewed (100%) indicated they would also notify medical and mental health staff, correctional management, PCM, and SID of an allegation of sexual abuse or sexual harassment and then document the incident.</p> <p>Moreover, the same sample of random staff confirmed they were all aware of their responsibilities if they become aware or suspect that an inmate is being or had been sexually abused or sexually harassed to immediately take action to safeguard the inmate victim, protect the crime scene and activate the PREA protocol based upon presenting circumstances to include a forensic exam if appropriate. In the past 12 months, the number of times the agency or facility determined that an inmate was subject to a substantial risk of imminent sexual abuse confirmed by the PCM was zero, as stated in the OAS PAQ Standard 115. 62 (a) - 2.</p>
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115.63	Reporting to other confinement facilities
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Policy PCS.001.008 Prevention, Detection and Response of Sexual Abuse, Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault, address the requirement of Standard 115.63.</p> <p>115.63 (a): This Auditor interviewed the newly appointed Warden of Edna Mahan. The Warden confirmed for this Auditor that upon receiving an allegation that an inmate was sexually abused while confined at another facility, he, as head of the facility that received the allegation, he would notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred.</p> <p>115.63 (b): This Auditor interviewed the newly appointed Warden of Edna Mahan. The Warden confirmed for this Auditor that such notification would be provided as soon as possible but no later than 72 hours after receiving the allegation.</p> <p>115.63 (c): This Auditor interviewed the newly appointed Warden of Edna Mahan. The Warden confirmed that NJDOC/Edna Mahan should document that it has provided such notification. Edna Mahan confirmed the evidence contained under this standard. Investigative reports were sampled as evidence of compliance.</p>

	<p>115.63 (d): The facility head or agency office receiving such notification shall ensure that the allegation is investigated per these standards.</p>
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115.64 Staff first responder duties	
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>PCS.001.008 Prevention, Detection and Response of Sexual Abuse and Harassment; ADM.SID.035 Investigation Procedures; CUS.001.CSM.01 Crime Scene Management; and IMM.001.004 Zero Tolerance Prison Sexual Assault, Internal Management Procedure ADM.SID.035 Investigation Procedures, Internal Management Procedure MED.MLI.007 Sexual Assault and Policy ADM., 006.011 Investigations by the Special Investigations Division, address the requirements of Standard 115.64.</p> <p>115.64 (a): All random staff interviewed during the onsite portion of this audit all confirmed that upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report is mandated by PCS.001.008 PREA Compliance; to (1) Separate the alleged victim and abuser; (2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence; (3) If the abuse occurred within a period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and (4) If the abuse occurred within a period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.</p> <p>115.64 (b): Further, PCS.001.008 Prevention, Detection and Response of Sexual Abuse and Harassment mandates if the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence and then notify security staff. All specialized staff (security/non-security) interviewed during this portion of the audit confirmed that first responders are required and trained to request that the alleged victim not take any actions that could destroy physical evidence and then notify security staff.</p>

	<p>115.64 (a)-10 Of these allegations in the past 12 months where staff were notified within a period that still allowed for the collection of physical evidence, the number of times the first security staff member to respond to the report requested 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: was 72.</p> <p>Verify information in 115.64 (b)-4 Of those allegations responded to first by a non-security staff member, the number of times that staff member requested that the alleged victim not take any actions that could destroy physical evidence: one.</p>
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115.65	Coordinated response
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>PCS.001.008 Prevention, Detection and Response of Sexual Abuse and Harassment, ADM.SID.035 Investigation Procedures; CUS.001.CSM.01 Crime Scene Management; and IMM.001.004 Zero Tolerance Prison Sexual Assault, Internal Management Procedure ADM.SID.035 Investigation Procedures, Internal Management Procedure MED.MLI.007 Sexual Assault and Policy ADM.006.011 Investigations by the Special Investigations Division, Internal Management Procedure MED.MHS.002.001 Emergency Mental Health Services, Internal Management Procedure MED.MHS.002.010 Counseling Services for Victims of Sexual Assault, Policy Number MED.002.004 Mental Health Services Staff Emergency Mental Health Services and Edna Mahan Directive Level III addresses Standard 115.65.</p> <p>115.65 (a): This standard requires developing a facility-written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership. Edna Mahan omitted the submission of a written coordinated institutional plan. This standard requires corrective action.</p> <p>Corrective Action:</p> <ol style="list-style-type: none"> 1. Edna Mahan will develop and submit a facility-written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership. 2. The Auditor will review the plan to determine compliance.

115.66	Preservation of ability to protect inmates from contact with abusers
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Final Agreement IBE Local 30; International Federation of Professional and Technical Engineers (IFPTE) Contract 7-1-15 to 6-30-19; New Jersey Law Enforcement Commanding Officers Association (NJLECOA) contract settlement; New Jersey Law Enforcement Supervisors Association (NJLESA) Contract 7-1- 15 to 6-30-19; New Jersey Superior Officers Law Enforcement Association (NJSOLEA) 2015 - 2019 MOA (002); New Jersey State Policemen’s Benevolent Association Law Enforcement Unit Local No. 105 (PBA) Local 105 Memorandum of Agreement (MOA) 2015-2019; and New Jersey Special Investigators Association affiliated with New Jersey State Fraternal Order of Police as Lodge 174 (SID) Agreement 7-1-15 - 6-30-19 are the collective bargaining agreements in effect for applicable NJ DOC employees. Agency PCS.001.008 Prevention, Detection and Response of Sexual Abuse and Harassment and IMM.001.004 Zero Tolerance Prison Sexual Assault supports removing staff alleged to have committed sexual abuse pending the outcome of the investigative process were provided as evidence of compliance with Standard 115.66.</p> <p>115.66 (a): Neither the agency nor any other governmental entity responsible for collective bargaining on the agency's behalf shall enter or renew any collective bargaining agreement or additional agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted. A review of the evidence provided excludes the PREA-related language period. This standard requires clarification and potentially corrective action.</p> <p>115.66 (b): Nothing in this standard shall restrict the entering into or renewal of agreements that govern: (1) The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §§ 115.72 and 115.76; or (2) Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated. A review of the evidence provided excludes the PREA-related language period. This standard requires clarification and potentially corrective action.</p> <p>The agency is responsible for collective bargaining. The Auditor reviewed a sample of collective bargaining agreements between the NJDOC and ten employee unions. According to the facility Warden, collective bargaining agreements do not 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 finding of whether and to what extent discipline is warranted. If appropriate, the facility would place the employee on notice employing a Temporary Reassignment Notification (See supplemental file for this form). The Temporary Reassignment Notification indicates per Collective Bargaining</p>

	<p>Agreements; a temporary reassignment may continue for up to six (6) months if operationally necessary. As such, the Administration will continue to monitor your reassignment to ensure this matter is addressed promptly.</p> <p>Likewise, the PREA Coordinator confirmed that neither the agency nor any other governmental entity responsible for collective bargaining on the agency's behalf shall enter or renew any collective bargaining agreement or additional agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted. During an informal telephonic meeting with the PREA Compliance Manager, PREA Coordinator, and Director of Women Services, all confirmed that collective bargaining contracts with end dates before 2023 are still in negotiations.</p>
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115.67	Agency protection against retaliation
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>PCS.001.008 Prevention, Detection, and Response of Sexual Abuse and Harassment, IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault, NJDOC PREA Retaliation Monitoring Form address the requirements of Standard 115.67.</p> <p>115.67 (a): NJDOC has established policies (Policy PCS.001.008 Prevention, Detection, and Response of Sexual Abuse and Harassment, Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault) to protect 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 and shall designate which staff members or departments are charged with monitoring retaliation. As a result of the DOJ Federal Monitor's recommendation, Edna Mahan has adopted processes that change in a positive manner staff training as it relates to allegations of sexual abuse, retaliation, and confidentiality. The facility enhanced staff training, which now includes examples of subtle retaliation. In an issue of the facility newsletter, the facility provided the readers with definitions and examples of subtle types of retaliation.</p> <p>115.67 (b): NJDOC employs 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 according to the facility PCM. Another protection measure employed by Edna Mahan as a result of DOJ recommendations was the revision to the</p>

retaliation monitoring form. The revised form now includes asking inmates about their experiences during the retaliation monitoring period. NJDOC, by examination, sets clear, documented expectations for all supervisors and directs reports regarding the prohibition of retaliation.

115.67 (c): The Edna Mahan PCM/Retaliation Monitor confirmed during her interview that, for at least 90 days following a report of sexual abuse, as the retaliation monitor for the facility, she monitors the conduct and treatment of inmates or staff who reported the sexual abuse and 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 and shall act promptly to remedy any such retaliation. NJDOC PCM/Retaliation Monitor confirmed during her interview she routinely considers inmate disciplinary reports, housing, program changes, negative performance reviews, or staff reassignments for retaliation. The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need. Problematic, when an inmate made an allegation of sexual abuse, retaliation monitoring was not immediate. This substandard requires corrective action.

115.67 (d): The Edna Mahan PCM/Retaliation Monitor confirmed during her interview that retaliation monitoring includes documented periodic status checks regarding inmates. Further, the PCM indicated that in rare instances, retaliation monitoring could extend beyond 90 days if necessary (115.67 (d)).

115.67 (e): A PREA SID Investigator confirmed during his interview that if any other individual who cooperates with an investigation fears retaliation, NJDOC will take appropriate measures to protect that individual against retaliation.

115.67 (f): The Edna Mahan PCM/Retaliation Monitor confirmed during her interview that the agency's obligation to monitor an inmate terminates if the agency determines that the allegation is unfounded.

Corrective Action:

1. Edna Mahan will initiate retaliation monitoring promptly following an allegation of sexual abuse. Best practices support the initiation of retaliation monitor following an allegation of sexual abuse.
2. The PCM will retrain the PCM regarding Standard 115.67.
3. The Auditor will monitor the retaliation monitoring process for compliance during the corrective action period.
4. NJDOC will review the Retaliation Monitoring Document to clarify the rhetoric on the form so that it complies with this standard.

Auditor Overall Determination: Meets Standard

Auditor Discussion

PCS.001.008 Prevention, Detection, and Response of Sexual Abuse and Harassment, Policy ADM.019.003 Close Custody Units, ADM.019.003.IHU Investigative Housing Unit, ADM.019.003.TAH Temporary Administrative Housing and ADM.019.003 PCS Protective Custody Status, ADM.019.003 ADJU Adjustment Unit, ADM.019.003 PHDH Pre-hearing Disciplinary Housing, ADM.019.003 EMCT Emergency Confinement, IMM.004.RHU.01 Admission to Restorative Housing, IMM.001.RHU.02 Special Administrative Review Committee (SARC), IMM.004.RHU.03 Restorative Housing Amenities and Privileges, IMM.004.RHU.04 Step Down, Unit collectively addresses the requirements of Standard 115.68.

115.68 (a): During his interview, the facility Warden confirmed that any use of segregated housing to protect an inmate alleged to have suffered sexual abuse shall be subject to the requirements of § 115.43. NJDOC has multiple policies that provide guidelines and procedures for managing inmates in segregation for various reasons. According to the Facility Warden, involuntary segregation is the placement of inmates who allege to have suffered sexual abuse in involuntary segregated housing when a determination has been made that there is no available alternative means of separation from likely abusers. The facility tour, which included segregation, did hold inmates due to PREA-related allegations of victimization or being identified as the abuser.

Further, The PCM confirmed evidence submitted in OAS PAQ 115.68 (a)-2. The number of inmates who allege to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 months for one to 24 hours awaiting completion of assessment was zero. During the facility tour, which included segregation, this Auditor noted zero inmates placed in segregation who alleged to have suffered sexual abuse. During an informal tour of segregation, zero inmates made a quest to speak with the Auditor.

NJDOC Close Custody Housing (CCH) is considered segregated housing for inmates whose continued presence in the general population would seriously threaten life, property, self, staff, or other inmates or the security or orderly operation of a correctional facility, according to the staff who supervise Inmates in segregated housing.

NJDOC Temporary Administrative Housing (TAH) is also considered segregated housing. Policy Internal Management Procedure ADM.019.003.TAH guidelines indicate that this type of placement in segregation is short-term, non-punitive housing placement of an inmate in a secure unit designated to limit inmate contact with others when an immediate need to be separated from the general population for special observation (other than a healthcare need) and other close custody units are not appropriate such as CCH.

Investigative Housing Unit (I.H.U.) is a close custody unit used for the non-punitive removal of an inmate from the general population or other assigned housing, with

	<p>restriction to the inmate's cell or a close custody unit for a period not to exceed 72 hours, to conduct an investigation related to the inmate, which may include, but is not limited to, special observations (other than healthcare) of the inmate about a disciplinary offense, unless information or evidence warrants an extension beyond 72 hours and the appropriate supervisor approves the extension.</p>
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115.71	Criminal and administrative agency investigations
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Policy Number PCS.001.008 Prevention, Detection, and Response of Sexual Abuse and Harassment, Internal Management Procedure ADM.SID.035 Investigation Procedures, Internal Management Procedure ADM.006.SID. 002 Arrest Procedures, Policy ADM.006.011 Investigations by the Special Investigations Division, Internal Management Procedure CUS.0010CSM.01 Crime Scene Management, Internal Management Procedure MED.MLI.005 Forensic Specimen Collection, Internal Management Procedure MED.MLI.007 Sexual Assault, Policy ADM.006.000 Special Investigations Division Mission, Goals and Objectives, and Organizational Structure collectively address the requirements of Standard 115.71.</p> <p>115.71 (a): NJDOC PREA investigator confirmed during his interview that NJDOC investigations into allegations of sexual abuse and sexual harassment are prompt, thorough, and objective for all allegations, including third-party and anonymous reports. Problematic, approximately 50% of all allegations initiated by the inmate population during this reporting period were pending completion. According to management, the delays in completing investigations were partly due to departmental reorganization efforts to improve efficacy in the investigative process. This standard requires corrective action.</p> <p>115.71 (b): Where sexual abuse is alleged, the agency shall use investigators with special training in sexual abuse investigations under § 115.34. IS 1101.241 Moss Group Specialized Investigators Training, all agency administrative investigators or reviewers participated in the training between 1/1/2011 and 12/31/2022.</p> <p>115.71 (c): Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator as confirmed by a PREA investigator during his interview with this Auditor. Investigative reports sampled confirmed that NJDOC gathers and preserves direct and circumstantial evidence and reviews prior</p>

complaints and reports of sexual abuse involving the suspected perpetrator.

115.71 (d): When the quality of evidence appears to support a criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors about whether compelled interviews may be an obstacle to subsequent criminal prosecution, as confirmed by a PREA investigator during his interview with this Auditor.

115.71 (e): The credibility of an alleged victim, suspect, or witness shall be assessed individually and shall not be determined by the person's status as an inmate or staff. No agency shall review prior complaints and reports of sexual abuse involving the suspected perpetrator, as confirmed by a PREA investigator during his interview with this Auditor. This Auditor found no evidence to prove the NJDOC mandates an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of a PREA allegation.

115.71 (f): Administrative investigations: (1) Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and (2) Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings, as confirmed by a PREA investigator during his interview with this Auditor. Incident review minutes support that NJDOC reviews include an effort to determine whether staff actions or failures to act contributed to the abuse; and (2) Investigative documents were in written format that included a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

115.71 (g): Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible, as confirmed by a PREA investigator during his interview with this Auditor. When an investigation appears to involve criminal conduct, notification is made to the NJDOC Central Office – Special Investigations Division and the appropriate county prosecutor. In the case of sex crimes, the appropriate county prosecutor's office sex crimes unit shall be notified.

115.71 (h): Substantiated allegations of conduct that appear to be criminal shall be referred for prosecution, as confirmed by a PREA investigator during his interview with this Auditor.

115.71 (i): By examination, the Auditor determined that NJDOC retains all written reports referenced in paragraphs (f) and (g) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

115.71 (j): The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation as confirmed by a PREA investigator during his interview with this Auditor.

115.71 (k): Any State entity or Department of Justice component that conducts such investigations shall do so under the above requirements.

115.71 (l): When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and endeavor to remain informed about the progress of the investigation, as confirmed by a PREA investigator during his interview with this Auditor.

Corrective Action:

1. 115.71 (a): NJDOC PREA investigator confirmed during his interview that NJDOC investigations into allegations of sexual abuse and sexual harassment are prompt, thorough, and objective for all allegations, including third-party and anonymous reports. Problematic 50% of all allegations during this reporting period remain pending completion. See 115.71 (a) above.
2. NJDOC will implement a system to address the backlog of investigations to comply with this standard.
3. NJDOC will demonstrate the resolution of the backlog and report the outcome of each investigation to inmates.
4. Regarding substantiated or unsubstantiated allegations, NJDOC will conduct an incident review by PREA standards.
5. When applicable, NJDOC will initiate retaliation monitoring by PREA standards.

115.72	Evidentiary standard for administrative investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion Policy Number PCS.001.008 Prevention, Detection and Response of Sexual Abuse and Harassment, Internal Management Procedure ADM.SID.035 Investigation Procedures, Internal Management Procedure ADM.006.SID. 002 Arrest Procedures, Policy ADM.006.011 Investigations by the Special Investigations Division, Internal Management Procedure CUS.0010CSM.01 Crime Scene Management, Internal Management Procedure MED.MLI.005 Forensic Specimen Collection, Internal Management Procedure MED.MLI.007 Sexual Assault, Policy ADM.006.000 Special Investigations Division Mission, Goals and Objectives, and Organizational Structure collectively address the requirements of Standard 115.72. 115.72 (a): NJDOC shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment

	<p>are substantiated. The PREA Investigator for Edna was interviewed twice during the onsite audit process at Edna Mahan. He explained that when evidence supports criminal prosecution, the agency consults with the prosecutor's office before moving forward in the investigative process and conducting compelled interviews. Likewise, the same investigators affirmed that the standard threshold for evidence when determining whether allegations are substantiated is preponderance of evidence. Further, a review of the investigation sampled during this audit confirmed compliance with this standard.</p>
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115.73	Reporting to inmates
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>Policy Number PCS.001.008 Prevention, Detection and Response of Sexual Abuse and Harassment, Internal Management Procedure ADM.SID.035 Investigation Procedures, Internal Management Procedure ADM.006.SID. 002 Arrest Procedures, Procedure MED.MLI.007 Sexual Assault, Policy ADM.006.000 Special Investigations Division Mission, Goals and Objectives, and Organizational Structure both address the requirement of Standard 115.73.</p> <p>115.73 (a): Following a PREA investigation into an inmate's allegation that an inmate suffered sexual abuse in an agency facility, the agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. During interviews with random and targeted inmates, some voiced concern that the facility did not issue sexual abuse investigative findings for all allegations of sexual abuse. Standard 115.5 PREA general definitions indicate that an unfounded allegation is an allegation that was investigated and determined not to have occurred. During an interview with the agency PREA Coordinator, she explained the agency's interpretation of PREA standards.</p> <p>By examination of investigations, this Auditor determined that some allegations that an inmate suffered sexual abuse in an agency facility were determined "Not PREA" and, therefore, did not meet the criteria established in PREA standards according to NJDOC. As interpreted by the agency, a "Not PREA" designation did not require inmate notification because the allegation did not meet the guidelines established in the PREA standards.</p> <p>By examination of the agency designated "Not PREA" category of allegations, this Auditor highly recommends that the agency abandon this practice and follow</p>

Standard 115.73, which requires all inmates alleging sexual abuse to be notified of the investigative findings from all allegations of sexual abuse following an investigation as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. Some inmates who reported sexual abuse indicated never receiving a report of the findings in an allegation of sexual abuse. Problematic, the agency's interpretation of PREA standards regarding what constitutes PREA is in conflict. This substandard requires corrective action.

115.73 (b): NJDOC conducts administrative investigations, while the local Hunterdon County Prosecutor's Office conducts criminal investigations. According to the PREA Compliance Manager, Edna Mahan/NJDOC, inmates are notified of all investigations interpreted to meet the criteria established in PREA standards. In some instances, the prosecutor's office may decline the need for involvement and allow matters that entail verbal allegations to be administratively investigated by NJDOC SID. See EMCF/SID case# 2021-07-09-001-EMCF.

115.73 (c): Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, according to the PREA Compliance Manager and the PREA Coordinator, the agency will subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever: (1) The staff member is no longer posted within the inmate's unit; (2) The staff member is no longer employed at the facility; (3) The agency learns that the staff member has been indicted related to sexual abuse within the facility, or (4) The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility, as confirmed by the PREA investigator during his interview. See EMCF/SID 2022-06-23-002 SVU (unsubstantiated) as an example of the inmate reporting and notification process; however, the inmate was out of custody.

115.73 (d): Following an inmate's allegation that another inmate has sexually abused them, the PREA Compliance Manager and the PREA Coordinator each confirmed that NJDOC subsequently informs the alleged victim whenever: (1) The agency learns that the alleged abuser has been indicted related to sexual abuse within the facility, or (2) The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility, as confirmed by the PREA investigator during his interview. See EMCF/SBI:161256E, dated 8/26/2022.

115.73 (e): According to the PREA Compliance Manager, all inmate notifications or attempted notifications are documented, as confirmed by the PCM during her interview with this Auditor. This Auditor found instances of one attempted notification; however, Standard 115.73 (e) 2 indicates three inmates were out of custody. Problematic allegations determined by the agency not meeting PREA standards, but allegations of sexual abuse filed by an Edna Mahan inmate were not notified of the outcome of the allegations. This substandard requires corrective action.

115.73 (f): An agency's obligation to report under this standard shall terminate if the inmate is released from the agency's custody, as confirmed by the PCM during her interview with this Auditor. Standard 115.73 (e) 2 indicates three inmates were out of custody. When filing the interim report, it is uncertain what the term out of custody

means regarding PREA reporting and Standard 115.73. This standard requires clarification.

Corrective Action:

1. Following an investigation into an inmate's allegation that he or she suffered sexual abuse in Edna Mahan, shall inform all inmates as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded, including those allegations investigated and categorized as "Not PREA."
2. The Auditor will monitor compliance with this standard during the Corrective Action Period. Edna Mahan will provide the Auditor with evidence of compliance with this standard.
3. Edna Mahan clarified the term "out of custody." According to the agency, out of custody has several meanings, including discharge from custody and hospitalization under a different jurisdiction or temporary placement in a jail or county facility for court.

115.76 Disciplinary sanctions for staff	
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>PCS.001.008 Prevention, Detection, and Response of Sexual Abuse and Harassment and IMM.001.004 Zero Tolerance Prison Sexual Assault address the requirements of standard 115.76.</p> <p>115.76 (a): According to the facility Warden, all staff are subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. When NJDOC SID/SVU investigates sexual abuse between a staff member and an inmate, the Hunterdon County Prosecutor's Office is contacted for possible criminal investigation and prosecutorial decision-making.</p> <p>115.76 (b): Further, termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse according to the facility Warden.</p> <p>115.76 (c): Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than 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, as confirmed during an interview with the facility Warden.</p>

	<p>Any staff terminated for violating the zero-tolerance prison sexual assault policy is reported to law enforcement agencies unless the activity was clearly not criminal and to any relevant licensing bodies, according to the facility Warden. An employee, contractor, or volunteer who fails to report an allegation or coerces or threatens another person to submit inaccurate, incomplete, or untruthful information intending to alter a report may face disciplinary charges, up to and including dismissal, even on a first offense.</p> <p>115.76 (d): All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies unless the activity was clearly not criminal, and to any relevant licensing bodies as confirmed during an interview with the facility Warden.</p> <p>115.76 (d)-2 In the past 12 months, according to the OAS PAQ submitted and confirmed by the PCM, the number of staff from the facility that have been reported to law enforcement or licensing boards following their termination (or resignation prior to termination) for violating agency sexual abuse or sexual harassment policies was zero.</p> <p>All employees are subject to administrative disciplinary sanctions for violating agency sexual abuse/sexual harassment policies. NJDOC Collective Bargaining Agreements sampled allow for punitive sanctions against staff, including termination, for the sexual abuse/sexual harassment of an inmate.</p> <p>Corrective Action:</p> <ol style="list-style-type: none"> 1. NJDOC will update collective bargaining agreements, including PREA-related language specific to this standard. 2. The Auditor will review the sample agreements to determine compliance with this standard.
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115.77	Corrective action for contractors and volunteers
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>PCS.001.008 Prevention, Detection, and Response of Sexual Abuse and Harassment and IMM.001.004 Zero Tolerance Prison Sexual Assault support of compliance with Standard 115.77.</p> <p>115.77 (a): According to the facility head, any contractor or volunteer who engages in</p>

sexual abuse is prohibited from contact with inmates and shall be reported to law enforcement agencies unless the activity was clearly not criminal and to relevant licensing bodies. Moreover, NJDOC policies indicate that any contractor or volunteer who engages in sexual abuse/sexual harassment would be prohibited from contacting inmates and reporting to law enforcement agencies unless the activity was clearly not criminal and to relevant licensing bodies.

A contractor or volunteer who fails to report an allegation or coerces or threatens another person to submit inaccurate, incomplete, or untruthful information intending to alter a report may face disciplinary charges, up to and including dismissal, even on a first offense. In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, the facility would take appropriate remedial measures and consider whether to prohibit further contact with inmates.

115.77 (b): During his interview, the facility head confirmed that the facility takes appropriate remedial measures and considers whether to prohibit further contact with inmates in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

115.78	Disciplinary sanctions for inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>PCS.001.008 Prevention, Detection and Response of Sexual Abuse; IMM.001.004 Zero Tolerance Prison Sexual Assault; ADM.008.000 Inmate Disciplinary Hearing Program Mission, Goal and Objective (MGO); and Inmate Handbook on Discipline Updated 5 13 2021: and NJAC Title 10A, Chapter 4 relates to inmate discipline in the NJDOC. NJAC Title 10A Chapter 12 Subchapter 12 and Policy IMM.001.004 collectively address Standard 115.78.</p> <p>115.78 (a): According to the facility Warden, inmates are subject to disciplinary sanctions under a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse. More, under N.J.A.C. Title 10A:4-4.2, all prohibited acts that may constitute crimes of the first (including aggravated sexual assault), second (including sexual assault), third, or fourth degree under the Criminal Code of the State of New Jersey (N.J.S.A. 2C:1-1 et seq.) shall be referred to the</p>

prosecutor of the county in which the correctional facility is located. Such discipline is applied via a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse/harassment or following a criminal finding of guilt for inmate-on-inmate sexual abuse/harassment. NJDOC disciplinary sanctions include a range of severity based on the category of the sexual offense charge. The disciplinary process also has built-in a referral process for mental health intervention throughout the disciplinary process.

115.78 (b): According to the facility Warden, sanctions 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.

115.78 (c): According to the facility Warden, the disciplinary process considers whether inmates' mental disabilities or mental illness contributed to their behavior when determining what type of sanction, if any, should be imposed. In a review of investigative records, this Auditor grew concerned with one Jane Doe. This Jane Doe filed numerous allegations of sexual abuse/sexual harassment during this reporting period. The retaliation monitoring document and disciplinary reports indicate she was disciplined for filing PREA allegations in bad faith. Problematic Jane Doe has a history of mental illness. Evidence confirmed Edna Mahan consulted with mental health practitioners during the disciplinary process.

115.78 (d): If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.

115.78 (e): The agency may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact. Investigative records indicate one inmate was disciplined for bad faith submission of allegations of sexual abuse/sexual harassment. It should be mentioned that this particular Jane Doe had a history of mental illness. Edna Mahan, a mental health practitioner, was involved in the decision-making process to move forward with disciplinary sanctions against the inmate.

115.78 (f): For disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

115.78 (g): At its discretion, an agency may prohibit all sexual activity between inmates and may discipline inmates for such activity. An agency may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced. Inmates cannot legally consent to sexual contact with a staff member, contractor, or volunteer. It is against New Jersey law for any staff member, contractor, or volunteer and an inmate to have a sexual relationship. Inmates are not disciplined for sexual contact with staff, contractors, or volunteers unless it is determined that the staff member did not consent to the contact. A report of sexual abuse made in

good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish sufficient evidence to substantiate the allegation.

The facility prohibits all sexual activity between inmates and may discipline inmates for such activity. According to the PREA Coordinator and NJDOC policy, the facility will not deem unauthorized consensual sexual activity to constitute sexual abuse if it determines that the action was not coerced. Inmate-on-inmate consensual sex is prohibited at NJDOC facilities and is subject to discipline per NJAC Title 10:A Chapter 4 Inmate Discipline.

115.81	Medical and mental health screenings; history of sexual abuse
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Auditor Overall Determination: Meets Standard
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Auditor Discussion

PCS.001.008 Prevention, Detection and Response of Sexual Abuse and Harassment, MED.IMA.001 Health Appraisals at Reception, MED.MHS.001.002 and the Multidimensional Sexual Victimization and Abusiveness Risk Assessment Checklist address the requirements of Standard 115.81.

115.81 (a): If the screening under § 115.41 indicates that a prison/jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. NJDOC has an automated electronic record system for collecting medical and mental health information relative to PREA-related concerns during the intake health appraisal or as needed. The system can also provide continued re-assessment and document follow-up services as needed. Health appraisal information is maintained in the inmate's electronic medical record (EMR). Screening for any condition relevant to the Prison Rape Elimination Act of 2003 (PREA) and documentation of those findings

can be found in the electronic health records system. Edna Mahan ensures inmates are offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

The Auditor sampled case files of initial PREA risk screenings of inmates transferred to Edna Mahan. Inmates who previously declared a history of prior victimization/abusiveness were captured in the electronic medical record in a section termed "Receiving Chart Review Section." Included in the same section was a question regarding the need for a 14-day follow-up. As confirmed by medical and mental health practitioners interviewed during the audit, a follow-up review was determined by inmate history, perception of vulnerability, mental illness, disability, and a desire to address a history of sexual victimization or sexually abusive behavior. Moreover, medical and mental health practitioners interviewed during the audit confirmed that a risk assessment review is required based on a current victimization/abuse risk assessment. The Auditor, by examination, determined that all cases were screened for PREA-related follow-up with a medical or mental health practitioner. Dissemination disclaimer instructions are posted in the EMR, and staff is reminded of the appropriate use of medically sensitive personal information located in the EMR. The interviews of staff (medical and mental health practitioners) confirmed compliance with this standard.

115.81 (b): If the screening under § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or the community, staff shall ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening. NJDOC has an automated electronic record system for collecting medical and mental health information relative to PREA-related concerns during the intake health appraisal or subsequently as needed. The same system can also provide continued re-assessment and document follow-up services as needed. Health appraisal information is maintained in the inmate's electronic medical record (EMR). Screening for any condition relevant to the Prison Rape Elimination Act of 2003 (PREA) and documentation of those findings can be found in the electronic health records system. Edna Mahan ensures inmates are offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

115.81 (c): See 115.81(a)

115.81 (d): Any information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners and other staff with a need to know, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law. The EMR is password-protected with limited accessibility. Internal Management Procedure MED.IMA.001 The EMR Multidimensional Sexual Victimization and Abusiveness Risk Assessment Checklist mandate that if screening indicates that an inmate has experienced prior victimization or perpetrated abusiveness, whether in an institutional setting or the community, healthcare staff will ensure the inmate is seen for a follow-up mental health meeting within 14 days of the screening.

	<p>115.81 (e): 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, as confirmed by medical and mental health practitioners interviewed during this audit. The Auditor noted that the informed consent information is on page two of the PREA risk screening instrument of the inmate EMR. The Auditor interviewed targeted inmates who confirmed being advised of the limits to confidentiality by medical and mental health practitioners at the initiation of service. Edna Mahan houses zero inmates under the age of 18.</p>
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115.82	Access to emergency medical and mental health services
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>PCS.001.008 Prevention, Detection and Response of Sexual Abuse and Harassment, MED.IMA.001 Health Appraisals at Reception, Internal Management Procedure MED.MHS.002.001 Emergency Mental Health Services, Policy Number MED.002.004 Mental Health Services Staff Emergency Mental Health Services, Internal Management Procedure MED.MLI.007 Sexual Assault, Internal Management Procedure MED.MHS.002.010 Counseling Services for Victims of Sexual Assault, Internal Management Procedure MED.MLI.007 Sexual Assault, Internal Management Procedure MED.MHS.002.007 Psychiatry Services and Internal Management Procedure MED.IMHC.010, N.J.A.C.10A:16-2.10 Emergency medical treatment, Emergency Response. MED.MLI.007 Sexual Assault and Internal Management Procedure MED.IMHC.010 Co-Pay for Eligible Health and Dental Care collectively address Standard 115.82</p> <p>115.82 (a): A sample of investigative records for this reporting period confirmed that 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. Moreover, this Auditor interviewed Jane Doe, who reported sexual abuse during this reporting period. The inmate confirmed staff acted quickly and transported her to a local hospital with a SANE examiner.</p>

	<p>115.82 (b): If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim under § 115.62 and shall immediately notify the appropriate medical and mental health practitioners, as confirmed during interviews with all random and specialized staff as confirmed during an interview with a custody supervisor.</p> <p>115.82 (c): Inmate victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis by professionally accepted standards of care, where medically appropriate, as confirmed during interviews with a medical practitioner.</p> <p>115.82 (d): Treatment services shall be provided to the victim without financial cost, regardless of whether the victim names the abuser or cooperates with any investigation arising from the incident. This Auditor interviewed Jane Doe, who reported sexual abuse during this reporting period. Jane Doe denied being billed for the financial cost associated with her allegation of sexual abuse. Jane Doe indicates she did not initially cooperate with authorities in investigating her allegation of sexual abuse but is currently willing to cooperate. The Auditor communicated this information to the PCM and the PREA-investigator.</p>
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115.83	Ongoing medical and mental health care for sexual abuse victims and abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy PCS.001.008 Prevention, Detection and Response of Sexual Abuse, Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault, Internal Management Procedure MED.MLI.007 Sexual Assault; and Internal Management Procedure MED.MHS.002.010 - Counseling Services for Victims of Sexual Assault, Policy Number MED.002.004 Mental Health Services Staff Emergency Mental Health Services, Internal Management Procedure MED.MHS.002.001 Emergency Mental Health Services and Internal Management Procedure MED.IMHC.010 Co-Pay for Eligible Health and Dental Care addresses the requirements of Standard 115.83.</p> <p>115.83 (a): By examination of a sample of investigative reports, this Auditor determined that Edna Mahan offers 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. Further, inmates random and targeted confirmed Edna Mahan offers medical and mental health evaluations where</p>

appropriate.

115.83 (b): The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities or their release from custody. Further, inmates random and targeted confirmed Edna Mahan offers medical and mental health evaluations where appropriate. Review of a sample of EMR support Edna Mahan staff provides 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.

115.83 (c): The facility shall provide such victims with medical and mental health services consistent with the community level of care. Interviews with specialized staff (medical and mental health practitioners) all confirmed during separate interviews that healthcare services are consistent with the community level of care.

115.83 (d): Inmate victims of sexually abusive vaginal penetration, while incarcerated, shall be offered pregnancy tests. Medical practitioners interviewed during this audit confirmed that inmate victims of sexually abusive vaginal penetration would be offered pregnancy tests while incarcerated.

115.83 (e): If pregnancy results from the conduct described in paragraph (d) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services. Medical practitioners interviewed during this audit confirmed that inmate victims of sexually abusive vaginal penetration would be offered pregnancy tests while incarcerated.

115.83 (f): Inmate victims of sexual abuse, while incarcerated, shall be offered tests for sexually transmitted infections as medically appropriate. Medical practitioners interviewed during this audit confirmed that inmate victims of sexually abusive vaginal penetration would be offered pregnancy tests while incarcerated.

115.83 (g): Treatment services shall be provided to the victim without financial cost, regardless of whether the victim names the abuser or cooperates with any investigation arising from the incident. Medical practitioners interviewed during this audit confirmed that inmate victims of sexually abusive vaginal penetration would be offered pregnancy tests while incarcerated.

115.83 (h): All prisons attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning such abuse history and offer treatment when deemed appropriate by mental health practitioners. Mental health practitioners interviewed during this audit confirmed that 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.

Auditor Overall Determination: Meets Standard

Auditor Discussion

Policy PCS.001.008 Prevention, Detection and Response of Sexual Abuse and Harassment, Level I Internal Management Procedure PCS.001.PREA.001, PREA Incident Review Form, Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault addresses this standard.

115.86 (a): By examination of NJDOC Incident Review Forms from this reporting period, this Auditor determined that Edna Mahan conducted a sexual abuse incident review after every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been deemed unfounded.

115.86 (b): By examination of NJDOC Incident Review Forms from this reporting period, this Auditor determined that the reviews ordinarily occurred within 30 days of the conclusion of the investigation.

115.86 (c): By examination of NJDOC Incident Review Forms from this reporting period, this Auditor determined that the review team includes upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.

115.86 (d): By examination of NJDOC Incident Review Forms from this reporting period, this Auditor determined that the review team: (1) Considers whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; (2) Considers whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility; (3) Examines the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; (4) Assesses the adequacy of staffing levels in that area during different shifts; (5) Assesses whether monitoring technology should be deployed or augmented to supplement supervision by staff; and (6) Prepares a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the facility head and PREA Compliance Manager.

115.86 (e): Edna Mahan either implements the recommendations for improvement or shall document its reasons for not doing so.

115.87	Data collection
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>PCS.001.008 Prevention, Detection and Response of Sexual Abuse and Harassment, Policy IMM.001.004Zero Tolerance Policy: Prison Sexual Assault address Standard 115.87.</p> <p>115.87 (a): By examination, this Auditor confirmed that NJDOC collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.</p> <p>115.87 (b): NJDOC aggregates the incident-based sexual abuse data at least annually.</p> <p>115.87 (c): NJDOC, the incident-based data collected includes, 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.</p> <p>115.87 (d): NJDOC maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.</p> <p>115.87 (e): When applicable, NJDOC obtains incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates. 115.87 (e) in the pre-audit questionnaire is a reporting error. NJDOC contracts for confinement space for community-based programs.</p> <p>115.87 (f): Upon request, NJDOC shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.</p>

115.88	Data review for corrective action
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Internal Management Procedure PCS. 001.PREA.001, the New Jersey Department of Corrections Sexual Victimization Annual Report 2021, addresses the requirements of Standard 115.88.</p> <p>115.88 (a): NJDOC, by examination, reviews data collected and aggregated under § 115.87 to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by (1) Identifying</p>

	<p>problem areas; (2) Taking corrective action on an ongoing basis; and (3) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.</p> <p>115.88 (b): NJDOC, by examination, such reviews include comparing the current year's data and corrective actions with those from prior years and shall assess the agency's progress in addressing sexual abuse.</p> <p>115.88 (c): NJDOC is 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.</p> <p>115.88 (d): NJDOC may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility but must indicate the nature of the material redacted.</p>
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115.89	Data storage, publication, and destruction
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy PCS.001.008 PREA Prevention, Detection and Response of Sexual Abuse and Harassment addresses Standard 115.89.</p> <p>115.89 (a): NJDOC ensures that data collected pursuant to § 115.87 are securely retained.</p> <p>115.89 (b): NJDOC makes 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.</p> <p>115.89 (c): NJDOC, before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.</p> <p>115.89 (d): NJDOC maintains sexual abuse data collected pursuant to § 115.87 for at least ten years after the initial collection date unless Federal, State, or local law requires otherwise.</p>

115.401	Frequency and scope of audits
	Auditor Overall Determination: Meets Standard

	<p>Auditor Discussion</p> <p>115.401 (a): During the three years starting on August 20, 2013, and during each three years after that, the agency shall ensure that each facility operated by the agency, or by a private organization on behalf of the agency, is audited at least once.</p> <p>115.401 (b): During each year starting on August 20, 2013, the agency shall ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, is audited.</p> <p>115.401 (h): The Auditor was given access to and observed all audited facilities' areas.</p> <p>115.401 (i): The Auditor was permitted to request and receive copies of any relevant documents (including electronically stored information).</p> <p>115.401 (m): The Auditor was permitted to interview inmates privately.</p> <p>115.401 (n): Inmates were permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.</p> <p>Edna Mahan allowed both Auditors space to conduct private interviews with inmates (random and targeted) and staff (specialized and random) and review investigative documents. Supplemental information was reviewed and applied to PREA standards to determine compliance. PREA audit notices were posted on all living units.</p>
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115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>115.403 (f): By examining the official NJDOC website, this Auditor confirmed that the agency ensures that the Auditor's final report is published on its website and readily available to the public. Further, the agency has published all Final Audit Reports on its website. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT.</p>

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

	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.)	
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	yes

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

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

	facility does not have female inmates.)	
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	yes

	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?	
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
115.17 (b)	Hiring and promotion decisions	
	Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates?	yes
	Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with inmates?	yes
115.17 (c)	Hiring and promotion decisions	
	Before hiring new employees who may have contact with inmates, does the agency perform a criminal background records check?	yes
	Before hiring new employees who may have contact with inmates, does the agency, consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse?	yes
115.17 (d)	Hiring and promotion decisions	
	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates?	yes

115.17 (e)	Hiring and promotion decisions	
	Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees?	yes
115.17 (f)	Hiring and promotion decisions	
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions?	yes
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees?	yes
	Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?	yes
115.17 (g)	Hiring and promotion decisions	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes
115.17 (h)	Hiring and promotion decisions	
	Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.)	yes
115.18 (a)	Upgrades to facilities and technologies	
	If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)	yes
115.18 (b)	Upgrades to facilities and technologies	

	If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)	yes
115.21 (a)	Evidence protocol and forensic medical examinations	
	If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
115.21 (b)	Evidence protocol and forensic medical examinations	
	Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	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	yes

	Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	
	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	yes

	suspicious 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.)	
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	yes

	screening instrument?	
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)	yes

	Whether the inmate is detained solely for civil immigration purposes?	
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	yes

	information is not exploited to the inmate’s detriment by staff or other inmates?	
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	yes

	present management or security problems?	
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	yes

	solely for the placement of LGBT or I inmates pursuant to a consent degree, legal settlement, or legal judgement.)	
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	yes

	anonymous upon request?	
	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.	no
115.52 (b)	Exhaustion of administrative remedies	
	Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)	yes
	Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.)	yes
115.52 (c)	Exhaustion of administrative remedies	
	Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from	yes

	this standard.)	
	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,	na

	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.)	
	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	yes

	abuse or sexual harassment or retaliation?	
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	yes

	response to an incident of sexual abuse?	
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	yes

	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?	
	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	yes

	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).)	
	Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
115.71 (b)	Criminal and administrative agency investigations	
	Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34?	yes
115.71 (c)	Criminal and administrative agency investigations	
	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
	Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
	Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes
115.71 (d)	Criminal and administrative agency investigations	
	When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?	yes
115.71 (e)	Criminal and administrative agency investigations	
	Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes
115.71 (f)	Criminal and administrative agency investigations	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes

	Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?	yes
115.71 (g)	Criminal and administrative agency investigations	
	Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?	yes
115.71 (h)	Criminal and administrative agency investigations	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
115.71 (i)	Criminal and administrative agency investigations	
	Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	yes
115.71 (j)	Criminal and administrative agency investigations	
	Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?	yes
115.71 (l)	Criminal and administrative agency investigations	
	When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.72 (a)	Evidentiary standard for administrative investigations	
	Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?	yes
115.73 (a)	Reporting to inmates	
	Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	yes

115.73 (b)	Reporting to inmates	
	If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)	yes
115.73 (c)	Reporting to inmates	
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the inmate's unit?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility?	yes
115.73 (d)	Reporting to inmates	
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility?	yes
	Following an inmate's allegation that he or she has been sexually	yes

	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?	
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	yes

	evidence sufficient to substantiate the allegation?	
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	yes

	sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	
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	yes

	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?	
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.)	no
	If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)	yes
115.401 (h)	Frequency and scope of audits	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes
115.401 (i)	Frequency and scope of audits	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes
115.401 (m)	Frequency and scope of audits	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes
115.401 (n)	Frequency and scope of audits	
	Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes
115.403	Audit contents and findings	

(f)		
	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