

PREA AUDIT: AUDITOR'S SUMMARY REPORT

ADULT PRISONS & JAILS

NATIONAL
PREA
RESOURCE
CENTER



BJA
Bureau of Justice Assistance
U.S. Department of Justice

Adult Diagnostic Treatment Center

Physical address: 8 Production Way Avenel, New Jersey 07001

Date report submitted: October 29, 2014

Address: P. O. Box 16054 Lansing, Michigan 48901

Email: fairbaa@comcast.net

Telephone number: (517) 303-4081

Date of facility visit: October 21-22, 2014

Facility Information

Facility mailing address: (if different from above)

Telephone number: (732) 669-8001

The facility is:	<input type="checkbox"/> Military	<input type="checkbox"/> County	<input type="checkbox"/> Federal
	<input type="checkbox"/> Private for profit	<input type="checkbox"/> Municipal	<input checked="" type="checkbox"/> State
	<input type="checkbox"/> Private not for profit		

Facility Type:	<input type="checkbox"/> Jail	<input checked="" type="checkbox"/> Prison
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Name of PREA Compliance Manager: Bruce Davis	Title:	Assistant Superintendent
	Telephone number:	(732) 669-8003

Agency Information

Name of agency: Department of Corrections New Jersey

Governing authority or parent agency: (if applicable) State of New Jersey

Physical address: Whittlesey Rd. Trenton, NJ 08625

Mailing address: (if different from above) P. O. Box 863 Trenton, New Jersey 08625

Telephone number: (609) 292-4036

Agency Chief Executive Officer

Name: Gary M. Lanigan	Title:	Commissioner
Email address: Gary.Lanigan@doc.state.nj.us	Telephone number:	(609) 292-4036

Agency-Wide PREA Coordinator

Name: Douglas Gerardi	Title:	Director, Policy and Planning
Email address: Douglas.Gerardi@doc.state.nj.us	Telephone number:	(609) 826-5625

AUDIT FINDINGS

NARRATIVE:

On October 21-22, 2014, an audit was conducted at the Adult Diagnostic Treatment Center to determine compliance with the Prison Rape Elimination Act standards finalized August 2012.

A complete tour of the facility was conducted on October 22, 2014. The following areas and operations were visited and observed: all inmate living areas including restrictive housing, medical operations, and facility operations (commissary, laundry, property room, and maintenance). Documents reviewed for this audit included policy, institutional supplement, contracts, staff training records, personnel files, housing log books, volunteer training records, sexual abuse & harassment complaints, and training curriculums.

Formal interviews were scheduled through random selection of staff and inmates from schedules and rosters provided by the staff prior to the audit. Interviews were conducted with the following: Administrator (warden), PREA compliance manager, one medical staff, the mental health lead psychologist, two additional psychologist, human resource manager, corrections officers and supervisors from each shift, the facility investigators (SID), thirteen inmates which included one who filed a complaint, two with limited English, one in restrictive housing, and two with physical challenges (wheelchair and hearing difficulties).

The agency commissioner was not interviewed as he participated in an interview at a previous PREA audit. It is very evident, however, that he clearly supports compliance with PREA and the requirements of the standard based on interviews with staff and processes implemented.

The auditor was allowed free access to all areas of the facility, had access to interview inmates selected randomly and intentionally, and to see any documentation requested. Posters were visible throughout the facility announcing the audit as well as how to contact the Ombudsman and the hotline.

Four letters were received from inmates. All were interviewed. Three were concerned about being moved in what they believed to be was for PREA reasons. One believed he was experiencing retaliation for filing a complaint in 2012. The issues were discussed with the facility administrator. After reviewing the concerns, the auditor found no issues with PREA standards.

DESCRIPTION OF FACILITY CHARACTERISTICS:

The Adult Diagnostic and Treatment Center (ADTC) currently houses 562 sex offenders who are involved in sex offender treatment, educational and vocational studies and hold numerous work positions within the institution. Thirty to thirty five professional staffs work at this facility to address this specific mission. There are four dormitory housing units and two wings dedicated to a therapeutic community with some dormitory bed and when earned, single cells.

The mission of the New Jersey Department of Corrections is to protect the public by operating safe, secure, and humane correctional facilities. The mission is realized through effective supervision, proper classification, appropriate treatment of offenders, and by providing services that promote successful reentry into society.

SUMMARY OF AUDIT FINDINGS:

Number of standards exceeded: 3

Number of standards met: 39

Number of standards not met: 0

Number of standards not applicable: 1

Standard number here **§115.11 - Zero tolerance of sexual abuse and sexual harassment; PREA coordinator**

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

Auditor comments, including corrective actions needed if does not meet standard

- (a) Written policy **This is addressed in IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault, and Level I Internal Management Procedure IMM.001.PSA.001, and PCS.001.PREA.ICM Institutional Prison Rape Elimination Act (PREA) Compliance Manager.**
- (b) Upper level agency wide PREA coordinator **Douglas Geradi, Director Policy and Planning, serves at the agency PREA Coordinator.**
- (c) PREA compliance manager at the facility **Bruce Davis, Asst. Superintendent, fulfills these duties.**

Standard number here **§115.12 - Contracting with other entities for the confinement of inmates**

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

Auditor comments, including corrective actions needed if does not meet standard

- (a) new contracts PREA requirements with private agency
 - (b) new contract, contract monitoring included
- The agency maintains contracts for residential community release. PREA requirements and contract monitoring are included. Documentation was provided to show that monitoring is occurring.**

Standard number here **§115.13 – Supervision and Monitoring**

- Exceeds Standard (substantially exceeds requirement of standard)

- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

- (a) staffing plan considerations, (b) document deviations
This is required by Policy - Post Trick Analysis/Baseline Custody Staffing
- (b) PREA coordinator and agency determine adjustments
Annual staffing plan report is submitted to Agency PREA Coordinator
- (c) Policy for unannounced rounds, prohibit staff from alerting others
Policy CUS.001.011 and CUS.001.SEA.001 require unannounced rounds and prohibit staff from alerting others. Internal Management Procedure # GS.224 also addresses this at the facility level. Random review of logbooks and staff and inmate interviews confirm that this is occurring.

Standard number here **§115.14 – Youthful Inmates**

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

N/A no youthful offenders

Standard number here **§115.15 – Limits to Cross-Gender Viewing and Searches**

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

Auditor comments, including corrective actions needed if does not meet standard

- (a) Only exigent circumstances for cross gender strip or cavity
Policy prohibits cross gender strip, cavity and pat down searches. There are gender restrictions for custody posts
- (b) Prohibit cross gender pat down searches of females (August 15, 2015 or August 20, 2017) **Not applicable**
- (c) Document cross gender strip searches, cavity searches and pat down searches of females
Policy prohibits cross gender strip, cavity and pat down searches.
- (d) Inmates can shower, perform bodily functions, change clothes... opposite gender announce their presence when entering the housing unit

This is addressed in CUS.003.001 and IMP #224 Institutional Searches. Staff and inmate interviews confirm that this is occurring. The auditor was announced in every unit entered. Showers with privacy curtains are provided in each housing unit. Toilet facilities in the dormitory areas provide privacy curtains as well.

- (e) Transgender not searched for sole purpose of determining genital status.
This is addressed in CUS.003.011. There were no transgender inmates currently housed this facility.
- (e) Train security staff in cross gender pat down and transgender/intersex inmates.
This is addressed in the training module on searches of inmates.

Standard number here	§115.16 – Inmates with Disabilities and Inmates who are Limited English Proficient
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

- (a) Disabilities, intellectual, psychiatric or speech have equal opportunity, including written materials. **These needs are addressed at intake by health care staff. Several policies ensure their individual needs are addressed, including IMM 002.003 Americans With Disabilities Act and New Jersey Law Against Discrimination – Reasonable Accommodations for Inmates, PCS.001.DFH.01 Deaf Hard/Hearing Inmates and ADTC 1 ADM – 06 Inmate Remedy System.**
- (b) Agency takes reasonable steps, including interpreters
Language line approval forms were reviewed. Staff was available to assist with two inmate interviews who could not speak English.
- (c) Not rely on inmate interpreters (unless limited circumstances)
This is addressed in SUP.004.001

Standard number here	§115.17 – Hiring and Promotion Decisions
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

- (a) Not hire employee or contractor who has engaged in abuse, convicted of sexual activity by force, civilly or administratively adjudicated
- (b) Shall consider incidents of sexual harassment

- (c) Before hiring perform back ground checks, check references
- (d) Including contractors
- (e) Background check every five years
- (f) Ask applicants about previous misconduct described and impose continuing affirmative duty
- (g) Omissions grounds for termination

This is addressed in PSM.001.0111 Staff Selection & Promotions and PSM.001.001The Reporting of Summons, Arrests Incarcerations, The Confiscation of Firearms, and/or Suspension of Firearms Privileges of New Jersey DOC Employees, PSM.SSP.003 Internal Management Procedure ADM.006.007 - Pre-employment background check + ID Cards, PSM.001.SSP.003 Panel Interviews. Contract and volunteer staff are addressed as well.

- (h) Agency provides information to other
Executive Order #11 provides for this.

The Special Investigation Unit conducts background checks on staff. This was supported by documentation in a random sampling of personnel files. Background checks every five years has been recently implemented; however, it was reported by the Agency PREA coordinator that all have been completed.

Standard number here	§115.18 – Upgrades to Facilities and Technology
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

- (a) New facility or expansion or modification
- (b) Installing video monitoring
This is addressed in SUP.001.000 Capital Planning and Construction MGO. Numerous cameras were strategically placed and monitored to enhance inmate safety.

Standard number here	§115.21 – Evidence Protocol and Forensic Medical Examinations
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

- (a) Uniform evidence protocol, maximizes potential for obtaining usable physical evidence
- (b) Protocols appropriate for youths - **Not applicable**
- (c) Offer forensic medical exams, document efforts if they cannot
- (d) Attempt to make available victim advocate from rape crisis center, if not then qualified staff person. Document efforts to secure services
- (e) Accompany the victim if requested
- (f) Request investigating agency follow the requirements
- (g) Includes State entity or DOJ
- (h) Qualified advocate has received appropriate education and has been appropriately screened.

Policies that address this standard are MED.MHS.002.010 - Counseling Services for Victims of Sexual Assault, MED.MLI.007 Sexual Assault, and Internal Management Policy Special Investigation Division. Information regarding location of SANE/SAFE medical staff is maintained.

Advocates and SANE/SAFE exams are conducted at the hospital; advocates are automatically contacted by the hospital.

Standard number here	§115.22 – Policies to Ensure Referrals of Allegations for Investigations
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Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

- (a) Agency ensure administrative or criminal investigation completed for all allegations
- (b) Policy in place ensuring all allegations are referred, published on website or other means, all referrals documented
- (c) Publication describing responsibilities of separate entity and agency
- (d) State entity shall have a policy governing conduct of these investigations
- (e) DOJ

ADM.006.011 Investigations by the Special Investigations Division, CUS.SEA.01 Searches, CUS.001.CSM.01 Crime Scene Management, NJDOC Level 1 IMP IMM.001.PSA.001, NJDOC Level 1 IMP CUS.SEA.01 Searches, IMP ADM.006.SID.014 Sexual Assault (Confidential), ADM.006.SID.035 Investigation Procedures (Confidential). There are also local procedures for ADTC to address this.

Interviews confirmed that all referrals of sexual harassment or abuse are referred immediately and investigated.

Standard number here **§115.31 – Employee Training**

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

Auditor comments, including corrective actions needed if does not meet standard

- (a) Train all employees with contact with inmates on ten elements
- (b) Tailored to the gender of the inmates at the facility
- (c) Current employees trained within one year
- (d) Document that employees understand the training they received.

ADM.010.004 - Staff-Inmate Over Familiarity, PREA Training non-custody PREA training and PREA Refresher 2014, ensure that all staff with contact is properly trained in addition to providing a quick book series for staff to keep in their possession. The training signature form indicates that by signature staff understand the training they received. Staffs who were questioned acknowledged possession of their quick book.

Standard number here **§115.32– Volunteer and Contractor Training**

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

Auditor comments, including corrective actions needed if does not meet standard

- (a) Train all volunteers/contractors with contact with inmates
- (b) Tailored to the services they provide, zero tolerance and how to report
- (c) Document that volunteers/contractors understand the training they received.

PCS.001.003 Volunteer Service Program, SOCIAL SERVICES Volunteer Program, OFFICE OF VOLUNTEER SERVICES, HANDBOOK FOR VOLUNTEERS, PREA Info for NJDOC Contractors address this standard and require that volunteers and staff acknowledge through signature that they understand the training they received. Volunteer records were reviewed and demonstrated compliance with the policy and procedure.

Standard number here **§115.33 – Inmate Education**

- Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

- a) Intake, inmates receive information zero-tolerance, how to report
This is provided in the inmate handbook.
- b) Thirty days, comprehensive information including retaliation
- c) Current inmates educated within one year and upon transfer if different
- d) Provide in format accessible to all inmates – disabled and limited English
- e) Documentation of inmate participation in education sessions
- f) Ensure key information is readily and continuously available

Posters provide information and include the information on the following avenues for reporting: Inmate Remedy System Form, NJ Office of the Corrections Ombudsman Free Confidential Hotline, Special Investigations Division Locked Confidential Mailbox, and NJ DOC SID Confidential Tip Line. This is also available in Spanish. Inmates are oriented regarding PREA upon arrival to the facility. Orientation also provided information and this is conducted weekly. Inmate interviews confirmed that they are knowledgeable regarding their rights and how to proceed if they wish to report problems, noting they have many avenues.

Standard number here	§115.34 – Specialized Training: Investigations
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X Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

- a) Investigators have received special training
- b) Includes techniques for interviewing abuse victims, Miranda and Garrity, sexual abuse evidence collection, criteria to substantiate
- b) Documentation they have completed the training
- c) State and DOJ provided training
Review of training materials, and documentation of staff training support compliance with this standard. The training module is informative and meaningful.

Standard number here	§115.35 – Specialized training: Medical and mental health care
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Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

- (a) Full and part time medical and mental health care staff in the facility have been trained four requirements (how to detect, how to preserve evidence, how to respond, and how and to whom to report)
- (b) If they conduct forensic exams, they are trained
- (c) Documentation of training maintained
- (d) Also include training required for contractors and volunteer if that is their status

A review of the training module and training documents supports compliance with the standard. Interviews with five medical staffs support compliance with this standard.

Standard number here	§115.41 – Screening for Risk of Victimization and Abusiveness
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Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

- (a) All inmates assess during intake screening and upon transfer to another facility for their risk of being abused or being an abuser
- (b) Takes place within 72 hours
- (c) Objective screening instrument
- (d) Considers ten areas
- (e) Considers prior acts of violence
- (f) Reassess within 30 days inmates risk
- (g) Reassessed when warranted
- (h) Not disciplined for not answering
- (i) Appropriate controls on dissemination

MED.IMA.001 Health Appraisals at Reception, MED.MHS.001.001 Access to MH Services and MED.MHS.001.002 MHS Reception Evaluation address this standard. Screening is conducted by mental health staff and then summarized and provided to classification staffs who then meet with the inmate to determine how to meet his housing, programming and other needs.

Standard number here	§115.42 – Use of Screening Information
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Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

- (a) Information used to inform housing, bed, work, education to keep separated
- (b) Individualized determinations
- (c) Transgender case by case
- (d) Placement, programming for transgender determined twice a year
- (e) Transgender, intersex own views given serious consideration
- (f) Transgender, intersex given opportunity to shower separately
- (g) Not placed in dedicated facilities unless due to a consent decree

The institutional classification committee along with a computerized tracking system ensures that unique needs revealed by the PREA screen are met in the area of housing, work, education and programming.

Standard number here	§115.43 – Protective Custody
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Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

- (a) High risk victimization not placed in involuntary segregation unless no other alternative, less than 24 hours to complete the assessment.
- (b) Will have access to programs, privileges, education, and work to the extent possible. If restricted shall document limitations
- (c) Assigned to involuntary until alternative means not to exceed 30 days
- (d) Document
- (e) Review every 30 days

Title 10A Chapter 5 Close Custody Units addresses protective custody. Administrative transfers are also an alternative. However, in this prison, there are two observation cells in the medical clinic that are used for placement until the circumstances can be investigated and a determination made. Typically, this is completed in 72 hours or less.

Standard number here	§115.51 – Inmate Reporting
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Exceeds Standard (substantially exceeds requirement of standard)

- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

- (a) Multiple internal ways to privately report abuse, harassment, retaliation or staff neglect
- (b) One method to report to public or private entity
- (c) Staff shall accept verbal, writing, anonymous and third parties immediately and document
- (d) Agency provides a method for staff to report privately

IMM.002.001 Inmate Remedy System, and ADTC 1 ADM – 06 Inmate Remedy System address this standard.

Multiple reporting methods include:

- **NJ DOC Inmate Remedy System**
- **NJ Office of the Corrections Ombudsman – inmates may use the free confidential telephone hotline, complete the “Office of the Corrections Ombudsman Request for Assistance form” or send written correspondence to the NJ Office of the Corrections Ombudsman. Correspondence may be sent interoffice mail with no postage required.**
- **Special Investigations Division at each facility**
- **Institutional PREA Compliance Manager at each facility**
- **Third parties on behalf of an inmate (family, friends, etc.) may utilize the NJ DOC Inmate Remedy System or contact the NJ Office of the Corrections Ombudsman to report an incident of sexual abuse/harassment.**
- **Hot line**

Standard number here	§115.52 – Exhaustion of Administrative Remedies
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

- (a) Agency exempt If no administrative procedures to use grievance for inmate abuse
- (b) No time limit on grievance for sexual abuse (1-4)
- (c) Ensures not submitted to staff who is subject and not referred to that staff
- (d) 90 days 1-4
- (e) Third party permitted to file (1-4)
- (f) Procedure for filing emergency grievance

(g) Can discipline where filed in bad faith

IMM.002.IRS.001 Inmate Remedy System and ADTC 1 ADM – 06 Inmate Remedy System address this standard. Inmate interviews supported access to and response to remedy forms.

Standard number here §115.53 – Inmate Access to Outside Confidential Support Services

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

Auditor comments, including corrective actions needed if does not meet standard

- (a) Access to outside victim advocates for emotional support services by mail or telephone, toll free hotline, reasonable communication in a confidential manner
- (b) Informed of the extent that it will be monitored
- (c) Maintain an MOU with community service providers

Inmates are provided with a brochure with the following information:

NJ Sexual Assault Hotline

1-800-601-7200

NJ Coalition Against Sexual Assault

609-631-4450

New Jersey's Crime Victim's Law Center

973-729-7337

New Jersey State Parole Board

Victim Services

609-292-4582

NJDOC Office of Victim Services

609-943-5390

Rape Care Program

609-292-8840

RAIIN

1-800-656-HOPE

Child Abuse/Neglect Hotline

1-877-652-2873

DHS Child Support Hotline

1-877-655-4371

Division of Mental Health Services

1-800-382-6717

Standard number here §115.54 – Third-Party Reporting

- Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

Method to receive and distribute publicly information on how to report.

Posters are visible with the following information:

Third parties on behalf of an inmate (family, friends, etc.) may utilize the NJ DOC Inmate Remedy System or contact the NJ Office of the Corrections Ombudsman to report an incident of sexual abuse/harassment.

NJ Office of the Corrections Ombudsman

Office of the Corrections Ombudsman

PO Box 855

Trenton, NJ 08625

1-609-633-2596 (Main Office)

1-555-555-5555 (Inmate Only Toll Free Number)

The New Jersey DOC website was viewed. It is very informative regarding what PREA is and how to report complaints.

Standard number here	§115.61 – Staff and Agency Reporting Duties
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Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

(a) Staff required to report immediately

(b) Staff not reveal any information than it needs to appropriate staff

(c) Practitioners required to report abuse, limits on confidentiality

(d) If victim is under 18

(e) All reports to facility's designated investigator

IMM.001.PSA.001 Zero Tolerance of Sexual Assault and ADTC IMM.001.004

Zero Tolerance Sexual Assaults address this standard. All staff interviews,

including medical and mental health providers, indicated they are aware of

the need to report immediately and to not reveal information to staff that do

not need to know. All reports are forwarded to SID immediately.

Standard number here	§115.62 – Agency Protection Duties
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

Inmate subjected to imminent abuse – immediate action

This is addressed in IMM.001.PSA.001 Zero Tolerance of Sexual Assault, Protective custody is available. As noted, an alternative placement is the holding cell located in each of the three facilities. No instances of imminent abuse have occurred since implementation of PREA.

No Standard number here §115.63 – Reporting to Other Confinement Facilities

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

Auditor comments, including corrective actions needed if does not meet standard

- (a) Reporting to another facility
- (b) Within 72 hours
- (c) Documented
- (d) Facility head receives notification that investigation

PCS.001.PREA.ICM Institutional Prison Rape Elimination Act Compliance Manager addresses this standard. Interviews confirmed that they would be immediately reported, especially since the SID unit is centralized.

Standard number here §115.64 – Staff First Responder Duties

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

Auditor comments, including corrective actions needed if does not meet standard

- (a) First security staff required to , separate, preserve, collect victim, collect abuser
- (b) If not security, staff required to request alleged victim not destroy physical evidence then notify security staff

IMM.001.PSA.001 Zero Tolerance of Sexual Assault, CUS.001.CSM.01 Crime Scene Management, MED.MLI.007 Sexual Assault, ADTC Level 3

IMM.001.004 Zero Tolerance Policy – Prison Sexual Assault, ADTC .203 Crime Scene Management and the procedure for Special Investigation Division, sexual offenses address this standard. All staff interviews confirmed knowledge of this requirement.

Standard number here §115.65 – Coordinated Response

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

Auditor comments, including corrective actions needed if does not meet standard

IMM.001.PSA.001 Zero Tolerance of Sexual Assault, CUS.001.CSM.01 Crime Scene Management, MED.MLI.007 Sexual Assault, and the procedure for Special Investigation Division, sexual offenses address this standard. The institutional plan is addressed in ADTC IMM.001.004 Zero Tolerance Policy – Prison Sexual Assault and ADTC IMM .203 Crime Scene Management.

Standard number here §115.66 – Preservation of ability to protect inmates from contact with abusers

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

Auditor comments, including corrective actions needed if does not meet standard

- (a) Collective bargaining new contract limiting agency's ability
- (b) This standard doesn't restrict discipline and no-contact assignment

Review of contracts for officers, sergeants, lieutenant, majors, kitchen workers, health care and investigators demonstrates compliance with this standard.

Standard number here §115.67 – Agency protection against retaliation

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

- (a) Policy protects inmates and staff who report
- (b) Agency employs multiple protection measures
- (c) Monitor for retaliation for 90 days or beyond if needed
- (d) Inmates also periodic status checks
- (e) If fear of retaliation expressed, agency shall take appropriate measures
- (f) Do not have to monitor if allegation is unfounded

IMM.001.PSA.001 Zero Tolerance of Sexual Assault and PCS.001.PREA.ICM Institutional Prison Rape Elimination Act Compliance Manager address this standard. The facility PREA manager monitors for retaliation. No examples were available at this facility but it was reported that follow up has occurred with the facility where the inmate currently resides.

Standard number here	§115.68 – Post-Allegation Protective Custody
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

See §115.43

Standard number here	§115.71 – Criminal and Administrative Agency Investigations
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

- (a) Investigation done promptly, thoroughly, objectively
- (b) Abuse – investigators have received specialized training
- (c) Investigators gather and preserve direct and circumstantial evidence
- (d) If criminal, will conduct interviews after consulting with prosecutor
- (e) Credibility assessed individually

- (f) Administrative investigations include whether staff actions or failures contributed, documented in the reports description of physical evidence, resonating behind credibility, investigative facts and findings
- (g) Criminal investigations thorough description of physical, testimonial and documentary evidence
- (h) Substantiated criminal referred
- (i) Agency retains all reports as long as abuser is incarcerated or employed plus five years
- (j) Departure of alleged abuser or victim does not terminate investigation
- (k) State, DOJ
- (l) Facility cooperates with outside investigators

ADM.006.011 Investigations by SID, SID IMP #014 Sexual Offenses and SID IMP #035 Investigation Procedures addresses this standard. All elements are addressed in investigator training. As noted, the investigators are well trained, on-call to ensure immediate investigations and knowledgeable. They are trained to report facts, statements and provide evidence. They work directly with the prosecutor and are trained in the same manner as police, although some circumstances will initiate police involvement as well. They are actively involved and informed in all investigations within the correctional facilities. Investigations continue after a person has quit, and if substantiated, the department will proceed with termination. Preponderance of evidence determination is left with the prosecutor or person assigned to review the report in the cases of administrative investigations. Nine completed investigations were reviewed.

Standard number here	§115.72 – Evidentiary Standard for Administrative Investigations
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

No standard higher than preponderance of evidence

This is addressed in investigator training.

Standard number here	§115.73 – Reporting to Inmate
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

- (a) Inform inmate whether allegation has been substantiated, unsubstantiated, or unfounded
- (b) If agency did not conduct, will request relevant information from investigative agency
- (c) When staff member did abuse (1 - 4)
- (d) When an inmate did abuse (1 - 2)
- (e) Notifications documented
- (f) Obligation terminated if released from custody

PCS.001.PREA.AC addresses this standard. The notification form incorporates all aspects of this standard.

Standard number here §115.76 – Disciplinary sanctions for staff

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

Auditor comments, including corrective actions needed if does not meet standard

- (a) Staff disciplinary sanctions up to termination
- (b) Termination presumptive when sexual abuse
- (c) Commensurate with act, history, sanctions for similar histories
- (d) All reported to law enforcements unless not criminal and to licensing bodies

E3 - HRB 84-17 - DOC Disciplinary Action Policy addresses this standard.

Standard number here §115.77 – Corrective action for contractors and volunteers

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

Auditor comments, including corrective actions needed if does not meet standard

- (a) Contractor, volunteer reported unless not criminal
- (b) Facility takes remedial measures, consider prohibiting contact when not criminal

PCS.001.003 Volunteer Service Program, PCS.001.VOL.001 Volunteer Services, and PREA Info for NJDOC Contractors address this standard.

Standard number here **§115.78 – Disciplinary sanctions for inmates**

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

Auditor comments, including corrective actions needed if does not meet standard

- (a) Inmates subject to sanctions
- (b) Sanctions commensurate
- (c) Consider mental disabilities
- (d) Consider whether to require offender to participate in therapy
- (e) Against staff if no staff consent
- (f) Not falsifying if made in good faith
- (g) Agency can prohibit all sexual activity between inmates but not deem it abuse if not coerced

Title 10A Inmate Discipline, NJAC 10A Chapter 4 Inmate Discipline Excerpts, and the Handbook on Discipline for Inmates address this standard.

Standard number here **§115.81 – Medical and mental health screenings; history of sexual abuse**

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

Auditor comments, including corrective actions needed if does not meet standard

- (a) Prison inmate experienced prior victimization follow up in 14 days
 - (b) Prison inmate experienced prior perpetration follow up in 14 days
 - (c) Jail inmate experienced prior victimization follow up in 14 days
 - (d) This information limited to mental/medical and other staff deemed necessary
 - (e) Get informed consent before reporting that didn't occur in an institutional setting
- MED.MHS.001.002 MHS Reception Evaluation addresses this standard. The intake form verifies follow up is needed for the criteria in this standard.**

Standard number here **§115.82 – Access to emergency medical and mental health services**

- Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

- (a) Victims unimpeded access to emergency services
- (b) If no medical or mental health on duty, first responders protect and immediately notify
- (c) Timely information and timely access to prophylactic treatment
- (d) Treatment provided to victims without financial cost

Counseling Services-Sexual Assault and MED.EME.005 Emergency Response, and MED.MLI.007 Sexual Assault address this standard.

Standard number here	§115.83 – Ongoing medical and mental health care for sexual abuse victims and abusers
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Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

- (a) Mental, medical to all victims evaluation and ongoing
- (b) Follow up, treatment plans, referrals
- (c) Consistent with community care
- (d) Pregnancy tests
- (e) If pregnant, appropriate legal treatment
- (f) STD tests
- (g) Treatment services without costs
- (h) Mental health evaluation of all known inmate on inmate abusers within 60 days

MED.MHS.002.010 - Counseling Services-Sexual Assault and MED.MLI.007 Sexual Assault address this standard.

Standard number here	§115.86 – Sexual abuse incident reviews
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Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

- (a) Incident review unless unfounded
- (b) Within 30 days
- (c) Team includes upper level management with supervisors, investigator, medical/mental health
- (d) The team considers 1-6 (policy, motivation, area, staffing levels, monitoring technology, prepare a report)
- (e) Implement or document why not

**PCS.001.PREA.001 Sexual Assault-PREA Advisory Committee PCS.001.005
 PREA - Sexual Assault Advisory Committee and ADTC-PCS.001.005
 Sexual Assault-PREA Advisory Committee addresses this standard. Meetings
 are conducted state wide monthly and at the facility semiannually.**

Standard number here	§115.87 – Data Collection
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

- (a) Accurate, uniform data, standardized instrument, definitions
- (b) Aggregate annually
- (c) Survey of Sexual Violence
- (d) Maintain from all available incident-based
- (e) Obtain from private facility
- (f) Provide to DOJ June 30

PCS.001.PREA.001 Sexual Assault-PREA Advisory Committee, Survey of Sexual Violence for 2013 demonstrated compliance with this standard.

Standard number here	§115.88 – Data Review <input type="checkbox"/> for Corrective Action
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

- (a) Agency reviews data to assess, improve (1-3) identify problem areas, take corrective action, prepare annual report
- (b) Compare current with prior years

(c) Available to the public

PCS.001.PREA.001 Sexual Assault-PREA Advisory Committee and PCS.001.PREA.001 Sexual Assault-PREA Advisory Committee address this standard. Information is posted on the NJDOC website.

Standard number here §115.89 – Data Storage, Publication, and Destruction

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Auditor comments, including corrective actions needed if does not meet standard

- (a) Securely retained
- (b) Readily available to the public at least annually
- (c) Removes all personal identification
- (d) Maintained for 10 years

DOC Records Retention Schedule supports that incident report records are maintained for at least 10 years.

**Information is available on the website at
<http://www.state.nj.us/corrections/pages/PREA/PREA.html>**

AUDITOR CERTIFICATION:

The auditor certifies that the contents of the report are accurate to the best of her knowledge and no conflict of interest exists with respect to her ability to conduct an audit of the agency under review.

Amy Fairbanks: Auditor Signature



Date

10/29/2014