

PREA AUDIT: AUDITOR'S SUMMARY REPORT

JUVENILE FACILITIES



Name of Facility: Long Creek Youth Development Center	
Physical Address: 675 Westbrook St. South Portland, ME 04106	
Date report submitted May 4, 2015	
Auditor information Dan McGehee	
Address PO Box 595 White Rock, SC 29177	
Email: mc72fsud@aol.com	
Telephone number: 803-331-0264	
Date of facility visit August 18-19, 2014	
Facility Information	
Facility Mailing Address: <i>(if different from above)</i>	
Telephone Number: 207-822-2600	
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 checked="" type="checkbox"/> Detention <input checked="" type="checkbox"/> Correction <input type="checkbox"/> Other:
Name of PREA Compliance Manager: David Grant	Title: Juvenile Program Specialist
Email Address: david.w.grant@Maine.gov	Telephone Number: 207-822-2600
Agency Information	
Name of Agency: Maine Department of Corrections	
Governing Authority or Parent Agency: <i>(if applicable)</i>	
Physical Address: 25 Tyson Drive State House Station III, Augusta, ME	
Mailing Address: <i>(if different from above)</i>	
Telephone Number: 207-287-2711	
Agency Chief Executive Officer	
Name: Dr. Joseph Fitzpatrick	Title: Commissioner
Email Address: Joseph.Fitzpatrick@Maine.gov	Telephone Number: 207-310-1575
Agency Wide PREA Coordinator	
Name: Ryan Anderson	Title: Senior Planner (PREA)
Email Address: Ryan.Anderson@Maine.gov	Telephone Number: 207-287-4364

AUDIT FINDINGS

Program and Facility Description:

The Long Creek Youth Development Center is committed to creating and providing opportunities for success through personal growth in a safe and secure environment. Long Creek Youth Development Center houses both male and female clients. Originally called the Boys Training Center, it was established in 1853 by an Act of the Maine Legislature. The training center was established for the education and rehabilitation of youthful male offenders. In 1976, the Stevens School for Girls was closed, and the juvenile females were transferred to the facility, thus making it co-ed.

On July 1, 2002, the Long Creek Youth Development Center (LCYDC), formerly known as the Maine Youth Center, located in South Portland, Maine, opened the doors on a brand new, state-of-the-art building. The new facility has 183,000 square feet with bed capacity of 163. The opening of the new facility dictated a new philosophy, the Maine Operating Approach (MOA), which is to foster changes in thinking, feeling and behavior in order to promote responsibility and accountability through a variety of therapeutic programs. MOA integrates all of the programs provided at the facility. Long Creek Youth Development Center continues to redefine many of its program functions to enable a total multi-disciplined team approach in working with those committed and held within the facility.

The Arthur R. Gould School located at the Long Creek Youth Development Center comprises a fully accredited High School, a G.E.D. program, and a post-graduate program. The Maine Department of Education oversees the educational programming and the school follows all legislated and mandated requirements for the awarding of High School and GED diplomas. The AR Gould School curriculum aligns with the Common Core Standards for English and Math and with the Maine Learning Results for all other subjects.

Each resident takes an educational assessment shortly after arriving at Long Creek. Based on this data, as well as a review of records from previous schools and interviews with AR Gould administrative staff, a plan is developed for the student to be placed in the appropriate program and classes to graduate. Project Impact, a DOE program within the school, is the liaison for the student's sending and returning schools. Students continue to meet with the Guidance Counselor, Principal, Assistant Principal and/or the Special Education Director throughout their stay to evaluate their academic progress and placement.

Seventy-one security cameras are located throughout (67 inside and 4 outside the building) and are monitored by Control staff, who can quickly direct assistance if necessary to the desired location.

Behind the building is an approximately 5 acre field used for recreational activities. An approximately thirty feet high secure fence attaches to one side of the building, encircles the entire field, and attaches back on the other side of the building. The fields and recreation yards provide opportunities for several recreation and leisure activities. A walking/jogging path is available for residents use.

The Long Creek Youth Development Center and grounds are well maintained and free of litter. The facility was clean and well organized during the audit visit.

Medical care is provided at LCYDC by contract with Correct Care Solutions (CCS), a private vendor. Medical staff is on site 24 hours/day, seven days/week. Access to health care is primarily through the use of sick call requests. The juvenile places a request in a locked "sick call box" located in each housing unit. Medical staff collects the sick call requests daily, and the juveniles are seen by nursing staff the next day. Referrals to the physician or nurse practitioner are made as appropriate. Pharmacy services are provided by another vendor, Correct RX. They provide next-day delivery on medications. Mental health staff assigned to medical provides counseling, crisis intervention, and psychotropic medication management.

All security staff carry two way portable radios. Radios are standard vhf portables operating on fixed frequencies. A systems repeater is used for complete coverage within the facility as well as for extended ranges to allow usage when traveling.

All security and educational staff (as well as civilians entering the secured area) wear a PAS (Personal Alarm System) which operates through transformers located throughout the facility. Upon being depressed, the alarm will sound in Control, and help will be directed to the site. All housing units also have alarms on the unit touch screen, which will notify Control of any need for assistance. This system has paging abilities activated by dialing a preset 5 digit number which will page a specific area of the building.

The intercom system is mostly within the housing units, and allows for internal paging within each specific unit. Most intercoms are at door entry panels, allowing Control staff to speak with and identify all entrants. Control has the ability to voice page throughout the facility utilizing their touch screen system.

SUMMARY OF AUDIT ACTIVITIES:

The PREA audit for the Long Creek Youth Development Center was conducted on August 18 and 19, 2014, by Dan McGehee and Richard Bazzle, both certified PREA auditors. The audit began on Aug 18 at approximately 8:30 with an entrance briefing conducted in the administrative conference room for the Superintendent, Deputy Superintendent for Operations, the PREA manager, and ACA Accreditation manager. Mr. McGehee explained the audit process and then joined in meeting all department heads and security staff in the visiting room for a more detailed briefing. Both auditors introduced themselves to the group. Donna McGehee was also introduced as the administrative assistant who would assist the auditors in the conference room.

The Superintendent then conducted a detailed tour of the facility for the auditors including the cafeteria, medical, living units, central control, operations, and the school.

Following the tour the auditors began reviewing documentation in the conference room. At noon, the audit team ate lunch in the cafeteria with staff and residents. Following lunch, the auditors continued to review documentation in the conference room assisted by PREA manager David Grant and by ACA Accreditation manager Chris Concannon. Later in the afternoon Mr. McGehee also began conducting staff interviews as required by the PREA audit process. A closeout of the first day was conducted by the auditors in the conference room for the Superintendent and senior staff.

On Tuesday, August 19, the auditors entered the facility at 5:30 a.m. in order to talk with staff from the night shift thus speaking with staff from each of the three shifts. Auditors were accompanied by PREA manager David Grant and by State of Maine PREA Coordinator Ryan Anderson. Auditors interviewed the shift supervisor, assigned staff in two living units, and the control room staff. All staff were knowledgeable of PREA and had attended required PREA training. Staff also answered correctly PREA operational questions asked of them.

Following breakfast, the auditors continued documentation review. Auditor Bazzle then interviewed residents as audit chair McGehee interviewed staff. Deputy Director Gary LaPlant, representing the Director, arrived about 10:00 a.m. to be interviewed by Mr. McGehee. All interviews reflected PREA knowledgeable staff who seemed to genuinely believe in the goals of PREA, and all discussed changes made by the Dept. of Corrections to comply with PREA. Auditors then had lunch in the facility.

At approximately 2:30 p.m. Commissioner Joseph Fitzpatrick joined Deputy Director LaPlant, Superintendent Merrill and about 60 staff from Long Creek in the visiting room for the audit closeout. The audit chair summarized the findings of the audit and both auditors shared their non-compliant standards. The chair then summarized the process of becoming PREA compliant including the action plan phase. Mr. McGehee thanked all for the cooperation and hospitality extended during the audit. Commissioner Fitzpatrick and Superintendent Merrill then made closing comments.

Number of standards exceeded: **0**

Number of standards met: **40**

Number of standards not met: **0**

Number of standards Not Applicable: **1**

Standard 115.311: Zero tolerance of sexual abuse and sexual harassment

- 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)

The standard states:

- (a) An agency shall have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency's approach to preventing, detecting, and responding to such conduct.
- (b) An agency shall employ or designate an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities.
- (c) Where an agency operates more than one facility, each facility shall designate a PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards

Full compliance with the standard was determined by:

Reviewed the following: Agency organizational chart
Policy 6.11 Sexual Misconduct (section on Zero Tolerance)
Policy 6.11 Sexual Misconduct (section on Facility Implementation)
Interviewed staff

Standard 115.312: Contract with other entities for the confinement of residents.

- 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)
- Not applicable**

The standard states:

- (a) A public agency that contracts for the confinement of its residents with private agencies or other entities, including other government agencies, shall include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards.
- (b) Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards.

There are no contracts for the confinement of Juveniles from Long Creek YDC to other facilities.

Standard 115.313: 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)

The standard states:

- (a) The agency shall ensure that each facility it operates shall develop, implement, and document a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect residents against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration:
 - (1) Generally accepted juvenile detention and correctional/secure residential practices;
 - (2) Any judicial findings of inadequacy;
 - (3) Any findings of inadequacy from Federal investigative agencies;
 - (4) Any findings of inadequacy from internal or external oversight bodies;
 - (5) All components of the facility's physical plant (including "blind spots" or areas where staff or residents may be isolated)
 - (6) The composition of the resident population;
 - (7) The number and placement of supervisory staff;
 - (8) Institution programs occurring on a particular shift;
 - (9) Any applicable State or local laws, regulations, or standards;
 - (10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
 - (11) Any other relevant factors.
- (b) The agency shall comply with the staffing plan except during limited and discrete exigent circumstances, and shall fully document deviations from the plan during such circumstances
- (c) Each secure juvenile facility shall maintain staff ratios of a minimum of 1:8 during resident waking hours and 1:16 during resident sleeping hours, except during limited and discrete exigent circumstances, which shall be fully documented. Only security staff shall be included in these ratios. Any facility that, as of the date of publication of this final rule, is not already obligated by law, regulation, or judicial consent decree to maintain the staffing ratios set forth in this paragraph shall have until October 1, 2017, to achieve compliance.
- (d) Whenever necessary, but no less frequently than once each year, for each facility the agency operates, in consultation with the PREA coordinator required by § 115.311, the agency shall assess, determine, and document whether adjustments are needed to:
 - (1) The staffing plan established pursuant to paragraph (a) of this section;
 - (2) Prevailing staffing patterns;
 - (3) The facility's deployment of video monitoring systems and other monitoring technologies; and
 - (4) The resources the facility has available to commit to ensure adherence to the staffing plan.
- (e) Each secure facility shall implement 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 policy and practice shall be implemented for night shifts as well as day shifts. Each secure facility shall have a policy to prohibit 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.

Full compliance with the standard was determined by:

Reviewed the following:

- Policy 6.11 Sexual Misconduct (section 4 h)
- Sample logs documenting unannounced rounds
- Staffing plan
- Interviewed staff

- **Revise policy and procedure to establish a waking ratio of 1:8 and a sleeping ratio of 1:16.**

Policy and practice have been revised to reflect the staffing ratios, therefore the standard is now in compliance.

Standard 115.315: 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)

The standard states:

- (a) The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.
- (b) The agency shall not conduct cross-gender pat-down searches except in exigent circumstances
- (c) The facility shall document and justify all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches.
- (d) The facility shall implement policies and procedures that enable residents to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures shall require staff of the opposite gender to announce their presence when entering a resident housing unit. In facilities (such as group homes) that do not contain discrete housing units, staff of the opposite gender shall be required to announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing
- (e) The facility shall not search or physically examine a transgender or intersex resident for the sole purpose of determining the resident's genital status. If the resident's genital status is unknown, it may be determined during conversations with the resident, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner
- (f) The agency shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex residents, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security need

Full compliance with the standard was determined by:

Reviewed the following: Policy 9.7 Search Procedures

Policy revision of Policy 14.27 Same and opposite gender supervision of prisoners, Procedure B.4

Training logs

Training rosters (3)

Principles of Body Searches

Interviewed security staff and residents

Standard 115.316: Residents with disabilities and residents who are limited English Proficient

- 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)

The standard states:

- (a) The agency shall take appropriate steps to ensure that residents with disabilities (including, for example, residents who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual,

psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary to ensure effective communication with residents who are deaf or hard of hearing, providing access to interpreters who can interpret 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 residents with disabilities, including residents who have 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 the nature of a service, program, or activity, or in 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.

- (b) The agency shall take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to residents who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
- (c) The agency shall not rely on resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties under § 115.364, or the investigation of the resident's allegations

Full compliance with the standard was determined by:

Reviewed the following: Policy 1.10 Staff Communications for Residents with Limited English Proficiency
 Policy 13.12 Residents with Disabilities or other special needs
 Contract with Dr. Righthand for sex offender services
 Contract with Ray Ferns for Effective Communication (training for staff)
 Contract for telephone based interpreter services
 Interviewed staff

Standard 115.317: Hiring and promotion decisions

- 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)

The standard states:

- (a) The agency shall not hire or promote anyone who may have contact with residents, and shall not enlist the services of any contractor who may have contact with residents, who-
 - (1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
 - (2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 - (3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a) (2) of this section.
- (b) The agency shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents.
- (c) Before hiring new employees who may have contact with residents, the agency shall:
 - (1) Perform a criminal background records check;
 - (2) Consults any child abuse registry maintained by the State or locality in which the employee would work; and
 - (3) Consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
- (d) The agency shall also perform a criminal background records check, and consult applicable child abuse

registries, before enlisting the services of any contractor who may have contact with residents.

- (e) The agency shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with residents or have in place a system for otherwise capturing such information for current employees
- (f) The agency shall also ask all applicants and employees who may have contact with residents directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.
- (g) Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination
- (h) Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

Full compliance with the standard was determined by:

Reviewed the following: Policy 3.24 Pre-Employment Background
Policy 3.3 Personnel selection, retention, and promotion
State of Maine Bureau of Human Resources, Policy and Practice Manual
Agreement between the State of Maine and the American Federation of State, County, and Municipal employees
Correct Care Solutions Human Resource policy on Hiring
Agreement between the State of Maine and the Maine State Employees Association
The Human Resource Bulletin 8-06
Interviewed HR staff

Standard 115.318: Upgrades to facilities and technology

- 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)

The standard states:

- (a) When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the agency shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect residents from sexual abuse.
- (b) When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect residents from sexual abuse.

Full compliance with the standard was determined by:

No renovations/additions in the last year
Video updates were made within the last year adding additional cameras

Standard 115.321: Evidence protocol and forensic medical examinations

- 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)

The standard states:

- (a) To the extent the agency is responsible for investigating allegations of sexual abuse; the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
- (b) The protocol shall be developmentally appropriate for youth and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011.
- (c) The agency shall offer all residents who experience sexual abuse access to forensic medical examinations whether 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 agency shall document its efforts to provide SAFEs or SANEs.
- (d) The agency shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the agency shall make available to provide these services a qualified staff member from a community-based organization or a qualified agency staff member.

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

- (e) As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals
- (f) To the extent the agency is not responsible for investigating allegations of sexual abuse; the agency shall request that the investigating agency follow the requirements of paragraphs (a) through (e) of this section.
- (g) The requirements of paragraphs (a) through (f) of this section shall also apply to:
 - (1) Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in juvenile facilities; and
 - (2) Any Department of Justice component that is responsible for investigating allegations of sexual abuse in juvenile facilities.
- (h) For the purposes of this standard, a qualified agency staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.

Full compliance with the standard was determined by:

Reviewed the following:

- Policy 6.11 Sexual Misconduct
- Victim Advocate qualifications
- Sexual Response team training
- No forensic exams were conducted in the last year
- Interviewed staff

- **Revise policy and procedure to state that SAFE and SANE examinations are provided at no cost to residents.**

Policy and practice have been revised to reflect that SAFE and SANE examinations are provided at no cost to residents, therefore the standard is now in compliance.

Standard 115.322: Policies to ensure referrals of allegations for investigations

- 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)

The standard states:

- (a) The agency shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment
- (b) The agency shall have in place a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The agency shall publish such policy on its website or, if it does not have one, make the policy available through other means. The agency shall document all such referrals.
- (c) If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity.
- (d) Any state entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in juvenile facilities shall have in place a policy governing the conduct of such investigations.
- (e) Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in juvenile facilities shall have in place a policy governing the conduct of such investigations.

Full compliance with the standard was determined by:

Reviewed the following: Policy 6.11 Sexual Misconduct (section K on Investigations)
Section N-1 on Investigations by correctional Investigative officers
Article: Bangor Daily News “19 allegations of sexual abuse or harassment in the last year, 5 referred for criminal prosecution”

Standard 115.331: Employee training

- 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)

The standard states:

- a) The agency shall train all employees who may have contact with residents 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) Residents' right to be free from sexual abuse and sexual harassment;
 - (4) The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
 - (5) The dynamics of sexual abuse and sexual harassment in juvenile facilities;
 - (6) The common reactions of juvenile victims of sexual abuse and sexual harassment;
 - (7) How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between residents;
 - (8) How to avoid inappropriate relationships with residents;
 - (9) How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents;
 - (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities; and

(11) Relevant laws regarding the applicable age of consent.

- (b) Such training shall be tailored to the unique needs and attributes of residents of juvenile facilities and to the gender of the residents at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only male residents to a facility that houses only female residents or vice versa.
- (c) All current employees who have not received such training shall be trained within one year of the effective date of the PREA standards, and the agency shall provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies.
- (d) The agency shall document, through employee signature or electronic verification that employees understand the training they have received.

Full compliance with the standard was determined by:

Reviewed the following: Policy 6.11 Sexual Misconduct
Training curricula on PREA
Interviewed employees

- **Revise policy and procedure to cover bullets 3, 5, 6, 7, 8, 10, and 11 of the standard.**

Policy and practice have been revised to cover bullets 3, 5, 6, 7, 8, 10, and 11, therefore the standard is now in compliance.

Standard 115.332 Volunteer and contractor training

- 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)

The standard states:

- (a) The agency shall ensure that all volunteers and contractors who have contact with residents have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures
- (b) The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with residents, but all volunteers and contractors who have contact with residents shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents
- (c) The agency shall maintain documentation confirming that volunteers and contractors understand the training they have received.

Full compliance with the standard was determined by:

Reviewed the following: Training curriculum for medical contractors: CCS
New volunteer orientation
Volunteer handbook: Long Creek

Standard 115.333: Resident Education

- 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)

The standard states:

- (a) During the intake process, residents shall receive information explaining, in an age appropriate fashion, the agency's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
- (b) Within 10 days of intake, the agency shall provide comprehensive age-appropriate education to residents either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.
- (c) Current residents who have not received such education shall be educated within one year of the effective date of the PREA standards, and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the resident's new facility differ from those of the previous facility.
- (d) The agency shall provide resident education in formats accessible to all residents, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to residents who have limited reading skills.
- (e) The agency shall maintain documentation of resident participation in these education sessions.
- (f) In addition to providing such education, the agency shall ensure that key information is continuously and readily available or visible to residents through posters, resident handbooks, or other written formats.

Full compliance with the standard was determined by:

Reviewed the following: Policy 6.11 Sexual Misconduct

Observed posters hung in the facility documented by pictures of them

Interviewed intake staff and residents

- **Revise the wording on the resident acknowledgment of prohibition on sexual misconduct to indicate the resident views an educational video**

The resident acknowledgement form has been revised to reflect a video being viewed by the resident, therefore the standard is now in compliance.

Standard 115.334: Specialized training: Investigations

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)

The standard states:

- (a) In addition to the general training provided to all employees pursuant to § 115.331, the agency shall ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings.
- (b) Specialized training shall include techniques for interviewing juvenile sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.
- (c) The agency shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.
- (d) Any State entity or Department of Justice component that investigates sexual abuse in juvenile confinement settings shall provide such training to its agents and investigators who conduct such investigations.

Full compliance with the standard was determined by:

Reviewed the following: Policy 6.11 Sexual Misconduct

Training roster for the Maine DOC for the Moss Group on Investigations

Training for Correctional Administrators Curriculum for the Moss Group totaling 20 hours

Standard 115.335: Specialized training: Medical and mental health care

- 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)

The standard states:

- (a) The agency shall ensure that all full--and part--time medical and mental health care practitioners who work regularly in its facilities have been trained in:
 - (1) How to detect and assess signs of sexual abuse and sexual harassment;
 - (2) How to preserve physical evidence of sexual abuse;
 - (3) How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment; and
 - (4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
- (b) If medical staff employed by the agency conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations.
- (c) The agency shall maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere.
- (d) Medical and mental health care practitioners shall also receive the training mandated for employees under § 115.331 or for contractors and volunteers under § 115.332, depending upon the practitioner's status at the agency.

Full compliance with the standard was determined by:

- Provide documentation that all medical and mental health staff have had specialized PREA training.

Specialized training for all medical and mental health staff has been documented, therefore the standard is now in compliance.

Standard 115.341: Screening for risk of victimization and abusiveness

- 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)

The standard states:

- (a) Within 72 hours of the resident's arrival at the facility and periodically throughout a resident's confinement, the agency shall obtain and use information about each resident's personal history and behavior to reduce the risk of sexual abuse by or upon a resident.
- (b) Such assessments shall be conducted using an objective screening instrument.
- (c) At a minimum, the agency shall attempt to ascertain information about:
 - (1) Prior sexual victimization or abusiveness;
 - (2) Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the resident may therefore be vulnerable to sexual abuse;
 - (3) Current charges and offense history;
 - (4) Age
 - (5) Level of emotional and cognitive development;
 - (6) Physical size and stature;
 - (7) Mental illness or mental disabilities;
 - (8) Intellectual or developmental disabilities;
 - (9) Physical disabilities

- (10) The resident's own perception of vulnerability; and
- (11) Any other specific information about individual residents that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other residents.
- (d) This information shall be ascertained through conversations with the resident during the intake process and medical and mental health screenings; during classification assessments; and by reviewing court records, case files, facility behavioral records, and other relevant documentation from the resident's files.
- (e) The agency shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the resident's detriment by staff or other residents.

Full compliance with the standard was determined by:

Reviewed the following: Policy 6.11 Sexual Misconduct
 3 examples of PREA assessment instruments for juveniles
 Interviewed residents

Standard 115.342: Use of screening information

- 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)

The standard states:

- (a) The agency shall use all information obtained pursuant to § 115.341 and subsequently to make housing, bed, program, education, and work assignments for residents with the goal of keeping all residents safe and free from sexual abuse
- (b) Residents may be isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other residents safe, and then only until an alternative means of keeping all residents safe can be arranged. During any period of isolation, agencies shall not deny residents daily large--muscle exercise and any legally required educational programming or special education services. Residents in isolation shall receive daily visits from a medical or mental health care clinician.
 Residents shall also have access to other programs and work opportunities to the extent possible.
- (c) Lesbian, gay, bisexual, transgender, or intersex residents shall not be placed in particular housing, bed, or other assignments solely on the basis of such identification or status, nor shall agencies consider lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive.
- (d) In deciding whether to assign a transgender or intersex resident to a facility for male or female residents, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether the placement would present management or security problems
- (e) Placement and programming assignments for each transgender or intersex resident shall be reassessed at least twice each year to review any threats to safety experienced by the resident.
- (f) A transgender or intersex resident's own views with respect to his or her own safety shall be given serious consideration
- (g) Transgender and intersex residents shall be given the opportunity to shower separately from other residents.
- (h) If a resident is isolated pursuant to paragraph (b) of this section, the facility shall clearly document:
 - (1) The basis for the facility's concern for the resident's safety; and
 - (2) The reason why no alternative means of separation can be arranged.
- (i) Every 30 days, the facility shall afford each resident described in paragraph (h) of this section a review to determine whether there is a continuing need for separation from the general population.

Full compliance with the standard was determined by:

Reviewed the following: Policy 6.11 Sexual Misconduct, procedure G (LGBTI)
Policy 6.11 Sexual Misconduct, procedure D (screening)
3 samples of documentation of screening done on each resident
Interviewed intake staff

Standard 115.351: Resident 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)

The standard states:

- (a) The agency shall provide multiple internal ways for residents to privately report sexual abuse and sexual harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.
- (b) The agency shall also provide at least one way for residents to report abuse or harassment to a public or private entity or office that is not part of the agency and that is able to receive and immediately forward resident reports of sexual abuse and sexual harassment to agency officials, allowing the resident to remain anonymous upon request. Residents detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.
- (c) Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.
- (d) The facility shall provide residents with access to tools necessary to make a written report.
- (e) The agency shall provide a method for staff to privately report sexual abuse and sexual harassment of residents.

Full compliance with the standard was determined by:

Reviewed the following: Policy 6.11 Sexual Misconduct
PREA hotline poster
A draft MOU with the Maine Coalition against Sexual Assault
Pamphlet: Sexual Assault Response Services for Southern Maine

- **Agency must provide at least one way for residents to report abuse or harassment to a public or private entity that is not part of the agency. Need documentation on what this method is.**
- **Resident posters need to be revised to reflect change**

Third party reporting for outside the agency has been developed and is given to all residents in the PREA orientation pending policy being revised. Therefore this standard is now in compliance.

Standard 115.352: Exhaustion of administrative remedies

- 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)

The standard states:

- (a) An agency shall be exempt from this standard if it does not have administrative procedures to address

resident grievances regarding sexual abuse.

- (b) (1) the agency shall not impose a time limit on when a resident may submit a grievance regarding an allegation of sexual abuse.
(2) The agency may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.
(3) The agency shall not require a resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
(4) Nothing in this section shall restrict the agency's ability to defend against a lawsuit filed by a resident on the ground that the applicable statute of limitations has expired
- (c) The agency shall ensure that-
(1) A resident who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and
(2) Such grievance is not referred to a staff member who is the subject of the complaint.
- (d) (1) The agency shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
(2) Computation of the 90--day time period shall not include time consumed by residents in preparing any administrative appeal.
(3) The agency may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the resident in writing of any such extension and provide a date by which a decision will be made.
(4) At any level of the administrative process, including the final level, if the resident does not receive a response within the time allotted for reply, including any properly noticed extension, the resident may consider the absence of a response to be a denial at that level.
- (e) (1) Third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, shall be permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of residents.
(2) If a third party, other than a parent or legal guardian, files such a request on behalf of a resident, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
(3) If the resident declines to have the request processed on his or her behalf, the agency shall document the resident's decision.
(4) A parent or legal guardian of a juvenile shall be allowed to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of such juvenile. Such a grievance shall not be conditioned upon the juvenile agreeing to have the request filed on his or her behalf.
- (f) (1) The agency shall establish procedures for the filing of an emergency grievance alleging that a resident is subject to a substantial risk of imminent sexual abuse.
(2) After receiving an emergency grievance alleging a resident is subject to a substantial risk of imminent sexual abuse, the agency shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final agency decision within 5 calendar days. The initial response and final agency decision shall document the agency's determination whether the resident is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.
- (g) The agency may discipline a resident for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the resident filed the grievance in bad faith.

Full compliance with the standard was determined by:

Reviewed the following: Grievance policy
Resident handbook

- **Revise policy and procedure to permit parent or legal guardian to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of each juvenile, even if the juvenile objects to the filing.**

Policy and practice have been revised to allow parents/legal guardian to file grievance regarding allegations of sexual abuse on behalf of juvenile even if the juvenile objects, therefore this standard is now in compliance.

Standard 115.353: Resident 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)

The standard states:

- (a) The facility shall provide residents with access to outside victim advocates for emotional support
- (b) services related to sexual abuse, by providing, posting, or otherwise making accessible mailing addresses and telephones, including toll free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The facility shall enable reasonable communication between residents and these organizations and agencies, in as confidential a manner as possible.
- (c) The facility shall inform residents, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.
- (d) The agency shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide residents with confidential emotional support services related to sexual abuse. The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements.
- (e) The facility shall also provide residents with reasonable and confidential access to their attorneys or other legal representation and reasonable access to parents or legal guardians.

Full compliance with the standard was determined by:

Reviewed the following: Observed victim advocate information postings.

Drafts of MOUs the facility has initiated with victim advocate agencies

Interviewed residents

- **Revise policy and procedure and develop practice of providing information for persons detained solely for civil immigration purposes, immigrant services agencies.**

Policy and practice have been revised to provide information for ICE detainees, therefore the standard is now in compliance.

Standard 115.354: 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)

The standard states:

- (a) The agency shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of a resident.

Full compliance with the standard was determined by:

Reviewed the following: Facility website detailing information for third-party reporting of sexual abuse and sexual harassment on behalf of residents

Standard 115.361: Staff and agency reporting 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)

The standard states:

- (a) The agency shall require all staff to report immediately and according to agency policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against residents or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- (b) The agency shall also require all staff to comply with any applicable mandatory child abuse reporting laws
- (c) Apart from reporting to designated supervisors or officials and designated State or local services agencies, staff shall be prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.
- (d) (1) Medical and mental health practitioners shall be required to report sexual abuse to designated supervisors and officials pursuant to paragraph (a) of this section, as well as to the designated State or local services agency where required by mandatory reporting laws.
(2) Such practitioners shall be required to inform residents at the initiation of services of their duty to report and the limitations of confidentiality
- (e) (1) Upon receiving any allegation of sexual abuse, the facility head or his or her designee shall promptly report the allegation to the appropriate agency office and to the alleged victim's parents or legal guardians, unless the facility has official documentation showing the parents or legal guardians should not be notified.
(2) If the alleged victim is under the guardianship of the child welfare system, the report shall be made to the alleged victim's caseworker instead of the parents or legal guardians.
(3) If a juvenile court retains jurisdiction over the alleged victim, the facility head or designee shall also report the allegation to the juvenile's attorney or other legal representative of record within 14 days of receiving the allegation.
- (f) The facility shall report all allegations of sexual abuse and sexual harassment; including third-party and anonymous reports, to the facility's designated investigators.

Full compliance with the standard was determined by:

Interviewed PREA Manager
Interviewed staff
Interviewed medical staff

Standard 115.362: Agency protection 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)

The standard states:

- (a) When an agency learns that a resident is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the resident.

Full compliance with the standard was determined by:

Reviewed the following: Policy 6.11 Sexual Misconduct

Interviewed Agency Head designee
Interviewed Facility Superintendent
Interviewed staff

- **Revise policy and procedure to clearly state the steps to be taken by staff when the facility learns that a resident is subject to a substantial risk of imminent sexual abuse.**

Policy and practice have been revised to include steps taken when staff learns of resident who is at risk of sexual abuse, therefore the standard is now in compliance.

Standard 115.363: 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)

The standard states:

- (a) Upon receiving an allegation that a resident was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred and shall also notify the appropriate investigative agency.
- (b) Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
- (c) The agency shall document that it has provided such notification.
- (d) The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

Full compliance with the standard was determined by:

Reviewed the following: Policy 6.11 Sexual Misconduct (Procedure H)
Interviewed Facility Superintendent

Standard 115.364: 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)

The standard states:

- (a) Upon learning of an allegation that a resident was sexually abused, the first staff member to respond to the report shall be required to:
 - (1) Separate the alleged victim and abuser;
 - (2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
 - (3) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; andIf the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating
- (c) 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.

Full compliance with the standard was determined by:

Reviewed the following: Policy 6.11 Sexual Misconduct (Procedure I)

Interviewed staff first responders

- **Revise policy and procedure to clearly state the steps that first responders should take upon learning of an allegation that a resident was sexually abused.**

A separate plan has been developed for all first responders to take upon learning of an allegation of sexual abuse, therefore the standard is now in compliance.

Standard 115.365: 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)

The standard states:

- (a) The facility shall develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

Full compliance with the standard was determined by:

Interviewed Facility Superintendent

- **Facility should develop a specific 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.**

An institutional plan has been developed to coordinate actions among first responders, medical, mental health, investigators, and facility leadership, therefore the standard is now in compliance.

Standard 115.366: Preservation of ability to protect residents 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)

The standard states:

- a) Neither the agency nor any other governmental entity responsible for collective bargaining on the agency's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.
- 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 Standard 115.372 and 115.376; or
 - (2) Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual

abuse is not substantiated.

Full compliance with the standard was determined by:

The facility has not entered into or renewed any collective bargaining agreements or other agreements since August 20, 2012.

Standard 115.367: 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)

The standard states:

- (a) The agency shall establish a policy to protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff and shall designate which staff members or departments are charged with monitoring retaliation.
- (b) The agency shall employ multiple protection measures, such as housing changes or transfers for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
- (c) For at least 90 days following a report of sexual abuse, the agency shall monitor the conduct or treatment of residents or staff who reported the sexual abuse and of residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff, and shall act promptly to remedy any such retaliation. Items the agency should monitor include any resident disciplinary reports, housing or program changes, or negative performance reviews or reassignments of staff. The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.
- (d) In the case of residents, such monitoring shall also include periodic status checks.
- (e) If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation.
- (f) An agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

Full compliance with the standard was determined by:

Interviewed Facility Superintendent

Interviewed PREA Manager

Standard 115.368: Post allegation protective custody

- 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)

The standard states:

- (a) Any use of segregated housing to protect a resident who is alleged to have suffered sexual abuse shall be subject to the requirements of § 115.342.

Full compliance with the standard was determined by:

Reviewed the following: Policy 6.11 Sexual Misconduct (Procedure F-- prohibiting isolation of residents who allege to have suffered sexual abuse
Interviewed PREA Manager

Standard 115.371: Criminal and administrative agency investigations

- 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)

The standard states:

- (a) When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
- (b) Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations involving juvenile victims pursuant to § 115.334.
- (c) Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
- (d) The agency shall not terminate an investigation solely because the source of the allegation recants the allegation.
- (e) When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (f) The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as resident or staff. No agency shall require a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
- (g) Administrative investigations:
 - (1) Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and
 - (2) Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
- (h) Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.
- i) Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
- (j) The agency shall retain all written reports referenced in paragraphs (g) and (h) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years, unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention.
- (k) The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.
- (l) Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.
- (m) When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

Full compliance with the standard was determined by:

Reviewed administrative investigation reports
Interviewed investigator

Standard 115.372: Evidentiary standards for administrative investigations

- 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)

The standard states:

- (a) The agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

Full compliance with the standard was determined by:

Reviewed the following: Documentation of administrative findings for proper standard of proof
Interviewed investigator

Standard 115.373: Reporting to residents

- 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)

The standard states:

- (a) Following an investigation into a resident's allegation of sexual abuse suffered in an agency facility, the agency shall inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
- (b) If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the resident.
- (c) Following a resident's allegation that a staff member has committed sexual abuse against the resident, the agency shall subsequently inform the resident (unless the agency has determined that the allegation is unfounded) whenever:
 - (1) The staff member is no longer posted within the resident's unit;
 - (2) The staff member is no longer employed at the facility;
 - (3) The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
 - (4) The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
- (d) Following a resident's allegation that he or she has been sexually abused by another resident, the agency shall subsequently inform the alleged victim whenever:
 - (1) The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - 2) The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
- (e) All such notifications or attempted notifications shall be documented.
- (f) An agency's obligation to report under this standard shall terminate if the resident is released from the agency's custody.

Full compliance with the standard was determined by:

Reviewed the following: Documentation of investigative reports
Interviewed staff

Interviewed residents
Documentation of notification of residents
Policy 6.11 Sexual Misconduct (Procedure K)

Standard 115.376: 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)

The standard states:

- (a) Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.
- (b) Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
- (c) Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
- (d) All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

Full compliance with the standard was determined by:

Reviewed the following: Policy 3.15 Employee Discipline
Policy 6.11 Sexual Misconduct (Procedure L)

Standard 115.377: 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)

The standard states:

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

Full compliance with the standard was determined by:

Reviewed the following: Policy 6.11 Sexual Misconduct (Procedure L)
Interviewed Facility Superintendent

Standard 115.378: Disciplinary sanctions for residents

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

review period)

Does NOT meet Standard (requires corrective action)

The standard states:

- (a) A resident may be subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative finding that the resident engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident-on-resident sexual abuse.
- (b) Any disciplinary sanctions shall be commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories. In the event a disciplinary sanction results in the isolation of a resident, agencies shall not deny the resident daily large-muscle exercise or access to any legally required educational programming or special education services. Residents in isolation shall receive daily visits from a medical or mental health care clinician. Residents shall also have access to other programs and work opportunities to the extent possible.
- (c) The disciplinary process shall consider whether a resident's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
- (d) If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to offer the offending resident participation in such interventions. The agency may require participation in such interventions as a condition of access to any rewards-- based behavior management system or other behavior-based incentives, but not as a condition to access to general programming or education.
- (e) The agency may discipline a resident for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
- (f) For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- (g) An agency may, in its discretion, prohibit all sexual activity between residents and may discipline residents for such activity. An agency may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

Full compliance with the standard was determined by:

Reviewed the following: Policy 15.3 Resident Discipline System (Procedures A and F)
Interviewed PREA Manager

Standard 115.381: 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)

The standard states:

- (a) If the screening pursuant to §115.341 indicates that a resident has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the resident is offered a follow--up meeting with a medical or mental health practitioner within 14 days of the intake screening.
- (b) If the screening pursuant to §115.341 indicates that a resident has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the resident is offered a follow--up meeting with a mental health practitioner within 14 days of the intake screening.
- (c) Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.
- (d) Medical and mental health practitioners shall obtain informed consent from residents before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the resident is under the age of 18.

Full compliance with the standard was determined by:

Reviewed the following: Policy 6.11 Sexual Misconduct (Procedure J)
Interviewed intake staff

Standard 115.382: Access to emergency medical and mental health 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)

The standard states:

- (a) Resident victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.
- (b) If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, staff first responders shall take preliminary steps to protect the victim pursuant to § 115.362 and shall immediately notify the appropriate medical and mental health practitioners.
- (b) Resident victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.
- (c) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident

Full compliance with the standard was determined by:

Reviewed the following: Policy 6.11 Sexual Misconduct (Procedures I and J)

- **Revise policy and procedure to clearly state that medical and mental health practitioners are staff responsible for determining, in their professional judgment, resident victim’s unimpeded access to emergency medical treatment and crisis intervention services.**
- **Revise policy and procedure to state that treatment services are provided without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising from the incident.**

Policy and practice have been developed to clearly state that medical and mental health are responsible to determine resident victim’s access to medical and crisis interventions at no cost, therefore the standard is now in compliance.

Standard 115.383: Ongoing medical and mental health care for sexual abuse victims and 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)

The standard states:

- (a) The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.
- (b) The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
- (c) The facility shall provide such victims with medical and mental health services consistent with the

- community level of care.
- (d) Resident victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.
 - (e) If pregnancy results from conduct specified in paragraph (d) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
 - (f) Resident victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
 - (g) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
 - (h) The facility shall attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

Full compliance with the standard was determined by:

Reviewed the following: Policy 6.11 Sexual Misconduct (Procedures I and J)
 Policy 13.5 Health Care (Procedure I)
 Interviewed medical staff

- **Revise policy and procedure to clearly state that medical and mental health practitioners are staff responsible for determining, in their professional judgment, resident victim’s unimpeded access to emergency medical treatment and crisis intervention services.**
- **Revise policy and procedure to state that treatment services are provided without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising from the incident.**

Policy and practice have been revised to say “treatment is without cost” and regardless if the victim names the abuser, therefore the standard is now in compliance.

Standard 115.386: Sexual abuse incident reviews

- 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)

The standard states:

- (a) The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
- (b) Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
- (c) The review team shall include upper-- level management officials, with input from line supervisors, investigators, and medical or mental health practitioners
- (d) The review team shall:
 - (1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 - (2) Consider whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or, gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
 - (3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - (4) Assess the adequacy of staffing levels in that area during different shifts;
 - (5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
 - (6) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d) (1)-(d)(5) of this section, and any recommendations for improvement and submit such report to

the facility head and PREA compliance manager.

(e) The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

Full compliance with the standard was determined by:

Reviewed the following: Documentation of Incident Review Team reports of completed investigations of alleged sexual abuse
Interviewed investigator
Interviewed PREA Manager

Standard 115.387: Data collection

- 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)

The standard states:

- (a) and (c) The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice
- (b) The agency shall aggregate the incident--based sexual abuse data at least annually.
- (d) The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
- (e) The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its residents.
- (f) Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

Full compliance with the standard was determined by:

Reviewed aggregated data information

Standard 115.388: Data Review for corrective action

- 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)

The standard states:

- (a) The agency shall review data collected and aggregated pursuant to § 115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including
 - (1) Identifying problem areas;
 - (2) Taking corrective action on an ongoing basis; and
 - (3) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.
- (b) Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.
- (c) The agency's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.
- (d) The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

Full compliance with the standard was determined by:

Interviewed Facility Superintendent

Standard 115.389: 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)

The standard states:

- (a) The agency shall ensure that data collected pursuant to § 115.387 are securely retained.
- (b) The agency shall make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means.
- (c) Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.
- (d) The agency shall maintain sexual abuse data collected pursuant to § 115.387 for at least 10 years after the date of its initial collection unless Federal, State, or local law requires otherwise.

Full compliance with the standard was determined by:

Reviewed the following: Policy 6.11 Sexual Misconduct (Procedure O)
Interviewed PREA manager
Interviewed Facility Superintendent

Any questions about PREA standards, required documentation or process please refer to the PREA Resource Center website under Juvenile Standards.

AUDITOR CERTIFICATION:

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



April 22, 2015

Auditor Signature

Date