

# PREA Facility Audit Report: Final

**Name of Facility:** Broad River Correctional Institution

**Facility Type:** Prison / Jail

**Date Interim Report Submitted:** 05/28/2021

**Date Final Report Submitted:** 07/28/2021

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input checked="" type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input checked="" type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input checked="" type="checkbox"/>
<b>Auditor Full Name as Signed:</b> Adam T Barnett	<b>Date of Signature:</b> 07/28/2021

AUDITOR INFORMATION	
<b>Auditor name:</b>	Barnett, Adam
<b>Email:</b>	adam30906@gmail.com
<b>Start Date of On-Site Audit:</b>	03/15/2021
<b>End Date of On-Site Audit:</b>	03/17/2021

FACILITY INFORMATION	
<b>Facility name:</b>	Broad River Correctional Institution
<b>Facility physical address:</b>	4460 Broad River Road, Columbia, South Carolina - 29210
<b>Facility Phone</b>	
<b>Facility mailing address:</b>	

Primary Contact	
<b>Name:</b>	Devin Carter
<b>Email Address:</b>	carter.devin@doc.sc.gov
<b>Telephone Number:</b>	803-896-2890

Warden/Jail Administrator/Sheriff/Director	
<b>Name:</b>	Kenneth Nelsen
<b>Email Address:</b>	nelsen.kenneth@doc.sc.gov
<b>Telephone Number:</b>	803-896-2234

<b>Facility PREA Compliance Manager</b>	
<b>Name:</b>	Floravia Jones
<b>Email Address:</b>	jones.floravia@doc.sc.gov
<b>Telephone Number:</b>	O: (803) 896-2988
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<b>Facility Health Service Administrator On-site</b>	
<b>Name:</b>	Nolita Belser
<b>Email Address:</b>	belser.nolita@doc.sc.gov
<b>Telephone Number:</b>	803-465-6551

<b>Facility Characteristics</b>	
<b>Designed facility capacity:</b>	1715
<b>Current population of facility:</b>	1271
<b>Average daily population for the past 12 months:</b>	1293
<b>Has the facility been over capacity at any point in the past 12 months?</b>	No
<b>Which population(s) does the facility hold?</b>	Males
<b>Age range of population:</b>	20 - 79
<b>Facility security levels/inmate custody levels:</b>	Level III
<b>Does the facility hold youthful inmates?</b>	No
<b>Number of staff currently employed at the facility who may have contact with inmates:</b>	291
<b>Number of individual contractors who have contact with inmates, currently authorized to enter the facility:</b>	15
<b>Number of volunteers who have contact with inmates, currently authorized to enter the facility:</b>	60

AGENCY INFORMATION	
<b>Name of agency:</b>	South Carolina Department of Corrections
<b>Governing authority or parent agency (if applicable):</b>	N/A
<b>Physical Address:</b>	4444 Broad River Road, Columbia, South Carolina - 29221
<b>Mailing Address:</b>	
<b>Telephone number:</b>	803-896-8500

Agency Chief Executive Officer Information:	
<b>Name:</b>	Bryan Stirling
<b>Email Address:</b>	Stirling.Bryan@doc.sc.gov
<b>Telephone Number:</b>	803-896-8555

Agency-Wide PREA Coordinator Information			
<b>Name:</b>	Kenneth James	<b>Email Address:</b>	james.kennethl@doc.sc.gov

## AUDIT FINDINGS

### **Narrative:**

The auditor's description of the audit methodology should include a detailed description of the following processes during the pre-audit, on-site audit, and post-audit phases: documents and files reviewed, discussions and types of interviews conducted, number of days spent on-site, observations made during the site-review, and a detailed description of any follow-up work conducted during the post-audit phase. The narrative should describe the techniques the auditor used to sample documentation and select interviewees, and the auditor's process for the site review.

### **Methodology:**

The PREA Audit of Board River Correctional Institute was a comprehensive process beginning with communications via email with the agency's PREA Coordinator and the facility's PREA compliance manager/alternate prior to the on-site audit. These communications included both phone calls and emails.

The PREA audit of Board River Correctional Institute was conducted 3/15/21 thru 3/17/21. The South Carolina Department of Corrections (SCDC) operates the Broad River Correctional Institute. The Broad River CI (BRC) hereinafter may be referred to as facility.

The auditor uses a triangular approach, by connecting the PREA audit documentation, on-site observation, site review of the entire facility and complex, determination of facility practice, interviewed staff and inmates, local and national advocates, etc. to make determinations for each standard. Each standard and/or provision is designed with documentation reviewed, online PREA Audit: Pre-Audit Questionnaire, overall findings, and interview results.

The auditor is using the stylistic rules for the Field Training Program (FTP) Auditor Trainee Report Writing Reference Manual as best practices.

#### Site Review Location:

The site review for this audit took place at Broad River CI located at .4460 Broad River Road, Columbia, South Carolina 29210. The auditor conducted pre-audit work prior to arrival at the facility.

### **Pre-Audit Preparation:**

#### Agency/Facility House Residents For:

- South Carolina Department of Corrections (SCDC)

#### SCDC Institutions Review:

The original correctional system in South Carolina was established in 1866 when the South Carolina legislature passed an act that created the first state-level prison for felons that were housed in county facilities. In 1960, the governor of South Carolina decided to end the abuses of the correctional system and therefore created a new state agency. The agency was named the South Carolina Department of Corrections. Today, the Department of Corrections is still a state agency, reporting directly to the Governor.

The Department of Corrections has twenty-one (21) institutions and they are categorized into four distinct security levels: high security (level 3), medium security (level 2), minimum security (level 1B), and community-based pre-release/work centers (level 1A). The architectural design of the institution, type of housing, operational procedures, and the level of security staffing determine an institution's security level. Residents are assigned to institutions to meet their specific security, programming, medical, educational, and work requirements.

The South Carolina Department of Corrections contracts with Core Civic for the housing of certain SCDC residents in confinement. Core Civic must also comply with the PREA standards.

#### SCDC 2019 Annual Report Summary:

According to the SCDC 2019 Annual Report in calendar year 2019, SCDC received 265 reported allegations of sexual abuse/sexual harassment. SCDC Police Services investigated 195 (74%) allegations of sexual abuse/sexual harassment for criminal intent. Seventy allegations (26%) were investigated by institutional investigators. In total, there were 99 allegations (37%) of resident-on-resident abuse and 68 allegations (26%) of staff-on-resident abuse. Of the 265 allegations, 17 allegations (6%) were substantiated, 144 allegations (54%) were unsubstantiated, 55 allegations (21%) were unfounded, and 49 allegations (19%) cases are ongoing.

#### The 2019 Annual Report included but not limited to:

- Introduction and Report Summary
- Agency Aggregate Data
- 2019 Aggregated Allegations of Sexual Abuse/Sexual Harassment
- Comparison Data 2017 – 2019

- Data by Institution
- Allegation Breakdown
- Corrective Actions
- Schedule of Audits
- Definitions

Audit Notice Posting:

During the pre-audit period, the facility received instructions to post the required PREA Audit Notice of the upcoming audit prior to the on-site visit for confidential communications on 2/7/21 but because of rescheduling the facility change the on-site dates. The facility posted the notices in English and Spanish. The auditor received email, pictures confirming the posted notices and observed the posted notices on-site.

As of 3/14/21, there was one communication from an inmate and none from staff.

Online Pre-Audit Questionnaire (PAQ):

In order to prepare for the audit process, correspondence occurred with the agency PREA coordinator and facility PREA compliance manager. The online Pre-Audit Questionnaire was completed and sent to the auditor as required. As a part of the on-site visit, the auditor requested that the facility PREA compliance manager review and revise the online Pre-Audit Questionnaire to reflect updated information to include the current population.

The auditor completed a documentation review using the online Pre-Audit Questionnaire, website review, policies and procedures review sent from the agency headquarters, and additional documentation provided. Phone conversations and email exchanges occurred with the facility and the agency PREA coordinator.

The following documentation was requested for on-site visit:

- Residents' roster (100%)
- Youthful resident' roster (100%), if any (none)
- Notice of Auditor Post time stamp (English & Spanish)
- List of residents with disabilities
- List of residents who are Limited English Proficient (LEP)
- List of LGBTI residents (100%)
- List of residents in segregated housing (PREA related), If any
- List of residents who reported sexual abuse
- List residents who reported sexual victimization during risk screening
- Staff roster (100%)
- List of specialized staff
- Staff personnel (Documentation)
- Resident documentations
- Contractors who have contact with residents (if any)
- Volunteers who have contact with residents (if any)
- PREA screening to be taken with the auditor
- PREA reassessments, to be taken with the auditor
- Allegations of sexual abuse and sexual harassment reported for investigation in the 12 months (100%) to be taken with the auditor
- All hotline call made during the 12 months
- A summary of all incidents within the past 12 months (log)
- Unannounced rounds documentation to be taken with the auditor

Website Reviews:

Prior to the onsite portion of the audit, the auditor conducted a website review of the facility/agency. The reviewed content included but not limited to:

- Annual PREA Report (August 29, 2019)
- Institutions (Categorizations)
- Statewide partnerships with Sexual Assault Centers
- GA-06.11, "Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment," SCDC Policy
- Anonymous PREA tip reporting
- Statistics
  - o Correctional Officer Staffing and Salary Information
  - o Resident and Bed Counts of SCDC Institutions
  - o Yearly Comparison of Resident Bed Counts
  - o Average Daily Resident Population – Fiscal Years 1970-2019

- o Admissions to and Release from SCDC Population
- o Resident Assaults of Employees, FY 2011-2019
- Victim Services
- o Victim Notification (Community)
- o Victim Registration
- o Impact of Crimes Classes
- o Victim Assistance Links
- o Statewide Automated Victim Information and Notification System (SAVIN)
- Information Regarding Core Civic (Private Facility)
- Let's Talk About Safety -SCDC (Male Prisoners)
- Let's Talk About Safety – SCDC (Female Prisoners)
- Family information
- o Sending Mail
- o Sending Electronic Messages
- o Telephones Calls
- o Visitation
- Programs
- o Volunteers
- o Resident Services
- o Palmetto Unified School District
- o Division of Industries
- o Behavioral Health and Substance Abuse
- News/Press Releases
- Newsletter
- Fugitives
- Employee News
- Petition to Jam Cell Phones
- Legislative Audit Council
- Report Sexual Abuse or Sexual Harassment
- Report Offender Usage of Cell Phones/social media

Agency/Facility Applicable Policies Submitted

- ADM-11.04 Employee Corrective Action
- ADM-11.12 Post/Shift Assignments
- ADM-11.17 Employee Conduct
- ADM-11.28 Applicant Selection Process
- ADM- 11.34 Employee-Inmate Selection Process
- ADM- 11.39 Staff Sexual Misconduct with Inmates
- ADM-17.01 Employee Training Standards
- GA- 01.12 Inmate Grievance System
- GA- 06.04 Request to Staff Member
- GA-01.07 Access to the General Counsel
- GA- 06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12)

Updated July 8, 2020.

- HS- 18.13 Health Screening and Exams
- HS- 18.15 Levels of Care
- HS- 19.04 Mental Health Services-General Provisions
- HS- 19.06 Mental Health Services- Disciplinary Detention for Inmates Classified as Mentally III
- HS- 19.11 Mental Health Services-Reception and Evaluation
- OP-21.04 Inmate Classification Plan
- OP-21.04 Agency Records Management
- OP-22.14 Inmate Disciplinary System
- OP-22.19 Searches of Inmates
- OP-22.23 Statewide Protective Custody
- OP-22.24 Post Orders
- OP-22.25 Reporting Incidents and Accidents
- OP-22.38 Restrictive Housing Unit
- OP-22.39 Young Offender Parole and Reentry Services (YOPRS)
- OP-22.47 Prison Management Expectations
- OP-22.48 Institutional Weekly Rounds
- POL-23.01 Investigations

- POL-23.12 Case File Requirements
- POL-23.28 Evidence Protocol
- PS-10.04 Volunteer Services Programs
- PS-10.08 Inmate Correspondence Privileges
- PS-10.11 Sex Offender Treatment Program (SOTP)

**On-Site Audit Phase:**

Entrance Conference:

On 3/15/21, the on-site audit started with meeting the warden, facility PREA compliance manager and the agency PREA coordinator. The entrance conference was held and attended by:

- Adam Barnett, USDOJ Certified PREA Auditor
- Kenneth Nelsen, Warden
- Kenneth James, SCDC Agency PREA Coordinator
- Devin Carter, Associate Warden/Facility PREA Compliance Manager
- Lyndell Chestnut, Associate Warden/ BRSF Facility PREA Compliance Manager
- Kenneth Greggs, Major
- Arthur J. Fredricks, Associate Warden
- Belser Nolita, Nurse Supervisor
- Jones Floravia, Captain
- Stukes Fenisiah, Caseworker
- Lathan Brandi, Deputy Administrator
- Ramos Eric, Facility Administrator
- Keller Mary Alice, HR

Welcome was given by the facility warden and PREA coordinator. The auditor introduced himself and provided a brief description of his experiences, qualifications, correctional and auditing background. The auditor introduced associate Latera Davis, Mrs. Davis a is DOJ Certified PREA auditor for Juveniles and Adults.

The auditor explained the onsite role of Latera Davis as:

1. Conducting interviews with inmates.
2. Conducting interviews with correctional officers.
3. Conducting interviews with some specialized staff.
4. Conducting interviews with advocacy organizations.

The audit agenda was reviewed and discussed, to include resident population based on 1st day of the on-site audit and the 2nd and 3rd day planned activities.

The auditor requested an updated list of all staff work scheduled during the on-site visit, sorted by shift. The facility operates two 12 hours shift. The auditor provided the facility with a list of random and specialized staff and random and target residents who would be interviewed.

Site Review/Tour:

On the first day of the audit after the entrance conference, the auditor conducted a comprehensive tour of the facility. It was requested that when the auditor paused to speak to a resident or staff, that staff on the tour to please step away so the conversation might remain private. This request was well respected.

The following staff accompanied the auditor on tour and responded to the auditor's questions concerning the facility operations:

- o Adam Barnett, USDOJ Certified PREA Auditor
- o Kenneth James, SCDC Agency PREA Coordinator
- o Devin Carter, Associate Warden/Facility PREA Compliance Manager
- o Lyndell Chestnut, Associate Warden/ BRSF Facility PREA Compliance Manager
- o Kenneth Greggs, Major
- o Arthur J. Fredricks, Associate Warden

During the tour, the auditor reviewed PREA related documentation and materials located on bulletin boards through windows. The auditor observed camera surveillance, physical supervision, and electronic monitoring capabilities. Other areas of focus during the tour included, but were not limited to, levels of staff supervision, and limits to cross-gender viewing.

PREA posters were posted in English and Spanish to include phone numbers according to residents informally interviewed. In 2017, SCDC developed a resident educational brochure, which was previously provided on hardcopy to residents. During the tour the auditor

discussed with the residents regarding the process of operating the GTL (Global Tel Link) Kiosk System. The GTL Genesis in-pod kiosk allows residents to receive and send electronic messages to family and friends that have created an account of OffenderConnect.com.

During the tour the auditor observed residents with new tablets. A demonstration of the tablet showed an app for a PREA video for resident review for refresher education. The tablets allow residents to call the family members.

There are telephones in the dorms. Family members and friends of residents are given the option of setting up prepaid calling accounts using credit cards, checks, money orders or Western Union. Calls that may otherwise be blocked are now completed through GTL's Advance Pay Program. Residents can call the appropriate center for prison they are housed in by dialing \*63 or \*22 on the resident phone. This call is not recorded and the resident does not have to put in their Resident Personal Identification Number (PIN) to make the call.

If a resident chooses not to call, the residents are provided with the mailing address of the sexual assault center. According to the SCDC History, 2010-2019: Sentencing Reform and Changing Resident Population (page 25) Resident requests included Automated Request to Staff (ARTSM) system for residents which begins March 31, 2014. The ATRSM allows residents through kiosks at each prison, to enter complaints or requests which are directly routed to the applicable SCDC personnel. Residents then receive responses to the request via the same system. SCDC is one of the first correctional facilities in the country to institute an electronic resident request system.

The agency website provides an "Anonymous PREA Tips" line that is open to the public (residents families, friends, etc.).

The auditor was provided unimpeded access to all parts of the facility, to include residents living areas (did not enter the building), storage areas in the facility as requested. While inspecting the facility, doors and offices were checked consistently to ensure they are secured and locked. The auditor observed the location of staff. Informal dialogue occurred with residents and staff, asking PREA related questions and agency procedures a safety consideration. Residents that engaged in conversation with the auditor discussed feeling safe at the facility.

The auditor observed announcements of female staff entering the male living areas. The auditor had opportunities to view inmate and staff interaction. There was also ample time to observe the nature and quality of inmate supervision throughout the on-site audit process, and in all instances the auditor observed appropriate respect on the part of both inmates and staff.

The PREA standards require the auditor to tour the facility to verify compliance with the standards. The following areas and locations were visit.

Administration Building

Parole Room

Library and Law Library

Horticulture and Auto Mechanic/Green House

Multipurpose Building

Commissary

Canteen

Cafeteria

S Building

Chapel

Maintenance

Visitation Room

Medical

Murray A – Wing /Design Capacity 128/Special Population Type – Medical

Murray B – Wing/Design Capacity 124/Special Population Type- Medical

Marion A – Wing/Design Capacity 128/Character Unit

Marion B – Wing/Design Capacity 124/ Character Unit

Wateree A – Wing/Design Capacity 128/Structured Living

Wateree B – Wing/Design Capacity 124/Structured Living

Monticello A – Wing/Design Capacity 128/General Population

Monticello B – Wing/Design Capacity 124/General Population

Moultrie A – Wing/Design Capacity 128/ New Direction Program

Moultrie B – Wing/Design Capacity 128/New Direction Program

Greenwood A – Wing/Design Capacity 128/Crisis Stabilization

Greenwood B – Wing/Design Capacity 128

Congaree A – Wing/Design Capacity 89/Secure Mental Health Unit (BRSF)

Congaree B – Wing/Design Capacity 80/Secure Mental Health Unit (BRSF)

Edisto A – Wing/Design Capacity 68/Death Row (BRSF)

Edisto B – Wing/Design Capacity 67/Death Row (BRSF)

Saluda A- Wing/Design Capacity 48/Restrictive Housing Unit (BRSF)

Saluda B – Wing/Design Capacity 48/Restrictive Housing Unit (BRSF)

Other Areas:



Facility Physical Designed  
Cameras and Surveillance Technology Deployment  
Observe for Blind Spots  
Notices of the PREA Audit Posted in English and Spanish  
Cameras does not have a line of sight into resident toilets and showers  
Admissions/Intake Area  
Mail Room  
Laundry  
Cafeteria/Dining Area  
Kitchen  
Outside Recreation Area  
Control Room  
Education

Note: There were concerns noted during the facility tour, these concerns required corrective actions which is detail under Summary of Audit Findings titled, Summary of Corrective Actions and Facilities Responses.

Staff Interviewed:

The auditor conducted interviews with the following agency leadership staff, and are counted in the totals. Below are the staff interviewed previously, either written, by the lead auditor, associate, on-site, and by telephone:

Agency Central Office Staff (6 - Previously):

Deputy Director of Legal and Compliance (Agency Contract Administrator)  
Deputy Director of Legal and Compliance (Agency Head/Designee)  
Assistant Director of Recruiting and Employment  
Agency PREA Coordinator  
Deputy Director for the Office of Investigations and Intelligence (OII)  
Clinical Coordinator for Transgender Services

On the first day of the audit the facility reported total number of staff was 396 include 4 part-time and contractors.

The auditor or the associate conducted the following staff interviews on-site or via phone.

Specialized Staff (19) included the following:

Warden – 1  
Facility PREA Compliance Manager and Sexual Abuse Incident Review Team – 1  
Intermediate or Higher-Level Staff Unannounced Rounds – 1  
Medical Staff – 1  
Mental Health Staff – 1  
Facility Investigator – 1  
Administrative Human Resources Staff – 1  
Staff Conducting Victim/Aggressor Assessments – 1  
Retaliation Monitor – 1  
Intake Staff – 1  
Staff Supervising Segregation – 1  
Contractor with Inmate Contact – 1  
First Responder Non-Security Staff – 1  
First Responder Security Staff – 1  
ID Officer – 1  
Director of Food Services – 1  
Rec Director – 1  
Rec Supervisors - 2

Interviews with random and specialized staff confirmed that the facility's staff understood the agency's position regarding the Prison Rape Elimination Act (PREA). Random and specialized staff were all knowledgeable about their roles in the prevention, reporting, and detection of sexual abuse and sexual harassment, and their responsibilities in the event of a PREA related incident, particularly as a first responder.

Randomly Selected Staff (16):

The auditor requested and was provided a staff roster with non-security and security staff.

Inmates Interviewed:

On the first day of the audit, the facility's designated capacity was 1715. The number of inmates housed during the first day of the audit was 1306. The auditor conducted the following resident interviews during the on-site phase of the audit:

Randomly Selected Inmates (26):

The auditor requested and was provided a roster of inmates listed by living units.

Informally Interviewed Inmates Interviewed during facility site review (10).

Targeted Inmates (14):

Blind, Deaf, or Hard of Hearing – 4

Cognitive Disability – 1

Limited English Proficient (LEP) - 2

Identify as Transgender or Intersex – 0

Identify as Lesbian, Gay, or Bisexual – 2

Reporting Sexual Abuse at this facility – 4

Reporting Prior Victimization During Risk Screening– 0

Segregated Housing for High Risk of Sexual Victimization – 1 (Not PREA related)

All inmates that were formally interviewed were asked the required random interview questions provided by the National PREA Resource Center. Forty (40) inmates were formally interviewed and fifteen (15) inmates were informally interviewed during the facility tour.

Inmates were respectful and cooperative with auditor and the associate auditor. All inmates wore masks and maintained social distancing practices during the formal interviews. The inmate's uniforms were clean, and their hygiene satisfactory.

Interviews with inmates revealed that they understand PREA safeguards and the facility's zero-tolerance policy. Comprehensive resident PREA education is provided in written form during resident orientation, and through the handbook, kiosks, personal instruction, videos, and posters.

Advocacy Organizations:

The PREA auditor's manual, pages 37 and 38, requires the auditor to conduct outreach to relevant national and local advocacy organizations and to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility. The following national advocacy, State, and/or community advocacy organizations were contacted.

- Just Detention International (JDI) – is a health and human rights organization that seeks to end sexual abuse in all forms of detention. Founded in 1980, JDI is the only organization in the U.S. – and the world – dedicated exclusively to ending sexual abuse behind bars. They hold government officials accountable for prisoner rape; challenge the attitudes and misperception that enable sexual abuse to flourish; and make sure that survivors get the help they need.

Contact: Just Detention International (JDI) / Wilshire Blvd., Suite 340 Los Angeles, CA 90010 / Email sent: 5/11/21 9:25am. Response received 5/11/21 2:15pm.

- National Sexual Violence Resource Center (NSVRC) – is the leading nonprofit in providing information and tools to prevent and respond to sexual violence. NSVRC translates research and trends into best practices that help individuals, communities and service providers achieve real and lasting change. NSVRC also work with the media to promote informed reporting.

Contact: National Sexual Violence Resources Center (NSVRC) /2101 N. Front Street Governor's Plaza North, building #2 Harrisburg, PA 17110 / Email sent: 5/11/21.

- MOU between the SC Department of Corrections Facilities in Lexington, Richland, Newberry, Sumter, and Clarendon Counties and Sexual Trauma Services of the Midlands (STSM). The STSM is responsible for:

- o Responding to calls from inmates received on STSM's 24-hour crisis hotline;
- o Providing inmates with confidential emotional support services related to sexual abuse during their residency at an institution and during their transition from the corrections facility into the community;
- o Providing follow-up services to victims of sexual assault as resources allow, including in-person visits;
- o Maintaining confidentiality of communications with inmates;
- o Working with designated staff to obtain security clearance as needed and follow all facility guidelines for safety and security;
- o Attending any and all Sexual Abuse Incident Reviews at the request of an inmate with the understanding that STSM cannot disclose any communication with an inmate without a signed release from said inmate.
- o Communicating any questions or concerns to PREA Coordinator that are not in violation of confidentiality.

Note: This MOU services provided as agreed pursuant to the approved project goals and objectives listed in the awarded Justice Assistance Grant Program (Grant No. 1GPR19001).

For providing services as the sole service provider of the STSM is responsible for:

- o Providing emotional support services to inmate and juveniles adjudicated to the SCDC and the SCDJJ for sexual assault and sexual misconduct;
- o Providing awareness and knowledge to inmates and juveniles about sexual assault, misconduct, and harassment through group education sessions provided by a qualified instructor;
- o Providing training and education to the staff of SCDC and SCDJJ, to included correctional officers, medical and mental health practitioners, and others (including train-the-trainer) regarding information on the PREA, sexual assault, trauma informed care, youth violence prevention, SAFE/SANE requirements, and how to assist survivors of sexual abuse;
- o Submitting monthly reports of services and those served;
- o Providing timely invoices for payment with descriptive line items describing services provided, dates, times, locations, and costs;
- o Providing training agreed upon within each quarter of the grant.

Contact: Sexual Trauma Services of the Midlands/ 3830 Forest Drive -Suite 201, Columbia, SC 29204

The Sexual Trauma Services of the Midlands (STSM) provided monthly reports to the SCDC. The auditor reviews the reports from June 2020 to February 2021, which revealed the following:

- Total number of Crisis Intervention – 18
- Total number of Hotline Support – 3
- Total number of Hospital Accompaniment – 0
- Total number of Group Services - 9

According to the South Carolina Department of Corrections website, residents are provided with access to outside victim advocates for emotional support services for residents related to sexual abuse whether it occurred in prison on before they became incarcerated. The Sexual Trauma Services of the Midlands serves the Goodman Work Release Center.

The auditor sought the following information from the local and/or national advocacy organizations to include, but not limited to:

- Does your organization provide emotional support services to Inmates?
- Does the facility use your organization for residents reporting PREA issues?
- How many SAFE or SANE referrals did the organization received in the last 12 months?
- Can the inmates remain anonymous, upon request, when making a report?
- Who does the organization notify at the facility regarding reports?
- How many reports has the organization received in the past 12 months for advocacy services?
- How many inmates reported sexual abuse and/or sexual harassment?
- Who is your contact at the facility?
- Is there any additional information you would like to share regarding this facility?

#### PREA Risk Screening

According to the SCDC's Notable Milestones, the PREA risk screening now has added features such as a "List Menu" with dropdown categories added to include:

- "Initial Assessment List"
- "Reassessment List"
- Location Search which can provide staff with information regarding a certain dorm and if a certain category of residents is housed there
- "One-to-One Compatibility Search" which is a very useful tool whereby staff can input two resident SCDC numbers to determine if two residents can safely be housed together;
- A search tool that lets staff know where vulnerable residents are currently housed to include dorm; room and bunk information.

These features further enhance the commitment to provide safe housing, bed, and programming/educational assignments to the residents at each institution.

#### Investigations:

Currently, SCDC Police Services statewide has forty-five (45) investigators, who are Class 1 police officers. These investigators are assigned to a region in the state. Using a regional approach, the state is divided into four (4) regions. Each region has five (5) investigators assigned with one (1) supervising manager for each respective region. Each region is tasked with the responsibility of performing a variety of types of investigations to include PREA investigations.

#### Incident Reporting:

The facility maintains a comprehensive incident reporting system that is monitored on an ongoing basis for immediate corrective action, as well as trending on an annual basis for the purpose of quality improvement to minimize risk and staff training needs.

#### Disciplinary Procedures:

The purpose of the resident disciplinary system is to provide all residents with a fair and impartial hearing when they are accused of violating an agency or institutional rule. This system is also designed to promote order and maintain the security and safety of the Institution.

#### Informational Consolidation:

The auditor communicated with the agency PREA coordinator frequently throughout the three days of the on-site audit to consolidate information and ensure that the interviews, documentation, and facility observations supported compliance determinations for the required PREA standard. The work on-site and off-site at the hotel to review concerns and documents. When additional information was requested to establish compliance, the facility management team was responsive and made every effort to deliver documentation, explanations or clarifications. The facility staff was receptive to addressing identified areas of concern during the facility site visit and during the posted audit phase of the audit regarding noted concerns.

#### Exit Conference:

The auditor conducted an exit meeting on 3/17/2021 during which preliminary findings of the review were discussed with the facility and agency leadership team. The attendees, in addition to the state agency staff participated in the exit briefing. During the exit, the auditor provided a verbal list of identified non-compliant items and described how these related to the standards and or provisions. For resolution of issues following the exit, the auditor indicated that outstanding issues should be provided with proof of compliance and practice.

The following staff attended the exit conference.

- Adam Barnett, USDOJ Certified PREA Auditor
- Kenneth James, SCDC Agency PREA Coordinator
- Devin Carter, Associate Warden/Facility PREA Compliance Manager
- Lyndell Chestnut, Associate Warden/ BRSF Facility PREA Compliance Manager
- Kenneth Greggs, Major
- Arthur J. Fredricks, Associate Warden
- Kenneth Nelsen, Warden
- Floravia Jones, Admin Captain
- Ramos Even, Admin

Facility officials were very open and receptive to an honest discussion of areas where PREA compliance needed to be strengthened or non-compliance. The auditor indicated that an interim report will be sent within 45 days with standards or provisions details.

#### Post Audit Phase

Upon completion of the onsite phase of the audit, the auditor, agency PREA coordinator, and facility PREA compliance manager agreed to communicate by email and telephone during the post audit phase, regarding any identified need for additional documentation, as well as clarification of questions that arose while collating data. Further, the agency PREA coordinator indicated they would provide the auditor with proof of practice on an ongoing basis, as related to correction of identified deficiencies to ensure that practices have become institutionalized.

Communication with the agency PREA coordinator and designated facility staff was ongoing, with efficient, timely, and thorough responses provided consistently both by email and telephone.

#### Audit Section of the Compliance Tool:

The auditor uses the required Prison Rape Elimination Act (PREA) Audit Prison and Jails standards report to enter collected information online. Detailed information from the audit interviews were integrated into relevant sections of the standards. In order to ensure all standards were analyzed, the auditor proceeded standard by standard and provision by provision, to determine compliance or non-compliance.

#### Interim Report:

The auditor submitted an interim report in written format to the facility on April 9, 2021.

#### Final Audit Report:

The final online 2021 PREA audit report was completed and submitted to the facility on 8/1/2021.

## AUDIT FINDINGS

### Facility Characteristics:

The auditor's description of the audited facility should include details about the facility type, demographics and size of the inmate or resident population, numbers and type of staff positions, configuration and layout of the facility, numbers of housing units, description of housing units including any special housing units, a description of programs and services, including food service and recreation. The auditor should describe how these details are relevant to PREA implementation and compliance.

South Carolina Department of Correction's Broad River Correctional Institution (BRCI) and Broad River Secure Facility (BRSF) is a centralized correctional facility serving adults offenders from South Carolina's 46 counties. Broad River and Broad River Secured Facility are located on the Bert Friday complex at 4460 Broad River Road. The institution provides housing for general population, and medically dependent. The medically dependent inmates are housed in the Murray Unit and require 24-hour medical care. The Moultrie Unit houses the agency's New Direction Program for approved inmates with a mental health diagnosis. Board River also houses inmate that are deaf and blind as well as those that requires dialysis and sex offender treatment. It also provides facilities, security staff and support to host revocation and parole hearings for the South Carolina Department of Probation, Parole and Pardon Services.

Literacy and GED preparation opportunities are provided to the offenders along with industries which operate two separate plants. Prion Industries I (PI-1) plant entails three work programs. The Tag Plant manufactures all vehicle license plates for the State of South Carolina. The Sign Shop manufactures sign, decals, name plates, etc., for state agencies, counties, municipalities, and non-profit organizations. Broad River Correctional Institution serves as the dialysis site for all inmates in the South Carolina Department of Corrections. The following programs and services are available to offenders housed within the institution and facility.

- Sex Offender Treatment Program
- Religious and Volunteer Programs
- Narcotics and Alcoholics Anonymous
- Recreational Services

The Broad River Secure Facility became a close custody standalone institution in 2021. This secure institution provides housing for inmates in the Restrictive Housing Unit, Secure Mental Health Unit, and Death Row. The Capital Punishment Facility is co-located at BRSF and carries out South Carolina's court-ordered executions. Routine medical and dental care are provided by Broad River Correctional with 24-hour medical coverage. Area mental health care is available as well.

The BRCI and BRSF consists of areas accessible to offenders which are included in the facility staffing plan. The facility has 9 of which 4 of them are capable in housing 252 inmates, 2 of them which is capable of housing 253, 1 which is capable of housing 169 inmates, 1 capable of housing 135 inmates and 1 capable of housing 96 inmates. The facility currently houses offender between the ages of 20 to 81 years old. The facility currently employees 408 security officers, social workers, qualified mental health professionals, psychologist, psychiatrists, medical personnel, classification case workers, and administration personnel.

## AUDIT FINDINGS

### Summary of Audit Findings:

The OAS will automatically calculate the number of standards exceeded, number of standards met, and the number of standards not met based on the auditor's compliance determinations. If relevant, the auditor should provide the list of standards exceeded and/or the list of standards not met (e.g. Standards Exceeded: 115.xx, 115.xx..., Standards Not Met: 115.yy, 115.yy ). Auditor Note: In general, no standards should be found to be "Not Applicable" or "NA." A compliance determination must be made for each standard. In rare instances where an auditor determines that a standard is not applicable, the auditor should select "Meets Standard" and include a comprehensive discussion as to why the standard is not applicable to the facility being audited.

<b>Number of standards exceeded:</b>	3
<b>Number of standards met:</b>	42
<b>Number of standards not met:</b>	0

List of Standards Exceeded: 3

115.11- Zero Tolerance of Sexual Abuse and Sexual Harassment: PREA Coordinator  
115.51 – Inmate Reporting  
115.87 – Data Collection

Number of Standards Met: 42

Prevention and Planning:

115.12 – Contracting with Other Entities for the Confinement of Inmates  
115.13 – Supervision and Monitoring  
115.14 – Youthful Inmates  
115.15 – Limits to Cross-Gender Viewing and Searches  
115.16 – Inmate with Disabilities and Inmate who are Limited English Proficient  
115.17 – Hiring and Promotion Decisions  
115.18 – Upgrades to Facilities and Technology

Responsive Planning:

115.21 – Evidence Protocol and Forensic Medical Examinations  
115.22 – Policies to Ensure Referrals of Allegations for Investigations

Training and Education:

115.31 – Employees Training  
115.32 – Volunteer and Contractor Training  
115.33 – Inmate Education  
115.34 – Specialized Training: Investigations  
115.35 – Specialized Training: Medical and Mental Health Care

Screening and Risk of Sexual Victimization and Abusiveness:

115.41 – Screening for Risk of Victimization and Abusiveness  
115.42 – Use of Screening Information  
115.43 – Protective Custody

Reporting:

115.52 – Exhaustion of Administrative Remedies  
115.53 – Inmate Access to Outside Confidential Support Services  
115.54 – Third-Party Reporting

Official Response Following and Inmate Report:

115.61 – Staff and Agency Reporting Duties  
115.62 – Agency Protection Duties  
115.63 – Reporting to Other Confinement Facilities  
115.64 – Staff First Responder Duties  
115.65 – Coordinator Response  
115.66 – Preservation of Ability to Protect Inmates from Contact with Abusers  
115.67 – Agency Protection against Retaliation  
115.68 – Post Allegation Protective Custody

Investigation:

- 115.71 – Criminal and Administrative Agency Investigations
- 115.72 – Evidentiary Standard for Administrative Investigations
- 115.73 – Reporting to Inmates

Discipline:

- 115.76 – Disciplinary Sanctions for Staff
- 115.77 – Corrective Action for Contractors and Volunteers
- 115.78 – Disciplinary Sanctions for Inmates

Medical and Mental Care:

- 115.81 – Medical and Mental Health Screening; History of Sexual Abuse
- 115.82 – Access to Emergency Medical and Mental Health Services
- 115.83 – Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers

Data Collection and Review:

- 115.86 – Sexual Abuse Incident Reviews
- 115.88 – Data Review for Corrective Action
- 115.89 – Data Storage, Publication, and Destruction

Audits and Correction Action:

- 115.401 – Frequency and Scope of Audits
- 115.403 – Audit Contents and Finding

List of Standards Not Met: 0

Summary of Corrective Action (if any)

The following is/are standards/provisions that were categorized as “Does Not Meet.” Documentation to support the finding can be found in the narrative section of the applicable standard. Furthermore, a finding of “Does Not Meet” will include a detailed description of the facility corrective action process and the status of the correction action.

Corrective actions, specific details about deficiencies or concerns regarding findings may appear in the standard-by-standard discussions in the main body of the report. If the facility does not correct the stated concerns within 45 days, the auditor will release an interim report that will start the corrective action process. If the facility completes stated concerns within the 45 days and the auditor agrees then the final report will be release.

**Summary of Corrective Actions and Facility Responses**

**Inmate Confidential Communication: (71)**

On February 18, 2021, the auditor received a confidential letter for an inmate at Broad River Correctional Institution, South Carolina Department of Corrections.

The inmate reported, “at Broad River Correctional Institution, in Columbia, SC. The shower curtains are not PREA compliant in Marion dorm. Security staff allows inmates to use bed sheets to cover the PREA shower curtains in other dorms.”

The inmate also reported on 2/10/21, around 6:10am, he was called upon for a PREA interview by medical. While answering questions with a nurse, another staff entered the room without invitation. The nurse nor the inmate asked for, or needed that staff presence in the room. Staff proceeded to answer a question that was being asked of the inmate by the nurse.

The inmate letter stated that he and the other inmate were separated months ago; however, he is highly concerned about the staff’s lack of professionalism. He stated many of the staff are related to inmates in the facility and they inappropriately share information with the inmates. He stated that he had to play off the incident by saying “it was someone else”.

During the site visit the auditor confidentially included the inmate’s name on the random selected inmate list. The inmate was interviewed and reported that his allegation of sexual abuse was not properly investigated. He stated that seven months after the allegation staff came to speak to him about the allegation and then a correctional officer notified the abuser that “his roommate reported a PREA claim against him”.

The inmate did give the name of the correctional officer and the auditor shared the name and discuss the inmate concerns with the warden and PREA Coordinator. The inmate concerns are addressed in the none compliant or concerns listed below.

Interview Inmate: The associate auditor interviewed the inmate that send the confidential communication letter to the auditor. The inmate reported that his allegation of sexual abuse was not properly investigated. He stated that seven months after the allegation staff came to speak to him about the allegation and then a correctional officer notified the abuser that “his roommate reported a PREA claim against him”. The inmate stated that he and the other inmate were separated months ago; however, he is highly concerned about the staff’s lack of professionalism. He stated many of the staff are related to inmates in the facility and they inappropriately share information with the

inmates. He stated that he had to play off the incident by someone "it was someone else".

The Institution has a new management team and a new PREA compliance manager. While the new PREA compliance manager was getting prepared for the audit it was found that the reported PREA allegations for the past 12 months were not investigated or investigations were not completed. The new management team have been working on investigating and closing cases to meet the PREA standards.

It was determined that the past management did not investigate, monitor for retaliation nor notified the inmates of the result of their investigations, and the 30-day incident reviews were not conducted. All past cases are being investigated, monitor for retaliation and inmates are being notified by the new PREA compliance manager, as well as conducting 30-day incident reviews when applicable.

The auditor reviewed 21 investigation packages that included, but not limited to:

- Warden to Warden PREA Notifications – 4
- Incident Report Checklist for PREA Issues – 21
- PREA Investigative Folder Checklist – 21
- Police Services Investigative Reports – 13
- Facility and PREA Coordinator Report of Findings – 21
- Grievance Transferal Memorandum – 7
- Inmate Grievance Form – 7
- Internal Inmate Search – 21
- Incident Report – 21
- Inmate Voluntary Statement – 21
- Mirada Rights – 8
- PREA Incident Review – 7
- Disposition of PREA Report – 21
- Disposition of PREA Notification Report – 21
- Sexual Retaliation Monitoring Form – 6

On July 22, 2021, the facility investigator submitted the above investigation documents.

#### Standard # 115.13 – Supervision and Monitoring

The standard states that the agency shall ensure that each facility it operates shall develop, document, and make its best efforts to comply on a regular basis with a staff plan that provides for adequate levels of staffing.

##### Concern 1: Staff safety

During the facility tour, staff were asked, do you feel safety working at this facility? Some staff indicated that they do not feel safety working in units alone. A review of the security staffing indicated a total of 320 full positions and 110 vacancy security positions as of the onsite audit.

The facility provided the auditor information on the "Body Alarms" process. The issuing of body alarms for the agency is utilized for the safety of the staff in the event an emergency may occur within the facility. The body alarm is issued to non-security staff as a part of their daily uniform attire. The body alarm makes a loud sound when activated by pulling the string to notify staff that an emergency is occurring. Each day non-security staff is required to sign out the body alarm and return each day. This device can ensure staff have safety precautions in place for the protection of all staff members that enter the facility that's in the presents of inmates.

The auditor check for staff picking up the body alarms on March 16, 2021 and staff did sign out body alarms.

See facility response below.

##### Concern 2: Unlock Doors

During the facility tour of the Restrictive Housing Unit (RHU), the back exit doors leading outside for each unit were unlocked and white trash bags were used to tide the doors open.

See facility response below.

##### Concern 3: Unlock Doors

During the facility tour of the kitchen and the industrial shop, two exit doors in the back of the kitchen was unlock and two exit doors in the industrial shop was unlock.

See facility response below.

##### Concern 4: Gates and Doors

During the facility tour, the auditor noted over 25 janitorial closet doors, office doors, and gates were unlocked. There were some doors and



gates prop open.

See facility response below.

#### Concern 5: Sheets torn into strings

During the facility tour of the Restrictive Housing Unit (RHU), there were a large number of sheets torn into strings and ran to different inmate cells. The auditor informally interviews the inmates in their cells questioning the purpose of the stringing. The inmates stated that they are lock down for 24 hours per day and they communicate with each other using the strings. There is a code system that they use to communicate with each other. The question was asked, how do inmates get the strings to each other cells. Example: there were strings ran from the first floor to the second-floor cells. Inmates stated, we are lock down 24 hours, you think about it.

#### Concern 6: Blind Spots within Inmate Cells

During the facility tour the auditor noted large number of inmate cell doors/windows are covered with paper blocking staff from viewing inside the cells.

The auditor also noted that within the inmate cells they were compartmentalized, meaning the inmate are using sheets to separate the toilet from the beds by tiring strings a cross the cell and placing sheets to build a wall.

See facility response below.

#### Concern 7: Cell Lights

During the facility tour the auditor noted that inmates in one dorm control their cell lights by attaching a string to the light switch outside of their cell door to turn the light in the cell off or on.

#### Facility Responses:

The institution has guidelines on how to keep yourself safe while working in the units alone. Broad River C.I.'s institutional guidelines state that if you are in a unit alone, you cannot open any cell doors by yourself. This guideline, along with others, were developed for the safety of the officers and staff working within the institution. The Warden and Institutional Leadership Team will continue and increase the number of rounds made by leadership to support the frontline staff and officers working in the units.

The Warden has also began having more conversations with new and female officers regarding concerns for their safety. Additionally, Broad River has started offering leadership class to the staff and are doing numerous motivational initiatives to boost the morale of the staff for retention.

On March 22nd, the Warden of the institution provided a memo to all institutional staff addressing the safety concerns noted during the audit (concerns 1-7). These issues were also addressed in shift briefings and meetings with staff about the importance of basic security and the importance of opposite gender announcing. The facility has also put-up signs as an extra reminder to staff regarding the mandates for announcements. The announcements of opposite gender staff help the inmates ensure they are in a decent state when a female has entered the wing. If a staff member is exposed to by an inmate while on the wings, the inmate should be written up and forwarded for charges.

The shower curtains that the agency utilizes were approved by the agency PREA coordinator as being within the national PREA standards. It has been brought to the PREA coordinator's attention that when you stand in a certain area you can see in the showers and a fully naked inmate. The toilets are placed in the inmate's cell and you cannot see the inmate using the rest room unless the inmate is trying to be seen.

To correct the problem of the showers and give the inmate more privacy, the facility is allowing inmates to cover the top of the PREA approved curtains and turn off the lights. With the lights off, an inmate's silhouette can be seen, but you cannot make out features. Additionally, there is clear plastic on the top and bottom of the shower curtain. By allowing the inmate to cover the top, inmates and others cannot see the inmate in the shower below the head. Officers will still be able to see the inmate's legs, below the knee, through the clear bottom of the shower curtain to ensure they are sexually safe.

The auditor follow-up with the agency PREA coordinator and the facility compliance manager, it was indicated that the corrective actions that was put in place is being maintained. July 19, 2021.

#### Concern 8: Unannounced Rounds

Standard requires each agency operating a facility shall implement a policy and practice of having intermediate-level or higher-level supervisor conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment.

Reviewed documentation of unannounced rounds was provided to the auditor. However, the concern is the quality of the rounds being documented. During the facility tour the auditor noted PREA issues that should have been revealed during the unannounced rounds.

Facility Response:

The agency has amended its Duty Warden's Checklist (Form 19-173) to include significant events noted during the unannounced rounds. Including the significant events will increase the quality of rounds being documented.

#### Standard # 115.15 – Limits to Cross-gender Viewing and searches

115.15 (d).

##### Concern 1: Opposite Gender Announcing their Presence

Nine (9) of the sixteen (16) interviewed staff reported that opposite gender staff announce their presence when entering the housing unit. The staff reported that they will make announcement by saying "female on the rock" or "female on the dorm". One staff stated that when you make the announcement, it alerts the inmates and they will begin to expose themselves. Another female staff stated "I am supposed to, but I don't". Another staff stated that female staff do not usually make announcements, it depends on where they work. Medical does but not necessarily security staff.

##### Concern 2: Opposite Gender Announcing their Presence

Thirty (30) random inmates and ten (10) targeted inmates were interviewed for a total of 40 inmates interviewed. Only five of the interviewed inmates reported that staff announce their presence when entering the housing area. When probed, the inmates stated that sometimes make announcements, staff are not consistent, and the facility just put signage up last week saying that announcements have to be made.

115.15 (b).

##### Concern 3: Inmate Showers

Thirty (30) random inmates and ten (10) targeted inmates were interviewed for a total of 40 inmates interviewed. Eight of the inmates reported that sometimes they can be seen fully naked in front of female staff. Several of the inmates reported that they will try to put up barriers when they are using the toilet; however, it is possible that they can be seen.

##### Concern 4: Inmate Showers

During the facility tour the auditor and several staff observed the inmate showers regarding whether staff and other inmates can be seen naked while showering. When staff or inmate are going upstairs or coming downstairs, they are able to see into the showers. Some inmates were using sheets to block from being seen.

##### Facility Responses:

On March 22nd, the warden of the institution provided a memo to all institutional staff addressing the safety concerns, opposite gender announcing their presence and inmate showers. These issues were also addressed in shift briefings and meetings with staff about the importance of basic security and the importance of opposite gender announcing. The facility has also put-up signs as an extra reminder to staff regarding the mandates for announcements. The announcements of opposite gender staff help the inmates ensure they are in a decent state when a female has entered the wing. If a staff member is exposed to by an inmate while on the wings, the inmate should be written up and forwarded for charges.

The shower curtains that the agency utilizes were approved by the agency PREA coordinator as being within the national PREA standards. It has been brought to the PREA coordinator's attention that when you stand in a certain area you can see in the showers and a fully naked inmate. The toilets are placed in the inmate's cell and you cannot see the inmate using the rest room unless the inmate is trying to be seen.

To correct the problem of the showers and give the inmate more privacy, the facility is allowing inmates to cover the top of the PREA approved curtains and turn off the lights. With the lights off, an inmate's silhouette can be seen, but you cannot make out features. Additionally, there is clear plastic on the top and bottom of the shower curtain. By allowing the inmate to cover the top, inmates and others cannot see the inmate in the shower below the head. Officers will still be able to see the inmate's legs, below the knee, through the clear bottom of the shower curtain to ensure they are sexually safe.

The auditor follow-up with the agency PREA coordinator and the facility compliance manager, it was indicated that the corrective actions that was put in place is being maintained. July 19, 2021.

##### Concern 5: Inmate Watchers

Interviewed inmate housed in the crisis unit reported that he is uncomfortable with the inmate watchers. He stated that the facility has inmate watchers who will look at the inmates while they are naked. He stated that the policy says its ok; however, he is very uncomfortable with it as he feels the inmates are wanting to watch them. The allegation was recently made, the associate has notified the auditor for follow up.

Two watchers reported feeling uncomfortable watching the inmates when they are on the crisis unit and they are masturbating. They feel that it puts them in a vulnerable position.

Facility Response:

Inmates that are on crisis status are given a suicide smocks to use as clothing. On occasion, inmates do come out of their smock and can be seen undressed, an on occasion, they do masturbate. The inmate watcher job is a position that inmates apply for as a job. This role has guidelines which includes what actions should be done if an inmate does do something that is against policies, rules, regulations, or guidelines. This includes masturbation. The institution cannot control when and where an inmate is going to masturbate. The purpose of the "Watcher" is to ensure that if the inmate attempts suicide, someone is there to assist and contact staff. The only way to accomplish this goal is always to have the suicidal inmate watched. Interview with the staff also incident that if a "Watcher" is very concern, they can request for an inmate job change. Follow-up July 19, 2021.

115.15 (e).

Concern 6: Searching Transgenderers

Fourteen (14) of the sixteen (16) interviewed staff stated that the facility prohibits staff from searching or physically examining a transgender or intersex Inmate for the sole purpose of determining their genital status. Two female staff reported that they could search an inmate to determine their genital status.

Facility Response:

The Institution does prohibit the staff from searching or physically examining a transgender or intersex inmate for the sole purpose of determining their genital status. Inmate searches is an annual mandatory training provided to all security staff. All staff, to include security staff are trained upon the initial hiring on the PREA standards and SCDC PREA Policies. SCDC Policy GA-06.11b clearly prohibits searching of a transgender inmate to determine their genital status. The facility management will do training refresher to ensure that everyone knows this procedure.

Standard # 115.21 – Evidence Protocol and Forensic Medical Examinations

115.21

Concern 1: Interviewed Inmates

The three interviewed inmates reported sexual abuse and or sexual harassment. All of the inmates reported that nothing happened and they were not offered to contact anyone or received any information back from the investigation.

Facility Response:

The Institution has a new management team and a new PREA compliance manager. While the new PREA compliance manager was getting prepared for the audit it was found that the reported PREA allegations for the past 12 months were not investigated or investigations were not completed. The new management team have been working on investigating and closing cases to meet the PREA standards.

It was determined that the past management did not investigate, monitor for retaliation nor notified the inmates of the result of their investigations, and the 30-day incident reviews were not conducted. All past cases are being investigated, monitor for retaliation and inmates are being notified by the new PREA compliance manager, as well as conducting 30-day incident reviews when applicable.

The auditor reviewed 21 investigation packages that included, but not limited to:

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- Mirada Rights – 8
- PREA Incident Review – 7
- Disposition of PREA Report – 21
- Disposition of PREA Notification Report – 21
- Sexual Retaliation Monitoring Form – 6

On July 22, 2021, the facility investigator submitted the above investigation documents.

Standard #115.41 – Screening for Risk of Sexual Victimization and Abusiveness

Provision (b) requires intake screening shall ordinarily take place within 72 hours of arrival at the facility.

Concern 1:

During the documentation review the facility is not meeting the provision on a consistent basis.

Provision (f) requires within a set time period, not to exceed 30 days from the inmate's arrival at the facility, the facility will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.

Concern 2:

During the documentation review the facility is not meeting the provision on a consistent basis.

Facility Response:

Due to the affects from COVID-19, the institution had limited staff and had to mitigate potential cases by limiting access to the facilities. This included those staff member that were listed as "non-essential". This action caused the risk screening and assessments/reassessments to become backlogged. As of March 15th, the Governor of South Carolina has allowed staff returned to work, which allowed the agency and institution to ensure that all assessments and reassessments are conducted and will now be done as the standards and SCDC policy prescribes.

The facility also provided the auditor with a memo to BRCI staff dated March 23, 2021, Subject: PREA Assessments/Reassessments Procedures. The memo states, "To ensure the Broad River will be on track with keeping up with the initial PREA assessments and reassessments the following procedure will be followed.

- When a new intake arrives at Broad River Correctional institution before the inmate is sent to his assigned unit the inmate will be sent to medical. Medical will conduct the PREA initial assessment the day of the inmate arrival. This includes weekend and holidays due to BRCI having 24 hours medical.
- Classification has 30 days to have their reassessment entered in the system from the day that the new intake has arrived.
- Medical and classification both has a staff member that is on the BRCI PREA Team. It is their responsibility to check the assessment and the reassessment list to ensure that it is being done." The auditor check with the facility PREA compliance manager to ensure that this process is being maintained. Staff indicated that the process is being maintained. July 19, 2021.

Standard #115.42 – Uses of Screening Information

115.42 (c).

Concern 1: Transgender Inmate (#1)

There was one inmate at Broad River Prison identified as transgender. When asked, "did staff here ask you questions about your safety" the inmate reported "no" the facility violated her transgender rights. She stated that when she first arrived at the facility, they put her in the worst unit. Although classification knew she was transgender, they put her in a gang infested unit, and she was beat up. She filed several complaints about her safety and they initially did not respond. She was placed at the prison approximately four or five years ago. She reported that she was initially moved.

When asked "have you been put in a housing area only for transgender or intersex inmates", the inmate reported that there was no special housing. The inmate also stated that when she first arrived (four to five years ago), she was not acknowledged by staff as being transgender; however once acknowledged she was moved to a "safer" unit.

When the inmate was asked "are you allowed to shower without other inmates", the inmate reported that initially staff was not respectful. The inmate also reported that she has a lawsuit against the agency; and she would like to know by law where could male and female transgender inmates be housed together; or at least in a cell with another transgender inmate. The inmate reported that she had to file a lawsuit against the agency in order to be able to shower alone. The inmate reported that the lawsuit was initiated filed approximately four or five years ago; and she has been fighting for her rights ever since. The inmate stated that if we needed additional details, we could contact their attorney. The auditor will not engage in this process of contact the inmate's attorney.

Facility Response

When the agency started to acknowledge having transgender inmates at the facilities, the institution followed all guidelines according to policy and procedure. The inmates are housed together according to their classification custody level. There isn't any problem with housing a transgender in the same cells, but they must match with their custody classification custody level. The inmate is being monitored by the Agency's Multidisciplinary Management and Treatment Team (MMTT) and has been provided an accommodation plan which describes the specific accommodations provided to this inmate, individually, to include showering alone.

Concern #2: Transgender Inmate (#2)

During the auditor documentation review the auditor express concerns regarding a Transgender being transferred on February 3, 2021 before the on-site PREA audit.

Agency PREA Coordinator Response:

Interviewed agency PREA coordinator and provided documentation/memo serves as notification as to the purpose and reasoning behind the movement of inmate X2 from Broad River Correctional Institution to Ridgeland Correctional Institution on February 3, 2021.

Inmate X2 is a self-identified transgender female inmate who is monitored by the South Carolina Department of Corrections (SCDC), Multidisciplinary Management and Treatment Team (MMTT) to ensure the inmates health and safety is assessed per the National PREA Standards, standard 115.42, Use of screening information.

On 9/20/2020, inmate X2 submitted an allegation alleging she was being sexually harassed by another inmate. Although the inmate and the alleged perpetrator was separated by tier, it was not possible, due to COVID-19 positive cases, that the alleged perpetrator be moved out of the building. On 12/4/2020, inmate X2 sent a correspondence to my office (agency PREA coordinator) which stated she felt she was being retaliated against by her alleged perpetrator and other inmates due to her allegation. The alleged perpetrator was then moved on 12/4/2020 to separate wing of the same building where the alleged victim and perpetrator would not be within sight or sound of each other and would still be within COVID-19 protocols.

Due to COVID-19 protocols, inmate X2 was not able to be transferred to another institution until 2/3/2021, but was requested to be moved on 12/8/2020. This request was in reference to the health and safety of the inmate.

Standard #115.51 – Inmate Reporting

Concern #1:

Interviewed Targeted Inmates: Two of the three interviewed inmates stated that the staff did not investigate their allegation, therefore notification did not occur. One inmate stated that he was notified of the results of the allegation. One inmate who was notified stated that he was told that the allegation was unfounded because they could not see on camera anything. He also reported that there are no cameras in the mental health offices.

One of the three interviewed inmates stated that he was notified in writing within 60 days of the results of the allegation

Facility Response:

The Institution has a new management team and a new PREA compliance manager. While the new PREA compliance manager was getting prepared for the audit it was found that the reported PREA allegations for the past 12 months were not investigated or investigations were not completed. The new management team have been working on investigating and closing cases to meet the PREA standards.

It was determined that the past management did not investigate, monitor for retaliation nor notified the inmates of the result of their investigations, and the 30-day incident reviews were not conducted. All past cases are being investigated, monitor for retaliation and inmates are being notified by the new PREA compliance manager, as well as conducting 30-day incident reviews when applicable.

The auditor reviewed 21 investigation packages that included, but not limited to:

- Warden to Warden PREA Notifications – 4
- Incident Report Checklist for PREA Issues – 21
- PREA Investigative Folder Checklist – 21
- Police Services Investigative Reports – 13
- Facility and PREA Coordinator Report of Findings – 21
- Grievance Transferal Memorandum – 7
- Inmate Grievance Form – 7
- Internal Inmate Search – 21
- Incident Report – 21
- Inmate Voluntary Statement – 21
- Mirada Rights – 8
- PREA Incident Review – 7
- Disposition of PREA Report – 21
- Disposition of PREA Notification Report – 21
- Sexual Retaliation Monitoring Form – 6

On July 22, 2021, the facility investigator submitted the above investigation documents.

Standard #115.53 – Inmate access to outside confidential support services

The standard shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by

giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state, or national victim advocacy or rape crisis organizations, and for persons detained solely for civil immigration purposes, immigrant services agencies.

#### Concern #1: Interviewed Target Inmates

Interviewed Targeted Inmates: Three inmates were interviewed who reported sexual abuse and or sexual harassment. The inmates reported that they were not give mailing addresses or telephone numbers for outside services. However, one inmate stated that there is signage posted in the facility. When probed one inmate stated that they were receiving tele mental health services.

When asked about communicating with outside services in a confidential way; one inmate reported that they don't know because it was not needed, another stated that if you are by yourself, you could use the tablets and contact someone; and other inmate stated that they were doing tele mental health but haven't heard from the person in a while.

#### Facility Response:

Due to COVID-19 protocols, non-essential staff, contractors, visitors, and others were no permitted to enter any institutions. This mandate included Rape Crisis Center personnel. In order to ensure continued access, All RCC's were provided access to inmates through telehealth applications or through phone calls.

All inmates have access to PREA information located on the kiosk and the inmate tablets. The institution will provide a pamphlet with the number for outside help when they report any allegations of PREA. There are signs posted around the institution with the numbers for outside services.

Contact: Sexual Trauma Services of the Midlands/ 3830 Forest Drive -Suite 201, Columbia, SC 29204

The auditor requested that STSM outside emotional services provide information regarding inmates within the past 12 months. The Sexual Trauma Services of the Midlands (STSM) provided monthly reports to the SCDC agency PREA coordinator. The auditor reviews the reports from June 2020 to February 2021, which revealed the following:

- Total number of Crisis Intervention – 18
- Total number of Hotline Support – 3
- Total number of Hospital Accompaniment – 0
- Total number of Group Services - 9

#### Concern #1: Interviewed Inmates

Nine of the forty (40) interviewed inmates reported that they were aware of services available outside of the facility that deal with sexual abuse if needed. It should be noted that when probed, only one inmate could describe any outside services. One inmate reported that there are numbers and mailing addresses posted in the facility. He stated that he doesn't know the details of the services, but he feels he could confidentiality communicate with the services on the tablets. Several inmates reported seeing things on tv for women who need services, one inmate recalled services while he was at a treatment program, and one inmate stated that he knows about services because his victims needed them.

The facility PREA brochure contains information regarding outside supportive services. When probed, over half of the inmates could recall getting the brochure.

#### Facility Response:

All inmates have access to the PREA brochure through the kiosk and inmate tablets. Inmates are required to acknowledge seeing the brochure on their initial use.

All inmates are provided a paper pamphlet and reminded of access through the kiosk or tablet and the number for outside help when they report any allegations of PREA. There are signs posted around the institution with the numbers for outside services (STSM).

Contact: Sexual Trauma Services of the Midlands/ 3830 Forest Drive -Suite 201, Columbia, SC 29204

The auditor requested that STSM outside emotional services provide information regarding inmates within the past 12 months. The Sexual Trauma Services of the Midlands (STSM) provided monthly reports to the SCDC agency PREA coordinator. The auditor reviews the reports from June 2020 to February 2021, which revealed the following:

- Total number of Crisis Intervention – 18
- Total number of Hotline Support – 3
- Total number of Hospital Accompaniment – 0
- Total number of Group Services - 9

#### Standard 115.64 – Staff First Responder Duties

#### Concern #1:

Interviewed Targeted Inmates: Three inmates were interviewed who reported sexual abuse while at the facility. One inmate later clarified that he reported sexual harassment. He stated that the report was made in July 2020; and staff did not respond to the allegation until February 2021. He stated that he made the initial allegation to the PREA compliance manager. He also stated that he initially tried to notify a sergeant and the sergeant refused to allow him to make the report. On August 8, 2020 inmates received tablets and that is when he was able to file an allegation with the agency PREA compliance manager. The inmate further elaborated that it wasn't until February 2021 that people came to his dorm to conduct a PREA interview.

Another interviewed inmate reported sexual harassment and staff responded within 72 hours. He stated that he made the report to a counselor and it was sent to be investigated. Although it was investigated nothing happened and the officer is still on the unit.

The 3rd interviewed inmates stated that he reported approximately one year ago that he was sexually abused. He stated that a staff member grabbed his butt. He stated that nothing happened, three days after the allegation was reported on the kiosk, he received correspondence that it would be investigated but nothing happened. The inmate reported that the staff still works at the facility; and another staff member reported that he would back up the allegation, but nothing happened. The staff involved in the allegation is part of the search team.

He reported that last week, staff spoke to him about a recent claim. The inmate stated that he allowed another inmate to use his tablet and the person made a false claim on his tablet that he had been raped.

#### Facility Response:

The Institution has a new management team and a new PREA compliance manager. While the new PREA compliance manager was getting prepared for the audit it was found that the reported PREA allegations for the past 12 months were not investigated or investigations were not completed. The new management team have been working on investigating and closing cases to meet the PREA standards.

It was determined that the past management did not investigate, monitor for retaliation nor notified the inmates of the result of their investigations, and the 30-day incident reviews were not conducted. All past cases are being investigated, monitor for retaliation and inmates are being notified by the new PREA compliance manager, as well as conducting 30-day incident reviews when applicable.

The auditor reviewed 21 investigation packages that included, but not limited to:

- Warden to Warden PREA Notifications – 4
- Incident Report Checklist for PREA Issues – 21
- PREA Investigative Folder Checklist – 21
- Police Services Investigative Reports – 13
- Facility and PREA Coordinator Report of Findings – 21
- Grievance Transferal Memorandum – 7
- Inmate Grievance Form – 7
- Internal Inmate Search – 21
- Incident Report – 21
- Inmate Voluntary Statement – 21
- Miranda Rights – 8
- PREA Incident Review – 7
- Disposition of PREA Report – 21
- Disposition of PREA Notification Report – 21
- Sexual Retaliation Monitoring Form – 6

On July 22, 2021, the facility investigator submitted the above investigation documents.

#### Standard 115.67 – Agency Protection Against Retaliation

##### Concern #1: Staff Retaliation

An interviewed inmate housed in the crisis unit reported that he made an allegation of sexual harassment and nothing happened. He stated that the nursing staff is retaliating against him and came up to him and said since you made a report against me, I'm going to make a report against you. He feels like he is being retaliated by nurse X10. He stated that he feels like his hands are tied.

##### Concern #2: Sgt and/or Nurse Retaliation

Interviewed inmate reported that Sgt would not allow inmate to report PREA claims/allegations. If an inmate report PREA he would get the PREA documentations and compare with inmate hand writing to determine who file the allegation.

An interviewed inmate housed in the crisis unit reported that he made an allegation of sexual harassment and nothing happened. He stated that the nursing staff is retaliating against him and came up to him and said since you made a report against me, I'm going to make a report against you. He feels like he is being retaliated by nurse. He stated that he feels like his hands are tied. He also stated that he is uncomfortable with the inmate watchers. He stated that the facility has inmate watchers who will look at the inmates while they are naked.

He stated that the policy says its ok; however, he is very uncomfortable with it as he feels the inmates are wanting to watch them. The allegation was recently made, the associate has notified the auditor for follow up.

Facility Response:

The Institution has a new management team and a new PREA compliance manager. While the new PREA compliance manager was getting prepared for the audit it was found that the reported PREA allegations for the past 12 months were not investigated or investigations were not completed. The new management team have been working on investigating and closing cases to meet the PREA standards.

It was determined that the past management did not investigate, monitor for retaliation nor notified the inmates of the result of their investigations, and the 30-day incident reviews were not conducted. All past cases are being investigated, monitor for retaliation and inmates are being notified by the new PREA compliance manager, as well as conducting 30-day incident reviews when applicable.

Inmates that are on crisis status are given a suicide smocks to use as clothing. On occasion, inmates do come out of their smock and can be seen undressed, an on occasion, they do masturbate. The inmate watcher job is a position that inmates apply for as a job. This role has guidelines which includes what actions should be done if an inmate does do something that is against policies, rules, regulations, or guidelines. This includes masturbation. The institution cannot control when and where an inmate is going to masturbate. The purpose of the "Watcher" is to ensure that if the inmate attempts suicide, someone is there to assist and contact staff. The only way to accomplish this goal is always to have the suicidal inmate watched. Interview with the staff also incident that if a "Watcher" is very concern, they can request for an inmate job change. Follow-up July 19, 2021.

The auditor reviewed 21 investigation packages that included, but not limited to:

- Warden to Warden PREA Notifications – 4
- Incident Report Checklist for PREA Issues – 21
- PREA Investigative Folder Checklist – 21
- Police Services Investigative Reports – 13
- Facility and PREA Coordinator Report of Findings – 21
- Grievance Transferal Memorandum – 7
- Inmate Grievance Form – 7
- Internal Inmate Search – 21
- Incident Report – 21
- Inmate Voluntary Statement – 21
- Mirada Rights – 8
- PREA Incident Review – 7
- Disposition of PREA Report – 21
- Disposition of PREA Notification Report – 21
- Sexual Retaliation Monitoring Form – 6

On July 22, 2021, the facility investigator submitted the above investigation documents.

Standard 115.71 – Criminal and Administrative Agency Investigations

Concern #1:

A review of 29 PREA investigation Packages for the past 12 months reveal that PREA allegations are not being investigated. Of the 29 one was completed.

Facility Response:

The Institution has a new management staff and a new PCM. While the new PCM was getting prepared for the audit it was found that the PREA allegation investigations were not investigated or completed. With the new management team at the institution, they have been closing cases and getting them back on track.

It was determined that the past facility PREA compliance manager did not investigate, monitor for retaliation nor notified the inmate within the proper timeframe. All past cases are being investigated, monitor for retaliation and inmates are being notified by the new facility PREA compliance manager.

Upon completion of the open investigation the auditor needs the following documents for each case.

- Disposition of PREA Reviews (Notifications to inmates)
- Report of Findings
- Sexual Abuse Retaliation Monitoring
- PREA Incident Reviews – One completed within the past 12 months.

The auditor reviewed 21 investigation packages that included, but not limited to:



- Warden to Warden PREA Notifications – 4
- Incident Report Checklist for PREA Issues – 21
- PREA Investigative Folder Checklist – 21
- Police Services Investigative Reports – 13
- Facility and PREA Coordinator Report of Findings – 21
- Grievance Transferal Memorandum – 7
- Inmate Grievance Form – 7
- Internal Inmate Search – 21
- Incident Report – 21
- Inmate Voluntary Statement – 21
- Mirada Rights – 8
- PREA Incident Review – 7
- Disposition of PREA Report – 21
- Disposition of PREA Notification Report – 21
- Sexual Retaliation Monitoring Form – 6

On July 22, 2021, the facility investigator submitted the above investigation documents.

Facility Response:

The Institution has a new management team and a new PREA compliance manager. While the new PREA compliance manager was getting prepared for the audit it was found that the reported PREA allegations for the past 12 months were not investigated or investigations were not completed. The new management team have been working on investigating and closing cases to meet the PREA standards.

It was determined that the past management did not investigate, monitor for retaliation nor notified the inmates of the result of their investigations, and the 30-day incident reviews were not conducted. All past cases are being investigated, monitor for retaliation and inmates are being notified by the new PREA compliance manager, as well as conducting 30-day incident reviews when applicable.

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- Inmate Voluntary Statement – 21
- Mirada Rights – 8
- PREA Incident Review – 7
- Disposition of PREA Report – 21
- Disposition of PREA Notification Report – 21
- Sexual Retaliation Monitoring Form – 6

On July 22, 2021, the facility investigator submitted the above investigation documents.

Standard 115.73 – Reporting to Inmates

Standard requires following an investigation into an inmates' allegation that he or she suffered sexual abuse in an agency facility, the agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. All such notifications or attempted notifications shall be documented.

Concern #1:

During the documentation review of the 29 PREA investigations only one inmate received notifications.

Investigations were not being investigated; the new facility PREA compliance manager started investigating the requested 29 cases.

Concern #2:

Interviewed Targeted Inmates: Two of the three interviewed inmates stated that the staff did not investigate their allegation, therefore notification did not occur. One inmate stated that they were notified of the results of the allegation.

Concern #3:

Interviewed inmates indicated that PREA allegations were reported, but they have not received any notification.

Facility Response:

The Institution has a new management team and a new PREA compliance manager. While the new PREA compliance manager was getting prepared for the audit it was found that the reported PREA allegations for the past 12 months were not investigated or investigations were not completed. The new management team have been working on investigating and closing cases to meet the PREA standards.

It was determined that the past management did not investigate, monitor for retaliation nor notified the inmates of the result of their investigations, and the 30-day incident reviews were not conducted. All past cases are being investigated, monitor for retaliation and inmates are being notified by the new PREA compliance manager, as well as conducting 30-day incident reviews when applicable.

The auditor reviewed 21 investigation packages that included, but not limited to:

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- Mirada Rights – 8
- PREA Incident Review – 7
- Disposition of PREA Report – 21
- Disposition of PREA Notification Report – 21
- Sexual Retaliation Monitoring Form – 6

On July 22, 2021, the facility investigator submitted the above investigation packages.

#### Standard 115.86 – Sexual Abuse Incident Reviews

Standard requires the facility to 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. Such review shall ordinarily occur within 30 days of the conclusion of the investigation.

#### Concern #1:

During the documentation review of the 29 PREA investigations only one was conducted.

#### Facility Response:

The Institution has a new management team and a new PREA compliance manager. While the new PREA compliance manager was getting prepared for the audit it was found that the reported PREA allegations for the past 12 months were not investigated or investigations were not completed. The new management team have been working on investigating and closing cases to meet the PREA standards.

It was determined that the past management did not investigate, monitor for retaliation nor notified the inmates of the result of their investigations, and the 30-day incident reviews were not conducted. All past cases are being investigated, monitor for retaliation and inmates are being notified by the new PREA compliance manager, as well as conducting 30-day incident reviews when applicable.

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- Mirada Rights – 8
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- Disposition of PREA Report – 21
- Disposition of PREA Notification Report – 21
- Sexual Retaliation Monitoring Form – 6

On July 22, 2021, the facility investigator submitted the above investigation documents.

## Standards

### Auditor Overall Determination Definitions

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

### Auditor Discussion Instructions

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

115.11	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>
	<b>Auditor Overall Determination:</b> Exceeds Standard
	<p><b>Auditor Discussion</b></p> <p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• NEO Employee PREA Training Curriculum, Agency Orientation</li> <li>• Inmate Orientation Manual</li> <li>• Agency Organizational Chart</li> <li>• Facility Organizational Chart</li> <li>• Interviews</li> </ul> <p><b>115.11 (a)</b></p> <p>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.</p> <p>The Facility has 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. GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 indicates that the South Carolina Department of Corrections (SCDC) has a zero-tolerance policy regarding all forms of sexual abuse and sexual harassment in all institutions operated by, or contracted with, SCDC for the confinement of inmates. SCDC will ensure all allegations of sexual abuse and sexual harassment are thoroughly investigated and will support the prosecution of anyone found to have contributed to criminal activity. SCDC will ensure all employees, volunteers, interns, contractors, and inmates are trained and aware of SCDC's zero-tolerance policies.</p> <p>The agency elected to take a zero-tolerance position against sexual abuse and sexual harassment of inmates in their custody. The South Carolina Department of Corrections has instituted a zero-tolerance policy in relation to PREA within all (21) correctional Institutes under its supervision. This policy indicates that sexual abuse by staff on inmates or by one inmate to another inmate is strictly prohibited. Additional policies have been put into place to prevent, detect, and respond to sexual abuse and sexual harassment.</p> <p>PREA standard 115.6 Definitions related to sexual abuse and sexual harassment, give guidance to the agency and facility on defining sexual abuse and harassment. GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 has a list of definitions that includes the guidance from the PREA standard on pages 8 – 9. The facility staffing plan also includes the definitions of sexual abuse and sexual harassment.</p> <p>Policy also states, consensual sexual contact among inmates is prohibited, and will be referred through the Inmate Disciplinary System. Non-coercive sexual activity between inmates does not constitute sexual abuse, and the agency may not deem it as such. It is thus beyond the scope of this policy.</p> <p><b>115.11 (b)</b></p> <p>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.</p> <p>The South Carolina Department of Corrections (SCDC) employs and designated an agency wide PREA coordinator. The PREA coordinator, is responsible for the oversight of one PREA compliance manager (PCM) at each facility in the SCDC system. The position of PREA coordinator position is in the upper level of the SCDC agency hierarchy. The position of PREA coordinator reports directly to the chief legal &amp; compliance officer/director's PREA designee. The PREA coordinator assumed his position as PREA coordinator in April 2019.</p> <p>Central Office Staff: Agency PREA coordinator (PC) was asked, do you feel that you have enough time to manage all of your PREA related responsibilities? The PC indicated yes, and confirmed that he has sufficient time and resources to coordinator all PREA activities. He has sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all facilities.</p>

**115.11 (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.

GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 Policy statement: Pursuant to the Prison Rape Elimination Act (PREA), the South Carolina Department of Corrections (SCDC) has a zero-tolerance policy regarding all forms of sexual abuse and sexual harassment in all institutions operated by, or contracted with, SCDC for the confinement of inmates. SCDC will ensure all allegations of sexual abuse and sexual harassment are thoroughly investigated and will support the prosecution of anyone found to have contributed to criminal activity. SCDC will ensure all employees, volunteers, interns, contractors, and inmates are trained and aware of SCDC's zero-tolerance policies.

**Central Office Staff:** Agency PREA coordinator (PC) was asked, how many facility PREA compliance managers are there throughout the agency? How do you interact with them? Response, he stated 21 SCDOC facilities and 1 private prison, he communicates through email, text, phone calls, and quarterly meetings (in person or via virtual media).

**Central Office Staff:** Agency PREA coordinator (PC) was asked, if you identify an issue with complying with a PREA standard, what actions or processes do you undertake to work toward compliance with the standard? Response, he would work with the PCM, the warden, the regional director, the assistant deputy director, the deputy director, and finally the agency director (Agency Head) if needed be. Issues are normally addressed in writing through email or memorandums.

The facility staffing plan procedures include information on the facility PREA compliance manager designated process. The warden will designate an employee with sufficient time and authority to develop, implement, manage, and oversee efforts to address the requirements contained in the PREA standards. The facility PREA compliance manager will report directly to the warden for all matters related to PREA.

**Facility Staff:** Facility PREA compliance manager was asked; do you feel that you have enough time to manage all of your PREA related responsibilities? The facility PREA compliance manager indicated yes.

The facility PREA compliance manager also indicated that she coordinates with the facility efforts to comply with the PREA standards by discussing PREA incidents in shift briefings and monthly staff meetings, ensure staff know all allegations must be reported, and make unannounced rounds, etc.

115.12	<b>Contracting with other entities for the confinement of inmates</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p><b>Auditor Discussion</b></p> <p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Facility Staffing Plan</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Addendum to the Annual PREA Report</li> <li>• Inmate Housing Agreement Between SCDC and CoreCivic, Inc.</li> <li>• CoreCivic 2018 PREA Audit</li> <li>• Memo: PREA Compliance Monitoring</li> <li>• CoreCivic 2020 PREA Annual Report (Private Facility)</li> <li>• Interviews</li> </ul> <p><b>115.12 (a)</b></p> <p>A public agency that contracts for the confinement of its inmates with private agencies or other entities, including other government agencies, shall include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards.</p> <p>The South Carolina Department of Corrections has contracted for the confinement of inmates with CoreCivic, private entity. The PREA coordinator provided the auditor with a fully executed copy of the contract between SCDC and CoreCivic. Review of the contract showed that PREA language requiring the facility to become and maintain compliance with all PREA standards was included. Documentation confirmed that SCDC agency PREA coordinator monitor Core Civic's PREA compliance activities.</p> <p>GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 Policy statement: Pursuant to the Prison Rape Elimination Act (PREA), the South Carolina Department of Corrections (SCDC) has a zero-tolerance policy regarding all forms of sexual abuse and sexual harassment in all institutions operated by, or contracted with, SCDC for the confinement of inmates. SCDC will ensure all allegations of sexual abuse and sexual harassment are thoroughly investigated and will support the prosecution of anyone found to have contributed to criminal activity. SCDC will ensure all employees, volunteers, interns, contractors, and inmates are trained and aware of SCDC's zero-tolerance policies.</p> <p>The Office of Legal and Compliance provided an Addendum to the Annual PREA report dated September 16, 2019 regarding requirements of the CoreCivic Safety – Tallahatchie County Correctional Facility Annual Report files.</p> <p>Staff Plan: The facility staffing plan included a section on contracts. This section stated:</p> <ul style="list-style-type: none"> <li>• Should the facility enter into any contract for the confinement of offender with another agency, public or private, the contract will include the contractor's obligation to adopt and comply with PREA standards and the facility authority to monitor the contractor for compliance with PREA standards.</li> <li>• Documentation regarding any active contracts will be maintained by the agency PREA coordinator/designee for record keeping purposes and will be made available to the PREA coordinator upon request.</li> </ul> <p><b>115.12 (b)</b></p> <p>Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards.</p> <p>The auditor received a memorandum from Deputy Director of Legal and Compliance to the warden of Core Civic on June 25, 2019 stating that Kenneth James is the South Carolina Department of Corrections PREA Coordinator. As such, he will monitor Core Civics' PREA compliance to ensure SCDC's compliance of the same.</p> <p><b>Central Office Staff:</b> Deputy director of legal and compliance/agency contract administrator was asked; how do you monitor new and renewed contracts for confinement in the contractor complies with required PREA practices? Response, the agency includes a provision in the contract with CoreCivic mandating compliance with PREA standards and the agency PREA coordinator communicates with and monitors compliance with the PREA standards.</p>

115.13	<b>Supervision and monitoring</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Staffing Plan</li> <li>• SCDC Policy Number 22.24 Post Orders</li> <li>• SCDC Policy OP-22.48 Institutional Weekly Rounds</li> <li>• SCDC Policy OP-22.48 Institutional Weekly Rounds</li> <li>• SCDC Policy ADM 11.12 Post/Shift Assignments</li> <li>• SCDC Policy ADM-17.01 Employee Training Standards</li> <li>• SCDC Policy GA-01.12 Inmate Grievance System</li> <li>• SCDC Policy GA-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria</li> <li>• SCDC Policy HS-19.04 Mental Health Services – General Provisions</li> <li>• SCDC Policy OP-21.04 Inmate Classification Plan</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• Unannounced Rounds</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p><b>115.13 (a)</b></p> <p>The agency shall ensure that each facility it operates shall develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and where applicable, video monitoring, to protect inmates against sexual abuse. In calculating adequate staffing levels and determine the need for video monitoring, facilities shall take into consideration:</p> <ul style="list-style-type: none"> <li>• Generally accepted detention and correctional practices;</li> <li>• Any judicial findings of inadequacy;</li> <li>• Any finding of inadequacy from Federal investigative agencies;</li> <li>• Any findings of inadequacy from internal or external oversight bodies;</li> <li>• Any findings of inadequacy from internal or external oversight bodies;</li> <li>• All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated);</li> <li>• The composition of the inmate population;</li> <li>• The number and placement of supervisory staff;</li> <li>• Institution programs occurring on a particular staff;</li> <li>• Any applicable State, or local laws, regulations, or standards;</li> <li>• The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and</li> <li>• Any other relevant factors.</li> </ul> <p>The South Carolina Department of Corrections ensures that each facility it operates develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and where applicable, video monitoring, to protect inmates against sexual abuse.</p> <p><b>Central Office Staff:</b> The agency PREA coordinator confirmed that all PREA staffing plans are reviewed and responded to by his at least annually, and not the Division of Security. The Division of Security is responsible for review of facility post orders previously termed staffing plans and the Master POST Chart. SCDC has since then made changed in other policies to better align with PREA terminology and to reduce confusion of terms.</p> <p><b>Facility Staff:</b> The warden indicated that the facility has a staffing plan and the plan is adequate staffing levels to protect inmates against sexual abuse. Video monitoring is a part of the plan and every housing unit has cameras which monitor common areas. The staff plan is documented and is provided and maintained by the Division of Operations and updated annually. Anytime it is updated it is sent out to the wardens.</p> <p><b>Facility Staff:</b> The warden indicated when assessing adequate staffing levels and the need for video monitoring, the institutions are given the staffing plans from the Division of Operations. If the facility does not agree they can request modifications. It is the understanding the ACA standards previous litigation, and internal and external audits are all taken into consideration when forming the staffing plan. The facility does not decrease the staffing level based on video cameras. They</p>



are addition to staffing.

**Facility Staff:** When assessing adequate staff levels and the need for video monitoring do the facility considers all requirements? The facility PREA compliance manager indicated, when developing the staffing plan the above elements were taken into consideration. Any changes to the scheduling and staffing will be adjusted based on the composition of the resident population and programming occurring.

SCDC Policy Number: OP 22.24 Poster Orders policy indicates – In order to promote consistent and uniform operations within SCDC, the Division Director of Security will be responsible for the development and publication of Agency Post Orders which are designed to specify the duties and responsibilities for Officers assigned to security posts within the Agency.

SCDC Policy ADM 11.12 Post/Shift Assignments policy indicates – In order to promote the safety and security of the agency, the public, employees, and inmates; to ensure adequate supervision of all inmates; and to meet the operational needs of institutions and divisions/offices, the agency will develop and implement consistent and uniform procedures governing post and shift assignments and days off for SCDC employees.

Policy requires each SCDC institution will develop through individual institutional leadership teams, and comply with, an Institutional Staffing Plan. This plan will be developed in coordination with the Agency's PC and must be approved by the institution's Warden and the Agency's PC annually.

The Staff Plan that was signed on 3/10/2021 included the following:

1. Broad River Correctional Institution and Broad River Secure Facility Organizational Chart

2. Physical Plant

3. List of Non-Living

- Administration Building
- Parole Room
- Library and Law Library
- Horticulture and Auto Mechanic/Green House
- Multipurpose Building
- Commissary
- Canteen
- Cafeteria
- S Building
- Chapel
- Maintenance
- Visitation Room
- Medical

4. List of Living Units

- Murray A – Wing /Design Capacity 128/Special Population Type – Medical
- Murray B – Wing/Design Capacity 124/Special Population Type- Medical
- Marion A – Wing/Design Capacity 128/Character Unit
- Marion B – Wing/Design Capacity 124/ Character Unit
- Wateree A – Wing/Design Capacity 128/Structured Living
- Wateree B – Wing/Design Capacity 124/Structured Living
- Monticello A – Wing/Design Capacity 128/General Population
- Monticello B – Wing/Design Capacity 124/General Population
- Moultrie A – Wing/Design Capacity 128/ New Direction Program
- Moultrie B – Wing/Design Capacity 128/New Direction Program
- Greenwood A – Wing/Design Capacity 128/Crisis Stabilization
- Greenwood B – Wing/Design Capacity 128
- Congaree A – Wing/Design Capacity 89/Secure Mental Health Unit (BRSF)
- Congaree B – Wing/Design Capacity 80/Secure Mental Health Unit (BRSF)
- Edisto A – Wing/Design Capacity 68/Death Row (BRSF)
- Edisto B – Wing/Design Capacity 67/Death Row (BRSF)
- Saluda A- Wing/Design Capacity 48/Restrictive Housing Unit (BRSF)
- Saluda B – Wing/Design Capacity 48/Restrictive Housing Unit (BRSF)

5. Master Post Chart of Staffing

6. Cameras:

- The Broad River/Broad River Secured Facility has 272 cameras located in and around the facility that are always monitored and recorded. The cameras in the facility cover the main sections of the building to include housing wings, hallways, recreation areas and visitation. The outside cameras cover the surrounding areas, exits, and entrances to the facility.

- There are no cameras in general population rooms or in holding cells. All offenders' rooms are equipped with functioning sinks and toilets. Camera surveillance is utilized throughout the facility, minus the 15 identified blinds spots listed which maintenance work orders and /or CJC's have been submitted to provide cameras to those areas of concern.

7. Camera Location – Broad River/Broad River Secure Facility

8. Staffing Patterns

9. Institution Diagram

10. Full Time and Part Time Post

11. Facility Schedule

12. Upgrades to Facilities and Technology

13. Training

14. Security Rounds

15. Post-Admission Screening Tools

16. Protective Custody

17. Reporting PREA Incidents

18. Facility Protection against Retaliation

19. Confidentiality

20. Investigation and Intervention Procedures for Report of Sexual Abuse

21. Sexual Abuse Incident Review Team

22. Unannounced Rounds

23. Diversionary Housing Unit

24. Definitions for PREA Standards

### **115.13 (b)**

In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan.

SCDC Policy states that the institution's PCM will ensure that any deviations from the approved staffing plan are documented in memorandum format or on SCDC Form 19-29.1, "Incident Report." And filed for review during auditing. Also, all deviations from the staffing plan will include, but is not limited to, reasons for the deviation, corrective action plan, and a determination on whether the change is permanent or temporary.

**Facility Staff:** How do you check for the staffing plan compliance? The warden indicated during unannounced rounds they physically monitor the staffing. Agency security audits are conducted, and daily reviews of the duty roster.

It was also indicated that the facility documents all instances of non-compliance with the staffing plan. This is done by shift supervisors in the duty roster and newly implemented end of shift reports.

The documentation includes explanations for non-compliance by the roster showing sick calls, annual laves, suspensions, call-in, etc....

### **115.13 (C)**

Whenever necessary, but no less frequently that once each year, for each facility the agency operates, in consultation with the PREA coordinator required by standard 115.13, the agency shall assess, determine, and document whether adjustments are needed to:

- The staffing plan established pursuant to paragraph (a) of this section;
- The facility's deployment of video monitoring systems and other monitoring technologies; and
- The resources the facility has available to commit to ensure adherence to the staffing plan.

The Division of Security is responsible for developing all staffing plans for each facility. Once the staffing plan had been developed, the Deputy Director would forward the plan to the facility's Warden for review. The Warden may make comments in response to the plan, the final version was determined by the Division of Security. The PREA coordinator is required to be one of the signatories on the final approved staffing plan.

**Central Office Staff:** Agency PREA coordinator (PC) was asked, are you consulted regarding any assessments of, or adjustments to, the staffing plan for this facility? How often do these assessments happen? Response, yes – yearly (annually). Institutions have quarterly PREA meetings and at one of the meetings, the staffing plan is reviewed with the institutional team. Once agreed and signed off by the warden, the Staffing Plan is sent to the PREA coordinator for review. Once reviewed by the PC, the staffing Plan is then discussed in coordination between the PCM and PC then signed if the Staffing Plan meets the requirements of the PREA standards.

### **115.13 (D)**

Each agency operating a 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 agency shall have a policy to prohibit staff from alerting other staff member that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.

The South Carolina Department of Corrections 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. The practice is implemented for night shifts as well as day shifts.

Policy 06.11 section 1.2.2.4 states, all warden, associate wardens, and senior institutional supervisory officers are required to conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment of inmates and documenting such unannounced rounds utilizing SCDC Form 19-164.A, "General Population Housing Unit Unannounced Rounds Log".

SCDC Policy OP-22.48 Institutional Weekly Rounds: The policy included section 3. "Quality Rounds": provision 3.1 rounds shall be conducted with the purpose of assessing the functioning of a specific area within the facility including any maintenance issue affecting the areas/location. Rounds shall also serve as an effective mechanism for gauging the climate of the institution for both staff and inmates and for identification and deterrence of sexual abuse and sexual harassment. In doing so, staff conducting rounds shall talk with the staff assigned to the respective areas an inquire about issues/concerns they may have; talk with some inmates (or make oneself available to have dialogue); look at sanitation issues; and examine operational issues (specific to the area).

Provision 3.4 also included, staff shall not alert other employees that supervisory rounds are occurring unless such announcement is related to the legitimate operational function of the facility.

SCDC Policy OP-22.48 Institutional Weekly: The policy included section 4. "Documentation of Rounds": provision 4.2 all intermediate or higher-level supervisors, to include warden, associate wardens, duty wardens, majors, and shift supervisors, who conduct unannounced rounds shall document "Unannounced Round" or "UAR" in the Reason for visit column of the RHU Visitation Log (SCDC Form 19-164 or GP Visitation Log (SCDC Form 19-164a) in each area visited.

Staff Plan: Section M – The facility's higher-level supervisors are required to conduct and document unannounced rounds on SCDC Form 19-164a "Unannounced Rounds Log", pursuant to 115.13 (e), to identify and prevent sexual abuse and sexual harassment of offenders by officers. The requirement for the mandate rounds is directed from SCDC Policy OP-22.48, Institutional Weekly Rounds.

**Facility Staff:** The major indicated, as major of the facility he is required to conduct unannounced rounds twice per week in all areas of the facility. Each unannounced round conducted a notation is made on the unannounced log entry as well as inside the logbook in read and notate in the book about PREA rounds being conducted.

The major also indicated that he prevents staff from alerting other staff that he is conducting unannounced rounds is easy for him because he has keys to all areas.

- Unannounced Rounds Logs – 30 pages.
- Restrictive Housing Unit (RHU) Logs – 70 pages.

**Corrective Action Summary:**

The standard states that the agency shall ensure that each facility it operates shall develop, document, and make its best efforts to comply on a regular basis with a staff plan that provides for adequate levels of staffing.

Concern 1: Staff safety

During the facility tour, staff were asked, do you feel safety working at this facility? Some staff indicated that they do not feel safety working in units alone. A review of the security staffing indicated a total of 320 full positions and 110 vacancy security positions as of the onsite audit.

The facility provided the auditor information on the "Body Alarms" process. The issuing of body alarms for the agency is utilized for the safety of the staff in the event an emergency may occur within the facility. The body alarm is issued to non-security staff as a part of their daily uniform attire. The body alarm makes a loud sound when activated by pulling the string to notify staff that an emergency is occurring. Each day non-security staff is required to sign out the body alarm and return each day. This device can ensure staff have safety precautions in place for the protection of all staff members that enter the facility that's in the presents of inmates.

The auditor check for staff picking up the body alarms on March 16, 2021 and staff did sign out body alarms.

See facility response below.

Concern 2: Unlock Doors

During the facility tour of the Restrictive Housing Unit (RHU), the back exit doors leading outside for each unit were unlocked and white trash bags were used to tide the doors open.

See facility response below.

#### Concern 3: Unlock Doors

During the facility tour of the kitchen and the industrial shop, two exit doors in the back of the kitchen was unlock and two exit doors in the industrial shop was unlock.

See facility response below.

#### Concern 4: Gates and Doors

During the facility tour, the auditor noted over 25 janitorial closet doors, office doors, and gates were unlocked. There were some doors and gates prop open.

See facility response below.

#### Concern 5: Sheets torn into strings

During the facility tour of the Restrictive Housing Unit (RHU), there were a large number of sheets torn into strings and ran to different inmate cells. The auditor informally interviews the inmates in their cells questioning the purpose of the stringing. The inmates stated that they are lock down for 24 hours per day and they communicate with each other using the strings. There is a code system that they use to communicate with each other. The question was asked, how do inmates get the strings to each other cells. Example: there were strings ran from the first floor to the second-floor cells. Inmates stated, we are lock down 24 hours, you think about it.

#### Concern 6: Blind Spots within Inmate Cells

During the facility tour the auditor noted large number of inmate cell doors/windows are covered with paper blocking staff from viewing inside the cells.

The auditor also noted that within the inmate cells they were compartmentalized, meaning the inmate are using sheets to separate the toilet from the beds by tiring strings a cross the cell and placing sheets to build a wall.

See facility response below.

#### Concern 7: Cell Lights

During the facility tour the auditor noted that inmates in one dorm control their cell lights by attaching a string to the light switch outside of their cell door to turn the light in the cell off or on.

#### Facility Responses:

The institution has guidelines on how to keep yourself safe while working in the units alone. Broad River C.I.'s institutional guidelines state that if you are in a unit alone, you cannot open any cell doors by yourself. This guideline, along with others, were developed for the safety of the officers and staff working within the institution. The Warden and Institutional Leadership Team will continue and increase the number of rounds made by leadership to support the frontline staff and officers working in the units.

The Warden has also began having more conversations with new and female officers regarding concerns for their safety. Additionally, Broad River has started offering leadership class to the staff and are doing numerous motivational initiatives to boost the morale of the staff for retention.

On March 22nd, the Warden of the institution provided a memo to all institutional staff addressing the safety concerns noted during the audit (concerns 1-7). These issues were also addressed in shift briefings and meetings with staff about the importance of basic security and the importance of opposite gender announcing. The facility has also put-up signs as an extra reminder to staff regarding the mandates for announcements. The announcements of opposite gender staff help the inmates ensure they are in a decent state when a female has entered the wing. If a staff member is exposed to by an inmate while on the wings, the inmate should be written up and forwarded for charges.

The shower curtains that the agency utilizes were approved by the agency PREA coordinator as being within the national PREA standards. It has been brought to the PREA coordinator's attention that when you stand in a certain area you can see in the showers and a fully naked inmate. The toilets are placed in the inmate's cell and you cannot see the inmate using the rest room unless the inmate is trying to be seen.

To correct the problem of the showers and give the inmate more privacy, the facility is allowing inmates to cover the top of the PREA approved curtains and turn off the lights. With the lights off, an inmate's silhouette can be seen, but you cannot make out features. Additionally, there is clear plastic on the top and bottom of the shower curtain. By allowing the inmate to cover the top, inmates and others cannot see the inmate in the shower below the head. Officers will still be able to see the inmate's legs, below the knee, through the clear bottom of the shower curtain to ensure they are sexually safe.

The auditor follow-up with the agency PREA coordinator and the facility compliance manager, it was indicated that the corrective actions that was put in place is being maintained. July 19, 2021.

#### Concern 8: Unannounced Rounds

Standard requires each agency operating a facility shall implement a policy and practice of having intermediate-level of higher-level supervisor conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment.

Reviewed documentation of unannounced rounds was provided to the auditor. However, the concern is the quality of the rounds being documented. During the facility tour the auditor noted PREA issues that should have been revealed during the unannounced rounds.

#### Facility Response:

The agency has amended its Duty Warden's Checklist (Form 19-173) to include significant events noted during the unannounced rounds. Including the significant events will increase the quality of rounds being documented.

<b>115.14</b>	<b>Youthful inmates</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p data-bbox="242 210 451 237"><b>Auditor Discussion</b></p> <p data-bbox="242 271 504 297"><b>Supporting Information:</b></p> <ul data-bbox="242 331 1449 622" style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• SCDC Policy OP-21.04 Inmate Classification Plan</li> <li>• OP-22.39 Young Offender Parole and Reentry Services</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p data-bbox="242 656 347 683"><b>115.14 (a)</b></p> <p data-bbox="242 712 1489 772">A youthful inmate shall not be placed in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters.</p> <p data-bbox="242 801 1118 828">The facility does not house any inmates under the age of 18 years old (youthful inmate).</p> <p data-bbox="242 837 1425 898">SCDC Policy Number: OP 22.39 Young Offender Parole and Reentry Services sections 2.4.1 and 2.4.2: Male Youthful Offenders are primarily housed at Tuberville and Trenton Correctional Institutions.</p> <p data-bbox="242 927 1329 954">Section 2.4.2 Female Young Offender are primarily housed at Camille Griffin Graham Correctional Institution.</p> <p data-bbox="242 985 1485 1113">SCDC Policy Number: OP 22.39 section four: Definitions – Youthful Offender refers to an offender who is at least 17 but less than 25 years of age at the time of conviction, referred to ISS, and who is sentenced under the South Carolina YOA, as defined in chapter 19 section 24, of the South Carolina Code of Laws, as amended, for a crime that is a misdemeanor, a Class E or F felony, or a felony which provides for a maximum term of imprisonment of 15 years or less.</p> <p data-bbox="242 1142 1493 1370">The South Carolina Department of Corrections Policy Number OP-21.04 Inmate Classification Plan 22 Young Offender Parole and Reentry Services (YOPRS): The South Carolina Department of Corrections has established a Young Offender Parole and Reentry program to provide progressive programming and strict discipline to inmate sentenced under the Youthful Offender Act (YOA). Central Classification will initiate necessary transfer upon request of the YOPRS Division. The Case Manager Team (CMT) will conduct initial reviews, initial orientation, and regularly scheduled reviews of inmates sentenced under the Youthful Offender Act. Reviews will be conducted as required by SCDC Policy OP-22.39, “Young Offender Parole and Reentry Services (YOPRS)”.</p> <p data-bbox="242 1400 1485 1494"><b>Facility Staff:</b> Facility PREA compliance manager was asked; does this facility housed youthful inmates in the past 12 months? Response, no, that youthful inmates are housed at Tuberville, Trenton Correction Institutions and female housed at Camille Griffin Graham Correctional Institution.</p> <p data-bbox="242 1525 347 1552"><b>115.14 (b)</b></p> <p data-bbox="242 1583 794 1610">In areas outside of housing units, agencies shall either:</p> <ul data-bbox="242 1641 1366 1702" style="list-style-type: none"> <li>• Maintain sight and sound separation between youthful inmates and adult inmates, or</li> <li>• Provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact.</li> </ul> <p data-bbox="242 1731 1118 1758">The facility does not house any inmates under the age of 18 years old (youthful inmate).</p> <p data-bbox="242 1789 347 1816"><b>115.14 (c)</b></p> <p data-bbox="242 1848 1465 1975">Agencies shall make best efforts to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, agencies shall not deny youthful inmates daily large-muscle exercise and any legal required special education services to comply with this provision. Youthful inmates shall also have access to other programs and work opportunities to the extent possible.</p> <p data-bbox="242 2004 1118 2031">The facility does not house any inmates under the age of 18 years old (youthful inmate).</p>

115.15	<b>Limits to cross-gender viewing and searches</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC Policy Number: OP 22.19 Searches of Inmates</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• SCDC Policy ADM-17.01 Employee Training Standards</li> <li>• SCDC Policy GA-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria</li> <li>• SCDC Policy HS-19.04 Mental Health Services – General Provisions</li> <li>• SCDC Policy OP-21.04 Inmate Classification Plan</li> <li>• Training Curriculum</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p><b>115.15 (a)</b></p> <p>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.</p> <p>Policy HS-18.13 Health Screening and Exams section 5 – Body Cavity Searches: An inmate body cavity search will be conducted by Agency medical trained personnel when authorized in writing using SCDC Form 19-29A, Incident Report, by the Warden or designee.</p> <p>Policy also requires only physicians or specially trained nursing personnel may perform body cavity searches. SCDC trained nursing personnel will have this special training documented on the computer-generated training record, a copy of which will be filed in their respective personnel files.</p> <p>SCDC Policy GA-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria, Section 4.1 states, Transgender inmates and inmates with gender dysphoria will be allowed to indicated in writing which gender they feel most comfortable being searched by to include frisk (pat) searches and strip searches. This preference will be recorded in the inmate's individualized accommodation plan and classification screen as well as intake documentation if the preference is expressed at that time. Absent exigent circumstances, this preference will be accommodated when possible, considering employee, security, and safety concerns and consistent of the Prison Rape Elimination Act.</p> <p><b>Facility Random Staff:</b> Sixteen (16) staff, representing staff from all shifts, were interviewed. Ten (10) of the interviewed random staff reported that they are not allowed to conduct cross-gender pat down searches. One staff reported that they are new and have not went to the academy yet, one staff stated that they can't recall if they are trained to conduct cross-gender searches because they haven't had to search anyone in a while, and another staff was unsure. It should be noted that the interviewer had to redirect the question for multiple interviewed staff. More than half of the staff confused cross-gender pat down searches with the searching of transgender inmates.</p> <p>When staff were asked, when did they receive the training; all but one staff stated that they receive search refresher training every year.</p> <p><b>115.15 (b)</b></p> <p>As of August 20, 2015, or August 20, 2017 for a facility whose rated capacity does not exceed 50 inmates, the facility shall not permit cross-gender pat-down searches of female inmates, absent exigent circumstances. Facilities shall not restrict female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.</p> <p>The facility only housed male inmates. See section (a) response.</p> <p><b>115.15 (c)</b></p> <p>The facility shall document all cross-gender strip searches and cross-gender visual body cavity searches, and shall document all cross-gender pat-down searches of female inmates.</p>

Policy Number: OP 22.19 Searches of Inmates section 4.3 – Strip searches will be performed by employees of the same sex as the person being searched, except in extreme emergencies approved by the major (or captain at those institutions without a major) or other higher authority, or when the search is performed by medical practitioners. Facilities shall document all cross-gender strip searches.

**115.15 (d)**

The facility shall implement policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures shall require staff of the opposite gender to announce their presence when entering an inmate housing unit.

Policy requires the facility to implement policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures require staff of the opposite gender to announce their presence when entering an inmate housing unit.

SCDC Policy GA-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria, Section 3. Housing of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria 3.1 states, in deciding whether to house transgender inmate and inmates with gender dysphoria in a facility for male or females, and in making other housing decisions (bathroom and shower access) and programming assignments, the Multidisciplinary Management and Treatment Team will consult with the Division of Operations as well as central classifications to create a plan with a reasonable outcome for the inmate and institution as a whole. Safety concerns will be taken into account.

Policy 06.11 section 1.2.2.5 states, all staff, volunteers, interns, contractors, and visitors entering a living facility will have his/her presence announced. This announcement will be provided in a volume loud enough to provide all inmates the opportunity to hear such announcements.

**Facility Random Staff:** One hundred percent of staff interviewed sixteen (16) stated that inmates are allowed to dress, shower, toilet without being viewed by staff of the opposite gender. Several staff further elaborated that there are circumstances where that is not possible; for example, an inmate on the crisis unit, inmates who expose themselves, and in some units if you are on the upper level, you can see down to the lower level. Several staff also reported that inmates will put a “flap” on the window when they are using the toilet.

Nine (9) of the sixteen (16) interviewed staff reported that opposite gender staff announce their presence when entering the housing unit. The staff reported that they will make announcement by saying “female on the rock” or “female on the dorm”. One staff stated that when you make the announcement, it alerts the inmates and they will begin to expose themselves. Another female staff stated “I am supposed to, but I don’t”. Another staff stated that female staff do not usually make announcements, its defendant on where they work. Medical does but not necessarily security staff.

**115.15 (e)**

The facility shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate’s genital status. If the inmate’s genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or inf necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

The South Carolina Department of Corrections prohibit facility to search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate’s genital status. If the inmate’s genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

Policy Number GA-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria section 4.1 – indicated that Transgender inmates and inmates with gender dysphoria will be allowed to indicate in writing which gender they feel most comfortable being searched by to include frisk (pat) searches and strip searches. This preference will be recorded in the inmate’s individualized accommodation plan and classification screen as well as intake documentation if the preference is expressed at that time. Absent exigent circumstances, this preference will be accommodated when possible, considering employee, security, and safety concerns and consistent of the Prison Rape Elimination Act.

**Facility Random Staff:** Fifteen (15) of the sixteen (16) interviewed staff stated that they facility prohibits staff from searching or physically examining a transgender or intersex Inmate for the sole purpose of determining their genital status. One female staff reported that they could search an inmate to determine their genital status.

**115.15 (f)**

The agency shall train security staff in how to conduct cross-gender pat down searches, and searches of transgender and



intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

The facility has conducted training as required in standard. SCDC utilizes the training curriculum provided by the National PREA Resource Center titled Guidance in Cross-Gender and Transgender Pat Searches. This training was designed to be used in a 3.5-hour session. Through completing the training staff developed skill for performing cross-gender pat searches and searches of transgender and intersex inmates per PREA standards. The Guidance in Cross-Gender and Transgender Pat-Searches curriculum included:

- Learning the relevant PREA standards for cross-gender pat searches and for searches of transgender and intersex inmates and residents.
- Understanding and apply the definition of exigent circumstances.
- Learning and understanding key terms relevant to conducting appropriate searches and considerations for searches of transgender or intersex inmates and residents.
- Practicing the steps of cross-gender pat searches and searches of transgender or intersex inmates and residents,
- Observing, analyzing, and providing feedback to correctional peers on practical application of searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

**Corrective Action Summary:**

**Concern 1: Opposite Gender Announcing their Presence**

Nine (9) of the sixteen (16) interviewed staff reported that opposite gender staff announce their presence when entering the housing unit. The staff reported that they will make announcement by saying "female on the rock" or "female on the dorm". One staff stated that when you make the announcement, it alerts the inmates and they will begin to expose themselves. Another female staff stated "I am supposed to, but I don't". Another staff stated that female staff do not usually make announcements, it depends on where they work. Medical does but not necessarily security staff.

**Concern 2: Opposite Gender Announcing their Presence**

Thirty (30) random inmates and ten (10) targeted inmates were interviewed for a total of 40 inmates interviewed. Only five of the interviewed inmates reported that staff announce their presence when entering the housing area. When probed, the inmates stated that sometimes make announcements, staff are not consistent, and the facility just put signage up last week saying that announcements have to be mad

**Concern 3: Inmate Showers**

Thirty (30) random inmates and ten (10) targeted inmates were interviewed for a total of 40 inmates interviewed. Eight of the inmates reported that sometimes they can be seen fully naked in front of female staff. Several of the inmates reported that they will try to put up barriers when they are using the toilet; however, it is possible that they can be seen.

**Concern 4: Inmate Showers**

During the facility tour the auditor and several staff observed the inmate showers regarding whether staff and other inmates can be seen naked while showering. When staff or inmate are going upstairs or coming downstairs, they are able to see into the showers. Some inmates were using sheets to block from being seen.

**Facility Responses:**

On March 22nd, the warden of the institution provided a memo to all institutional staff addressing the safety concerns, opposite gender announcing their presence and inmate showers. These issues were also addressed in shift briefings and meetings with staff about the importance of basic security and the importance of opposite gender announcing. The facility has also put-up signs as an extra reminder to staff regarding the mandates for announcements. The announcements of opposite gender staff help the inmates ensure they are in a decent state when a female has entered the wing. If a staff member is exposed to by an inmate while on the wings, the inmate should be written up and forwarded for charges.

The shower curtains that the agency utilizes were approved by the agency PREA coordinator as being within the national PREA standards. It has been brought to the PREA coordinator's attention that when you stand in a certain area you can see in the showers and a fully naked inmate. The toilets are placed in the inmate's cell and you cannot see the inmate using the rest room unless the inmate is trying to be seen.

To correct the problem of the showers and give the inmate more privacy, the facility is allowing inmates to cover the top of the PREA approved curtains and turn off the lights. With the lights off, an inmate's silhouette can be seen, but you cannot make out features. Additionally, there is clear plastic on the top and bottom of the shower curtain. By allowing the inmate to cover the top, inmates and others cannot see the inmate in the shower below the head. Officers will still be able to see the inmate's legs, below the knee, through the clear bottom of the shower curtain to ensure they are sexually safe.

The auditor follow-up with the agency PREA coordinator and the facility compliance manager, it was indicated that the corrective actions that was put in place is being maintained. July 19, 2021.

#### Concern 5: Inmate Watchers

Interviewed inmate housed in the crisis unit reported that he is uncomfortable with the inmate watchers. He stated that the facility has inmate watchers who will look at the inmates while they are naked. He stated that the policy says its ok; however, he is very uncomfortable with it as he feels the inmates are wanting to watch them. The allegation was recently made, the associate has notified the auditor for follow up.

Two watchers reported feeling uncomfortable watching the inmates when they are on the crisis unit and they are masturbating. They feel that it puts them in a vulnerable position.

#### Facility Response:

Inmates that are on crisis status are given a suicide smocks to use as clothing. On occasion, inmates do come out of their smock and can be seen undressed, an on occasion, they do masturbate. The inmate watcher job is a position that inmates apply for as a job. This role has guidelines which includes what actions should be done if an inmate does do something that is against policies, rules, regulations, or guidelines. This includes masturbation. The institution cannot control when and where an inmate is going to masturbate. The purpose of the "Watcher" is to ensure that if the inmate attempts suicide, someone is there to assist and contact staff. The only way to accomplish this goal is always to have the suicidal inmate watched. Interview with the staff also incident that if a "Watcher" is very concern, they can request for an inmate job change. Follow-up July 19, 2021.

#### Concern 6: Searching Transgenders

Fourteen (14) of the sixteen (16) interviewed staff stated that the facility prohibits staff from searching or physically examining a transgender or intersex Inmate for the sole purpose of determining their genital status. Two female staff reported that they could search an inmate to determine their genital status.

#### Facility Response:

The Institution does prohibit the staff from searching or physically examining a transgender or intersex inmate for the sole purpose of determining their genital status. Inmate searches is an annual mandatory training provided to all security staff. All staff, to include security staff are trained upon the initial hiring on the PREA standards and SCDC PREA Policies. SCDC Policy GA-06.11b clearly prohibits searching of a transgender inmate to determine their genital status. The facility management will do training refresher to ensure that everyone knows this procedure.

<b>115.16</b>	<b>Inmates with disabilities and inmates who are limited English proficient</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• GA-06.08 Inmate with Disabilities and the Americans with Disabilities Act (ADA)</li> <li>• OP-21.04 Inmate Classification Plan</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC Policy HS-19.04 Mental Health Services – General Provisions <ul style="list-style-type: none"> <li>o Prison Rape Elimination Act (PREA) / Sexual Victimization</li> <li>o Assessment for Inmates in Restrictive Housing Unit (RHU)</li> </ul> </li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• PREA Poster English</li> <li>• PREA Poster Spanish</li> <li>• Inmate Orientation Manual (Handbook)</li> <li>• Braille Documentation</li> <li>• School for the Deaf and the Blind Braille Production</li> <li>• List of Limited English Proficient Inmates</li> <li>• List of Resident with Physical Disabilities</li> <li>• Language Translation Via Telephone Instructions</li> <li>• Language-line Interpretative Services Contract Information with Instructions (SC Department of Administration)</li> <li>• Interviews</li> </ul> <p><b>115.16 (a)</b></p> <p>The agency shall take appropriate steps to ensure that inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the agency's effort to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary, to ensure effective communication with inmates 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.</p> <p>In addition, the agency shall ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skill, or who are blind or have low vision. An agency is not required to take actions that it can demonstrated 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.</p> <p>GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment section 1.1.7 states, during each inmate orientation and training session, inmate education materials will be provided in formats which are accessible to all inmates. This includes providing documentation and materials to inmates who are limited English, proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.</p> <p>GA-06.08 Inmates with Disabilities and the Americans with Disabilities Act (ADA) dates November 13, 2020 section 3 Identifying Inmates with Disabilities provision 3.1 Reasonable efforts will be made to identify inmates with disabilities at a Reception and Evaluation (R&amp;E) Center as soon as possible after coming under SCDC jurisdiction. SCDC shall conduct an individualized assessment of the need for accommodations, aids, or services required by the inmate with a disability to determine the extent of the disability and whether he or she needs any auxiliary accommodations, aids, or services (see SCDC Policy OP-21.04, Inmate Classification Plan, for procedures).</p> <p>GA-06.08 Inmates with Disabilities and the Americans with Disabilities Act (ACA) section 4 Effective Communication 4.1 SCDC will provide appropriate auxiliary aids and services to ensure effective communication for qualified inmates with disabilities so they can participate equally in SCDC programs, services, and activities, to include: qualified interpreters on-site or through video remote interpreting (VRI) services; note takers; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; open and close captioning, voice, text, and video-based telecommunications products and systems, including text telephones (TTY), and videophones, or equally effective telecommunications devices; accessible electronic and information technology; or other effective methods of making aurally delivered information available</p>

to individuals who are deaf, hear of hearing, or who have a speech disability.

OP-21.04 Inmate Classification Plan section 4.15 Initial Orientation: Each inmate arriving at R&E will receive written orientation materials. Inmates that do not speak English shall be provided assistance/translations in their own language. Inmates with hearing impairments will be provided with sign language services and visually impaired inmates will receive a verbal orientation. During the initial orientation, a brief overview of the entire reception process will be delivered.

**Central Office Staff:** Deputy director of legal and compliance/agency head designee was asked, has the agency established procedures to provide residents with disabilities and residents who are limited English proficient 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? Response, the South Carolina Department of Corrections has established procedures to provide residents with disabilities and of limited English proficiency equal opportunity to participate in PREA efforts.

Please describe such procedures: Response, inmates who are limited English proficiency are provided with an orientation video, brochures and PREA postage and signage in Spanish and other languages. The agency also has a sign language interpreter and braille available for inmates with disabilities.

**Interviewed Inmates:** There were four inmates interviewed that were identified as having a disability. When asked did the facility "provide information about sexual abuse and sexual harassment that you are able to understand"; the inmates provided the following responses:

- Cognitive disabled: I can understand information and don't need help; however, the facility never provided me a handbook. When I showed the inmate a PREA brochure he indicated that he never received the information.
- Visually impaired: Reported that he doesn't need assistance and refused to answer any further questions.
- Physical disability: Reported that he did not need assistance with understanding any information.
- Hearing impaired: Reported that he received a booklet upon arrival. The worker also showed a video. He stated that an interpreter is available five days a week. The inmate stated that he can read the booklet and if there is anything, he doesn't understand he will ask the interpreter. It should be noted that the interpreter was available for the interview. The interpreter is located at the nearby state office headquarters.

**115.16 (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 inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

In addition to the education, each SCDC facility will ensure that key information, including information about the right to be free from sexual abuse and sexual harassment, and how to make a report, is continuously and readily available or visible to inmates through posters and other written formats.

PREA information has been added to the Kiosk system (English and Spanish) that SCDC has put in place in all facilities. The Kiosk system makes inmates view the PREA information before they can continue to complete other tasks in the system. This ensures that all inmates received PREA information and use as inmate PREA refresher.

PREA Spanish posters are in the housing units so that inmates who were LEP and Spanish speaking would have information available in their own language. The agency provided a copy for the "language line" contract that provide translation services when needed.

**115.16 (c)**

The agency shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under standard, or the investigation of the inmate's allegations.

The agency and facility have a contract with Language-Line Solutions to provided interpretive services for non-English speaking inmates. The agency provided a copy for the "language line" contract that provide translation services when needed.

**Facility Random Staff:** One hundred percent of the random staff interviews reported that inmate interpreters are not allowed; nor have inmate interpreters, inmate readers, or other type of inmate assistants used in relation to allegations of sexual abuse or sexual harassment. Six of the interviewed staff also reported that the facility would access the language hotline rather than allowing an inmate to serve as an interpreter.

115.17	<b>Hiring and promotion decisions</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p data-bbox="240 210 451 237"><b>Auditor Discussion</b></p> <p data-bbox="240 271 504 297"><b>Supporting Information:</b></p> <ul data-bbox="240 331 1485 824" style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Section 24-3-950, South Carolina Code of Laws, 1976, as amended; Section VII (707.02), SC Office of Human Resources Regulations; Title VII of the 1964 Civil Rights Act; Article 7, Sections 8-13-700 through 8-13-795, Rules of Conduct; SC Code Ann. 8-11-170; Section 8-13-1110 of the South Carolina Code of Laws</li> <li>• SCDC Policy ADM-11.28 Applicant Selection Process <ul data-bbox="240 562 596 629" style="list-style-type: none"> <li>o Screening and Selection Process</li> <li>o Training</li> </ul> </li> <li>• SCDC Policy ADM-11.34 Employee Inmate Relations</li> <li>• SCDC Policy ADM-11.39 Staff Sexual Misconduct with Inmates</li> <li>• SCDC Policy ADM-17.01 Employee Training Standards</li> <li>• SCDC Policy GA-06.04 Request to Staff Member</li> <li>• PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p data-bbox="240 857 347 884"><b>115.17 (a)</b></p> <p data-bbox="240 913 1445 972">The agency shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates, who:</p> <ul data-bbox="240 1005 1485 1164" style="list-style-type: none"> <li>• 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)</li> <li>• 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</li> <li>• Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph a-2 of this section.</li> </ul> <p data-bbox="240 1198 1469 1323">SCDC policy 9.12, Applicant Criminal History, requires potential employees to report all arrests, court-ordered restraining orders (regarding a family member or a co-habitant) and/or convictions/dispositions on their original application. Successful applicants are checked through the National Criminal Information Center (NCIC) before an official offer of employment is extended.</p> <p data-bbox="240 1357 1493 1581">The policy indicates that any applicant with a felony conviction (s), drug related conviction (s) within ten (10) year will not be hired by the Agency for any position. Language from standard 115.17 (a-b) is also included in Policy 9.12 Criminal History. The policy as states that any applicant that 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 has been civilly or administratively adjudicated (found liable) to have engaged in or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, coercion or if the victim did not consent or was unable to consent to refunded will not be hired by the Agency for any position.</p> <p data-bbox="240 1615 1390 1673">Documentation review of employee's applications for employment revealed the following questions contained in the employment application captured the spirit and intent of the standard.</p> <ul data-bbox="240 1706 1493 2130" style="list-style-type: none"> <li>• Question 22: I agree that as a condition of employment, I will report to the Director of Human Resources any and all arrests, within twenty-four (24) hours of the occurrence.</li> <li>• Question 27: I understand and further authorize a complete background check as a condition of employment.</li> <li>• Question 34: Have you ever been accused of or been found liable of sexual abuse/sexual misconduct/sexual harassment or resigned during a pending investigation of a sexual abuse/sexual misconduct/sexual harassment allegation with any previous employer?</li> <li>• Question 42: Have you even been an inmate in a SCDC Institution, Federal Institution, or Penal Institution of another jurisdiction, if yes, charge, dates, where and type of sentence?</li> <li>• Question 49: I understand that I must update my application to reflect any and all arrests or charges that may be brought against me after filing this application.</li> </ul>

**Facility Staff:** The HR manager indicated that the facility performs criminal record background checks or consider pertinent civil or administrative adjudications for all newly hired employees who may have contact with inmates and all employees, who may have contact with inmate, who are considered for promotions. They are conducted through the agency Central Recruiting Division.

**115.17 (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 inmates.

Prior to hiring any new employees, contractors, or volunteers, the SCDC Recruiting and Employment Services Branch completes criminal background checks to ensure that potential employees, contractors, or volunteers who may have contact with inmates are cleared for hire.

**Central Office Staff:** The agency assistant director for recruiting and employment was asked, does the facility consider prior incidents of sexual harassment when determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents? Response, yes. Each promotion must complete an application and background must be run before offer is made to any promotion/movement. She referred to the following statement:

9.12.1 Employees who move from a non-security to a security position, or from a non-security to another non-security position, or from a security position to a non-security position, regardless of the reason for the move (promotion, demotion, reassignment, etc.) will be checked through the National Criminal Information Center (NCIC). Employees who move from a security position to another security position, will not checked through the National Criminal Information Center (NCIC) inasmuch as these checks are conducted during each security employee's three-year recertification cycle through the Division of Training and Staff Development.

See section (a) response.

**115.17 (c)**

Before hiring new employees, who may have contact with inmates, the agency shall:

- Perform a criminal background records check; and
- 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.

The South Carolina Department of Corrections Policy Number: ADM-11.28 Applicant Selection Process, section 9.11 states, applicants must report all arrests, court-ordered restraining orders (regarding a family member or a co-habitant) and/or convictions/dispositions on their original application. Successful applicants will be checked though the National Criminal Information Center (NCIC) before an official offer of employment is extended.

Policy Number: ADM-11.28 section 9.12, requires all successful candidates will be finger-printed by the Recruiting and Employment Services Branch staff before establishing a hire date. Fingerprints will be sent to the State Law Enforcement Division (SLED) and the Federal Bureau of Investigation (FBI) for processing.

**115.17 (d)**

The agency shall also perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates.

**Central Office Staff:** The agency assistant director for recruiting and employment was asked, does the facility perform criminal record background checks or consider pertinent civil or administrative adjudications for all newly hired employees who may have contact with residents and all employees, who may have contact with residents, who are considered for promotions? Response, the agency run NCIC checks as well as cover the PREA compliance questionnaire with all applications in order to consider pertinent information for quality candidate.

Staff also indicated that all third-party contractors have a background ran, or proven criminal history cleared, prior to authority to report inside one of the facilities.

**115.17 (e)**

The agency shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees.

The Recruiting and Employment Services Branch in conjunction with the State Law Enforcement Division (SLED), monitoring

system screens all employees and contractors using fingerprints provided by the employee or contractor during the pre-employment process. The fingerprints are sent to the State Law Enforcement Division (SLED) and the Federal Bureau of Investigation (FBI) for processing. In an employee or contractor is engaging in a criminal misconduct the SLED database alerts the Agency that there has been an arrest or violation within (24) hours of the incidents.

**Central Office Staff:** The agency assistant director for recruiting and employment was asked, are these background checks conducted at least once every five years? Response, yes, conducted by Central HR Office and Institutional HR Manager.

**Facility Staff:** The HR manager indicated that the system the facility presently has in place to conduct criminal record background checks of current employees and contractors who may have contact with inmates to include every five years are the LEMS.web. Central HR reviews existing employee background checks. NCIC reports for background checks and fingerprints are done using LEMS.web.

#### **115.17 (f)**

The agency shall ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.

The South Carolina Department of Corrections Policy Number: ADM-11.28 Applicant Selection Process, section 9.11.1 indicated that employees who move from a non-security to a security position, regardless of the reason for the move (promotion, demotion, reassignment, etc.) will be checked through the National Criminal Information Center (NCIC).

Employees who move from a security position to another security position, will not be checked through the National Criminal Information Center (NCIC) because these checks are conducted during each security employee's three-year recertification cycle through the Division of Training and Staff Development.

**Facility Staff:** The HR manager indicated that the facility considers prior incidents of sexual harassment when determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates. The recruiting division handles all background checks.

#### **115.17 (g)**

The standard states that material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

The South Carolina Department of Corrections Policy Number: ADM-11.28 Applicant Selection Process, section 9.11.4 indicated for falsification, omission, or misrepresentation of facts or information other than arrests, restraining orders, or convictions, consideration should be given to the type of information falsified, omitted, or misrepresented and whether or not an offer of employment would have been extended if the agency had been given accurate information initially. Intentional deception will automatically disqualify an applicant.

SCDC Policy ADM-11.17, Employee Conduct, 6.2., failure to report such information may result in corrective action up to and including termination from employment with the SCDC. During the course of an official investigation, employees are to cooperate fully by providing all pertinent information. Full cooperation requires truthfully responding to all questions and providing a signed statement or affidavit.

**Central Office Staff:** According to the agency assistant director, recruiting & employment, should an applicant fail to report an arrest, court ordered restraining order, and/or conviction on their application, and it is found through NCIC check or otherwise, the selecting official may be contacted to give further considerations as to whether she/he wishes an offer of employment to be extended. Intentional deception will automatically disqualify an applicant. Any applicant that has served time in any state, federal, county, or city penal system within (5) years will not be hired by the agency.

#### **115.17 (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.

**Central Office Staff:** The agency assistant director for recruiting and employment was asked, when a former employee applies for work at another institution, upon request from that institution, does the facility provide information on substantiated allegations of sexual abuse or sexual harassment involving the former employee, unless prohibited by law? Response yes. The agency follows the employment verification policy. The agency also submits a PREA questionnaire if they are prior corrections/law enforcement.

**Facility Staff:** The HR manager indicated that when a former employer applies for work at another institution, upon request

from that institution, the facility provide information on substantiated allegations of sexual abuse or sexual harassment involving the former employee, unless prohibited by law. The employment verifications are done through the Central Human Resource Division.



115.18	<b>Upgrades to facilities and technologies</b>
	<p data-bbox="242 145 738 174"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="242 210 451 239"><b>Auditor Discussion</b></p> <p data-bbox="242 271 504 300"><b>Supporting Information:</b></p> <ul data-bbox="242 329 1449 622" style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• SCDC Policy OP-22.47 Prison Management Expectations</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• Staffing Plan</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p data-bbox="242 651 349 680"><b>115.18 (a)</b></p> <p data-bbox="242 710 1481 801">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 inmates from sexual abuse.</p> <p data-bbox="242 833 1481 1095">Staff Plan: According to the 2021 Staff Plan page 27, indicates that consistent with PREA Standards 115.18 (a and b), when designating or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the warden in consultation with the facility PREA compliance manager, will consider the effect of the design, acquisition, expansion, or modification upon the ability to protect offenders from sexual abuse. When installing or upgrading video monitoring equipment, electronic surveillance systems, or other monitoring technology, the warden/designee and the facility PREA compliance manager will consider how such technology may enhance the facilities’ ability to protect offenders from sexual abuse. The facility PREA compliance manager will be responsible for maintaining documentation to certify that all plans were reviewed by the Warden for this purpose.</p> <p data-bbox="242 1126 1489 1352"><b>Central Office Staff:</b> Deputy Director of Legal and Compliance/Agency Head Designee was asked, when designing, acquiring, or planning substantial modifications to facilities, how does the agency consider the effects of such changes on its ability to protect residents from sexual abuse? Response, the agency PREA coordinator meets frequently with wardens, institutional PREA compliance managers, and the agency facilities management to tour the institutions, discuss PREA safety measures needed for each institution, and develop plans to enhance the agency ability to protect inmates from sexual abuse. The PREA coordinator also consults, as needed with the Director of Compliance, Standards and Inspections to ensure that renovations to institutions comply with state and national standards.</p> <p data-bbox="242 1384 1473 1476"><b>Facility Staff:</b> How has the facility considered the effect of the expansion or modification upon the facility’s ability to protect inmates from sexual abuse? The warden indicated the he has only been at the facility since February 1, 2021. He is not aware of any expansions or modifications.</p> <p data-bbox="242 1507 349 1536"><b>115.18 (b)</b></p> <p data-bbox="242 1565 1458 1626">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 inmates from sexual abuse.</p> <p data-bbox="242 1657 1477 1852"><b>Central Office Staff:</b> Deputy director of legal and compliance/agency head designee was asked, how does the agency use monitoring technology to enhance the protection of residents from incidents of sexual abuse? Response, the agency has recently increased the number of cameras in many of our institutions to monitor activity within the institution. The cameras are monitored at the institutional level and the agency also have a central agency “Crow’s Nest” with a bank of cameras showing real time activity in many of the institutions. These cameras are monitored around the clock. The camera footage is also an important tool when investigating PREA allegations.</p>

115.21	<b>Evidence protocol and forensic medical examinations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• Sexual Trauma Services of the Midlands (STSM) between SCDC</li> <li>• Advocate MOU</li> <li>• SLED MOU</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• SCDC Policy HS-19.04 Mental Health Services – General Provisions <ul style="list-style-type: none"> <li>o Prison Rape Elimination Act (PREA) / Sexual Victimization</li> <li>o Assessment for Inmates in Restrictive Housing Unit (RHU)</li> </ul> </li> <li>• Mental Health Reception and Evaluation Flow Chart</li> <li>• SCDC Policy OP-21.04 Inmate Classification Plan</li> <li>• SCDC Policy POL-23.01 Investigation</li> <li>• SCDC Policy/Procedure, GA-05.01 Investigations</li> <li>• SCDC Policy POL-23.38 Evidence Protocol</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p><b>115.21 (a)</b></p> <p>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 an obtaining usable physical evidence for administrative proceedings and criminal prosecutions.</p> <p>GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 indicated that all allegations of sexual abuse and sexual harassment, including threats and attempts, will be immediately and aggressively investigated. The Division of Investigations initiate the investigation, and notify South Carolina Law Enforcement Division (SLED) and the Inspector General's office when sexual misconduct by staff, contractors or volunteers is alleged, and conduct an internal investigation in accordance with SCDC Policy/Procedure GA-05.01 – Investigations.</p> <p><b>Interviewed Inmates:</b> The three interviewed inmates reported sexual abuse and or sexual harassment. All of the inmates reported that nothing happened and they were not offered to contact anyone.</p> <p><b>Facility Random Staff:</b> During the on-site audit, sixteen (16) random staff were asked, "Do you know and understand the agency's protocol for obtaining usable physical evidence if an inmate alleges sexual abuse. Fourteen (14) of the sixteen (16) interviewed staff were aware of the agency's protocols. The staff that were aware of the protocols, were able to describe the process and steps required to protect physical evidence; which included take immediate action, stay with the inmate, separate the victim from the perpetrator, isolate/secure the scene and secure evidence, notify supervisor, secure evidence in a bag, don't allow the inmate to shower, bath, brush teethe, and overall treat as a crime scene. Most of the direct care staff also reported that they would send the victim to medical for an initial evaluation of his/her medical condition. It should be noted that two staff reported that they were not fully sure of the protocol, because they have not completed staff training.</p> <p>The same staff were asked, "Do you know who is responsible for conducting sexual abuse investigations?" Eleven (11) of the interviewed staff reported that the PREA compliance manager completed the investigations. Several staff also reported that the agency police services would also investigate. One staff reported that they were not sure who conducted the investigations.</p> <p><b>115.21 (b)</b></p> <p>The protocol shall be developmentally appropriate for youth where applicable, 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.</p> <p><b>Central Office:</b> Staff indicated that the investigation training is based on the National Protocol for Sexual Assault Medical</p>

Forensic Examinations.

**115.21 (c)**

The agency shall offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. The agency shall document its efforts to provided SAFEs or SANEs.

GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 3.1 states, all alleged inmate victims will be taken to the Medical Services area for an initial medical assessment. If medical personnel determine that a sexual assault may have occurred, the inmate will be taken to an outside medical facility. The outside medical facility will perform a medical forensic exam, as appropriate, collecting all evidence and maintaining the chain of custody to preserve the evidence.

The medical staff do not conduct forensic medical examinations on site. The role of medical health providers in the event of a sexual assault is limited to triage, emergency stabilization, after care and follow-up services.

GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment dated July 8, 2020 section 3 Response: Provision 3.1 Alleged inmate victims will be taken to the medical services area for an initial medical assessment. If medical personnel determine that a sexual assault may have occurred, the inmate will be taken to an outside medical facility. The outside medical facility will perform a medical forensic exam, as appropriate, collecting all evidence and maintaining the chain of custody to preserve the evidence.

3.2 Victim Support: An individual treatment plan shall be developed and initiated for each victim of sexual abuse to address post-traumatic stress resulting from the sexual abuse. The treatment plan includes, at a minimum, mental health counseling, medical follow-up (i.e., baseline testing for infectious diseases, etc.). In the case a female inmate, a pregnancy test will be completed as appropriate.

MOU between the SC Department of Corrections Facilities in Lexington, Richland, Newberry, Sumter, and Clarendon Counties and Sexual Trauma Services of the Midlands (STSM). The STSM is responsible for:

- o Responding to calls from inmates received on STSM's 24-hour crisis hotline;
- o Providing inmates with confidential emotional support services related to sexual abuse during their residency at an institution and during their transition from the corrections facility into the community;
- o Providing follow-up services to victims of sexual assault as resources allow, including in-person visits;
- o Maintaining confidentiality of communications with inmates;
- o Working with designated staff to obtain security clearance as needed and follow all facility guidelines for safety and security;
- o Attending any and all Sexual Abuse Incident Reviews at the request of an inmate with the understanding that STSM cannot disclose any communication with an inmate without a signed release from said inmate.
- o Communicating any questions or concerns to PREA Coordinator that are not in violation of confidentiality.

Note: This MOU services provided as agreed pursuant to the approved project goals and objectives listed in the awarded Justice Assistance Grant Program (Grant No. 1GPR19001).

For providing services as the sole service provider of the STSM is responsible for:

- o Providing emotional support services to inmate and juveniles adjudicated to the SCDC and the SCDJJ for sexual assault and sexual misconduct;
- o Providing awareness and knowledge to inmates and juveniles about sexual assault, misconduct, and harassment through group education sessions provided by a qualified instructor;
- o Providing training and education to the staff of SCDC and SCDJJ, to included correctional officers, medical and mental health practitioners, and others (including train-the-trainer) regarding information on the PREA, sexual assault, trauma informed care, youth violence prevention, SAFE/SANE requirements, and how to assist survivors of sexual abuse;
- o Submitting monthly reports of services and those served;
- o Providing timely invoices for payment with descriptive line items describing services provided, dates, times, locations, and costs;
- o Providing training agreed upon within each quarter of the grant.

Contact: Sexual Trauma Services of the Midlands/ 3830 Forest Drive -Suite 201, Columbia, SC 29204

The Sexual Trauma Services of the Midlands (STSM) provided monthly reports to the SCDC. The auditor reviews the reports from June 2020 to February 2021, which revealed the following:

- Total number of Crisis Intervention – 18

- Total number of Hotline Support – 3
- Total number of Hospital Accompaniment – 0
- Total number of Group Services - 9

**115.21 (d)**

The agency shall attempt to make available to the victim advocate from a rape crisis center. If a rape crisis center is not available to provided victim advocates 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. 1400043, 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 and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.

SCDC has a statewide partnership agreement with multiple sexual assault centers across the state. The ten sexual assault centers provide hundreds of hours of support to victim of sexual assault, including individual face-to-face contacts, group sessions, written correspondence, and phone calls through toll-free hotline support. All services provided by the center are completely free, completely confidential and the inmate's safety is a priority according to the website.

**Facility Staff:** The facility PREA manager disused the following program that provides assist in the emotional healing process and provide training about common reactions to trauma and resources available.

The Critical Incident Stress Management (CISM) is a program that supports staff who have been assaulted or otherwise experienced trauma. While working in corrections is a very rewarding career, it can also be challenging at times. Assaults, fights, suicides, hostage situation, riots, accidents, death of staff, family or inmates and other critical events occur in prison that can be very traumatizing for employees.

Staff indicated that the facility also use the program training to serve as in-house advocates for inmates if needed. Staff members become members of the CISM Peer Team. Peer Team Applicants go through a rigorous selection and training process before being accepted onto the team. It is critical that all applicants meet the qualifications and are able to uphold the high standards set for the program. Participation is various PCIS events, ongoing quarterly training as well as other activities are required, to ensure all peers are up to date with current information for the CISM Program.

**115.21 (e)**

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

**Facility Staff:** If requested by the victim, does a victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and provide emotional support, crisis intervention, information, and referrals during the forensic medical examination process and investigatory interviews? The facility PREA compliance manager incident yes, the facility can provide these services and the hospital contacts the sexual assault center.

**115.21 (f)**

To the extent the agency itself 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.

GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 indicated that all allegations of sexual abuse and sexual harassment, including threats and attempts, will be immediately and aggressively investigated. The Division of Investigations initiate the investigation, and notify South Carolina Law Enforcement Division (SLED) and the Inspector General's office when sexual misconduct by staff, contractors or volunteers is alleged, and conduct an internal investigation in accordance with SCDC Policy/Procedure GA-05.01 – Investigations.

MOU: Memorandum of Understanding between the South Carolina Law Enforcement Division and the South Carolina Department of Corrections constitutes an agreement to establish guidelines relating to the investigations of criminal cases and the notification of certain events that occur on property controlled by SCDC.

In MOU section 5 Scope, provision 5.2 SLED shall maintain primary investigative authority over crimes involving violations of: SC Code Ann. 24-13-430 (2) (Participation in a Riot); SC Code Ann. 24-13-450 (Taking of a Hostage by an Inmate); any case of suspected homicide/attempted homicide, SC Code 16-3-10 (Murder) or 16-3-29 (Attempted Murder) and an SCDC employee or private citizen by an inmate; any case that involves sexual assault of an SCDC employee or private citizen by an inmate; any case that involves the assault and battery of an SCDC employee or private citizen that results in serious

bodily injury; any suspected inmate suicide. Additionally, SLED will be the primary investigative agency as requested by the Director of SCDC or the SCDC Inspector General at his discretion.

**115.21 (g)**

The requirements of paragraphs (a) through (f) of this section shall also apply to:

- Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in prisons or jails; and
- Any Department of Justice component that is responsible for investigating allegations of sexual abuse in prisons or jails.

**Central Office Staff:** The agency PREA coordinator was asked, is SLED required to use the same protocols as the investigators for SCDC? Response was yes, and referred the auditor to the MOU with SLED.

**115.21 (h)**

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

A qualified facility staff member is the Qualified Mental Health Professional (QMHP). The qualified community-based member is a part of the statewide partnership agreement with multiple sexual assault centers across the state.

**Corrective Action Summary:**

Concern 1: Interviewed Inmates

The three interviewed inmates reported sexual abuse and or sexual harassment. All of the inmates reported that nothing happened and they were not offered to contact anyone or received any information back from the investigation.

Facility Response:

The Institution has a new management team and a new PREA compliance manager. While the new PREA compliance manager was getting prepared for the audit it was found that the reported PREA allegations for the past 12 months were not investigated or investigations were not completed. The new management team have been working on investigating and closing cases to meet the PREA standards.

It was determined that the past management did not investigate, monitor for retaliation nor notified the inmates of the result of their investigations, and the 30-day incident reviews were not conducted. All past cases are being investigated, monitor for retaliation and inmates are being notified by the new PREA compliance manager, as well as conducting 30-day incident reviews when applicable.

The auditor reviewed 21 investigation packages that included, but not limited to:

- Warden to Warden PREA Notifications – 4
- Incident Report Checklist for PREA Issues – 21
- PREA Investigative Folder Checklist – 21
- Police Services Investigative Reports – 13
- Facility and PREA Coordinator Report of Findings – 21
- Grievance Transferal Memorandum – 7
- Inmate Grievance Form – 7
- Internal Inmate Search – 21
- Incident Report – 21
- Inmate Voluntary Statement – 21
- Mirada Rights – 8
- PREA Incident Review – 7
- Disposition of PREA Report – 21
- Disposition of PREA Notification Report – 21
- Sexual Retaliation Monitoring Form – 6

On July 22, 2021, the facility investigator submitted the above investigation documents.

115.22	<b>Policies to ensure referrals of allegations for investigations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• SCDC Policy HS-19.04 Mental Health Services – General Provisions <ul style="list-style-type: none"> <li>o Prison Rape Elimination Act (PREA) / Sexual Victimization</li> <li>o Assessment for Inmates in Restrictive Housing Unit (RHU)</li> </ul> </li> <li>• Mental Health Reception and Evaluation Flow Chart</li> <li>• SLED MOU</li> <li>• SCDC Policy OP-21.04 Inmate Classification Plan</li> <li>• SCDC Policy OP-21.12 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment</li> <li>• SCDC Policy POL-23.01 Investigation</li> <li>• Investigation Packages</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p><b>115.22 (a)</b></p> <p>The agency shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.</p> <p>SCDC has policies that govern both criminal and administrative investigations. Policies also ensure that allegations of sexual abuse or sexual harassment are referred for investigation and completed on all administrative and criminal allegations.</p> <p>GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 2.4 Investigations page 5 states, SCDC will ensure that all allegations of sexual abuse and sexual harassment are thoroughly investigated promptly. PREA allegations of sexual abuse or sexual harassment may be received in numerous ways to include:</p> <ul style="list-style-type: none"> <li>• PREA Tips – SCDC public website page that the public can use to report an allegation of sexual abuse/sexual harassment;</li> <li>• *22 Hotline Call;</li> <li>• Warden-to-warden PREA Notification;</li> <li>• Grievance;</li> <li>• Request to Staff Member (RTSM) or Automated Request to Staff Member (ARTSM);</li> <li>• Note, Letter, or Verbally.</li> </ul> <p>GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 states, regardless of how an allegation of sexual abuse or sexual harassment is received, the PMC will ensure SCDC Form 19.29A, "Incident Report" is completed, along with an SCDC Form 19-169. "Incident Report Checklist for PREA Issues." The PMC will assign a case number to the PREA allegation on SCDC Form 19-19-186, "PREA Case Log." The case number and information will also be recorded on the web-based PREA Case Log, which captures information for all institutions. The PCM will interview the alleged victim to gather any other pertinent information regarding the case and ask the inmate to complete SCDC Form 19-187, "PREA Inmate Voluntary Statement." This information, along with a printed inmate face sheet (printed through the Internal Inmate Search Application), will be forwarded to the Agency's PREA Coordinator for review and confirmation that the case is PREA-related. Upon approval by the Agency's PC, the Agency PC, the Agency' PC will forward all inmate-on-inmate sexual harassment cases back to the institutional PCM to begin their administrative investigation, or for those allegations of criminal sexual abuse or staff-on-inmate sexual harassment will be investigated by SCDC's Police Services.</p> <p>GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 sections 2.4.1 and 2.4.1.2.</p> <p>Criminal Investigations: Any allegation that provides evidence of criminal sexual abuse will be forwarded to the proper authorities for prosecution.</p> <p>Agents with SCDC's Police Services will gather and preserve direct and circumstantial evidence, including available physical evidence, and any available electronic monitoring data, interview alleged victim (s), perpetrator (s), and witnesses, and review prior complaints and reports of sexual abuse involving the alleged or suspected perpetrator.</p>

All criminal investigations will be documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.

Administrative Investigations: All allegations of sexual abuse or sexual harassment that do not meet the level of a criminal offense will be investigated for violations of agency policies, procedures, rules, or guidelines.

Institutional PCMs are responsible for the thorough investigation of all non-criminal investigations. PCMs will gather and preserve direct and circumstantial evidence, including available physical evidence and any available electronic monitoring data, interview alleged victims (s), perpetrator (s), and witnesses, and review any available prior complaints and reports of sexual abuse or sexual harassment involving the alleged or suspected perpetrators.

All administrative investigations will be documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.

Administrative investigations will utilize preponderance of the evidence as the standard for determining whether an allegation of sexual abuse or sexual harassment is substantiated.

**Central Office Staff:** Deputy Director of Legal and Compliance/Agency Head Designee was asked, does the agency ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse or sexual harassment? Response, The South Carolina Department of Corrections has a formal process in place to ensure administrative and criminal investigations are completed for allegations of sexual abuse and sexual harassment.

Please describe how an administrative or criminal investigation is completed for allegations of sexual abuse or harassment? Response, all PREA allegations are reported to the institutional PREA compliance manager (PMC). Incident reports and statements from the victim and any witnesses are collected and forwarded to the agency PREA coordinator who will determine whether the matter warrants a criminal investigation or whether the matter will be referred to the PMC for administrative review. The PCM investigates all inmate -on-inmate sexual harassment allegations. The agency Office of Investigations and Intelligence investigates all allegations of a criminal nature and all administrative allegations concerning staff or volunteer sexual abuse or sexual harassment of inmates. The inmate who reported the PREA allegation is informed of the result of the investigation.

Allegations that result in substantiated and unsubstantiated dispositions are the subject of incident reviews with an attorney from General Counsel's Office and the institutional staff after each to discuss circumstances surrounding the PREA incident, the investigation conducted, and recommendations for future action.

The auditor reviewed 21 investigation packages that included, but not limited to:

- Warden to Warden PREA Notifications – 4
- Incident Report Checklist for PREA Issues – 21
- PREA Investigative Folder Checklist – 21
- Police Services Investigative Reports – 13
- Facility and PREA Coordinator Report of Findings – 21
- Grievance Transferal Memorandum – 7
- Inmate Grievance Form – 7
- Internal Inmate Search – 21
- Incident Report – 21
- Inmate Voluntary Statement – 21
- Mirada Rights – 8
- PREA Incident Review – 7
- Disposition of PREA Report – 21
- Disposition of PREA Notification Report – 21
- Sexual Retaliation Monitoring Form – 6

On July 22, 2021, the facility investigator submitted the above investigation documents.

**115.22 (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.

When allegations are made at the facility, information is collected by staff, then forwarded to the facility PREA compliance manager for review and recommendation to the PREA coordinator. The PREA coordinator determines if an allegation should be forward to Police Services to initiate a criminal investigation. Criminal investigations are documented in the Police Case

Management System. Incidents not determined to be criminal in nature are referred to the facility for the completion of an administrative investigation. Administrative investigations are documented in investigative files at the facility and maintained by the PREA Compliance Manager.

The auditor reviewed 21 investigation packages that included, but not limited to:

- Warden to Warden PREA Notifications – 4
- Incident Report Checklist for PREA Issues – 21
- PREA Investigative Folder Checklist – 21
- Police Services Investigative Reports – 13
- Facility and PREA Coordinator Report of Findings – 21
- Grievance Transferal Memorandum – 7
- Inmate Grievance Form – 7
- Internal Inmate Search – 21
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- Inmate Voluntary Statement – 21
- Mirada Rights – 8
- PREA Incident Review – 7
- Disposition of PREA Report – 21
- Disposition of PREA Notification Report – 21
- Sexual Retaliation Monitoring Form – 6

On July 22, 2021, the facility investigator submitted the above investigation documents.

**Central Office Staff:** Deputy Director of the Office of Investigations and Intelligence (OII) was asked, does agency policy require that allegations of sexual abuse or sexual harassment be referred for investigation to an agency with the legal authority to conduct criminal investigations? The response was yes, SCDC policy GA 06.11b (7.1) requires this.

SCDC OII has full state authority to conduct investigations and make arrest. SCDC OII also has an MOU with SC Law Enforcement Division (SLED) that allows for SLED to be the lead investigative agency if necessary.

PREA compliance managers conduct reviews inmate-on-inmate harassment as these are non-criminal issues that do not involve staff.

**115.22 (c)**

If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity.

**Interviewed staff:** indicated that outside entity SLED is aware of the agency sexual abuse policy of investigations. The agency has developed a policy for the investigation of sexual abuse and sexual harassment which is reported to the SCDC. The policy number: OP-21-12: Prevention, Detection and Response to Sexual Abuse/Sexual Harassment is published on the agency's website at <http://doc.sc.gov/preaweb/>

The primary mission of the State Law Enforcement Division (SLED) is to provide quality manpower and technical assistance to law enforcement agencies and to conduct investigations on behalf of the state as directed by the Governor and Attorney General. All related documentation is captured in the Police Case Management System. Facility administrative investigations are maintained in files at the facility and secured by the PREA compliance manager.

**115.22 (d)**

Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.

The agency has developed a policy for the investigation of sexual abuse and sexual harassment which is reported to the SCDC. The policy number: GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020. published on the agency's website at <http://doc.sc.gov/preaweb/>

**115.22 (e)**

Any department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.

The facility reported at this time, no Department of Justice component are responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment at this facility.



115.31	<b>Employee training</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC Policy ADM-11.28 Applicant Selection Process <ul style="list-style-type: none"> <li>o Screening and Selection Process</li> <li>o Training</li> </ul> </li> <li>• SCDC Policy ADM-17.01 Employee Training Standards</li> <li>• SCDC Policy PS-10.08 Inmate Correspondence Privileges</li> <li>• Staff Sign-in Training Acknowledgement</li> <li>• New Employee On-Boarding Acknowledgement Statements (Training)</li> <li>• Employee Policy Acknowledgement Statements (Training)</li> <li>• Staff Training Curriculum</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p><b>115.31 (a)</b></p> <p>The agency shall train all employees who may have contact with inmates on:</p> <ul style="list-style-type: none"> <li>• Its zero-tolerance policy for sexual abuse and sexual harassment;</li> <li>• How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;</li> <li>• Inmates' right to be free from sexual abuse and sexual harassment;</li> <li>• The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;</li> <li>• The dynamics of sexual abuse and sexual harassment in confinement;</li> <li>• The common reactions of sexual abuse and sexual harassment victims;</li> <li>• How to detect and respond to signs threatened and actual sexual abuse;</li> <li>• How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and</li> <li>• How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.</li> </ul> <p>The Agency provides training for all staff working at its facilities. The South Carolina Department of Corrections Policy Number: GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 1.1 states, all employees (temporary and grant), volunteers, interns, and contractors will be provided general training on PREA and the agency's zero-tolerance policies. Direct care staff will have PREA training provided by the Division of Training and Staff Development during Agency On-boarding, Orientation. Security Basic Training, and annually as mandatory in-service annual training. PREA training will include, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Review of the policy and other SCDC policy provision pertaining to inmate sexual abuse and sexual harassment prevention, detection, reporting and response, and how staff are to fulfill their responsibilities under these policies and procedures;</li> <li>• The requirement that staffs report immediately any knowledge or information regarding sexual abuse or sexual harassment;</li> <li>• SCDC's zero-tolerance for the sexual abuse and sexual harassment of inmates;</li> <li>• Inmates' rights to be free from sexual abuse and sexual harassment, and the right of inmates and staff to be free from retaliation for reporting such abuse;</li> <li>• The dynamics of sexual abuse and sexual harassment in confinement, recognition of signs of threatened and actual sexual abuse, common reactions of sexual abuse victims and sensitivity to inmate reports of sexual abuse, confidentiality, recognition of signs of predatory inmates and inmates who are vulnerable to sexual abuse;</li> <li>• How to avoid inappropriate relationships with inmates; and</li> <li>• How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.</li> </ul> <p>SCDC provided a great deal of training for all employees who work in the facilities. Staff received PREA training thru:</p> <ul style="list-style-type: none"> <li>• New Employee Orientation – one day (8 hours) which includes information regarding PREA.</li> </ul>

- Attend a basic training at the Training Academy in Columbia, S.C. The training varies in length depending upon the position that the employee. All position training includes PREA Training.

The auditor reviews the curriculum of PREA related training and identify elements of required topics.

A review of the PREA curriculum section 1800 included but not limited to:

- Character Traits
- High Risk Times for Sexual Abuse
- Locations Where Sexual Abuse Occurred
- Inmates Sexual Dynamics (Male-on-Male Sexual Assaults)
- Inmates Sexual Dynamics (Female-on-Female Sexual Assaults)
- Staff Sexual Dynamics
- Barriers to Reporting Sexual Abuse/Assault
- Inmate Orientation, Screening and Assessment
- Inmates Reporting Procedures
- Staff Reporting Procedures
- Staff Intervention
- Documentation of Sexual Abuse or Sexual Harassment
- Evidence/Security Procedures
- Communication
- Investigations of Sexual Abuse and Sexual Harassment
- Retaliation
- Treatment for Victims

A review of the Supervision of Offenders lesson plan included but not limited to:

- Staff Positioning
- Cross-Gender Supervision
- Announce the Presence of Opposite Sex
- Transgender and Gender Dysphoria
- Young Offender Sentences Types'
- Supervise Special Need Offenders

**Facility Random Staff:** Interviews with all sixteen (16) random staff sampled confirmed that they received PREA education when employed during new employee training and during annual in-service training. Interviews with staff indicated they are all aware of the zero-tolerance policy, employee and inmate rights, signs and symptoms of sexual abuse, reporting and responding. One hundred percent of the direct care staff reported being knowledgeable of the topics they had been trained in. The staff were able to describe the training on zero tolerance, inmate and staff rights, dynamics of sexual abuse and sexual harassment, prevention and response protocol as well supportive services available to Inmates. All staff interviewed indicated they have received training on working with vulnerable populations (LGBTQI, prior history of sexual victimization). Staff also reported that LGBTQI training occurs outside of the PREA training video.

Staff reported that they received PREA related training in pre-service and annual in-service. However, two staff reported that they have not completed or recently attended PREA refresher training. One staff stated that they have not had time to complete refresher training, and they don't believe they have completed refresher training since their initial training nine years ago. When probed, staff described some aspects of the training that included but not limited to: common reactions of victims include being withdrawn, isolating themselves, they may try to stay around staff, and overall changes in behavior.

#### **115.31 (b)**

Such training shall be tailored to the gender of the inmates at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that house only male inmates to a facility that houses only female inmates, or vice versa.

**Facility Staff:** Indicated that they receive gender training as a part of the pre-service or individual training from the shift briefings.

#### **115.31 (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.

**Facility Staff:** Indicated that they also received monthly refresher training through staff briefing and meetings where they are reminded of PREA issues.

**115.31 (d)**

The agency shall document, through employee signature or electronic verification, that employees understand the training they have received.

The agency documents the PREA training using the Staff Sign-In Training Acknowledgement and roster format.

The auditor reviewed the New Employee On-Boarding (NEO) acknowledgement signed statements. The signed statements include but not limited to:

- Sexual Abuse Definitions
- Sexual Harassment Definitions
- Prohibited Consensual Relations Between Staff and Inmates
- Sexual Abuse Is Considered Cruel and Unusual Punishment under the 8th Amendment
- Sexual Misconduct
- Staff Reporting Procedures
- Additional PREA Information

The auditor reviewed the Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (OP-21-12) acknowledgement signed statements. The statements include but not limited to:

- Zero Tolerance Policy (OP-21-12)
- Sexual Abuse Definitions
- Sexual Harassment Definitions
- Reporting Inappropriate Employment/Inmate Relations
- Corrective Actions
- Retaliation

The auditor reviewed the 2020 Agency Orientation Checklist (Live Stream PREA sections include Report Writing, Sexual Harassment, Employee-Inmate Relations and Prison Rape Elimination Act (PREA)).

115.32	<b>Volunteer and contractor training</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p><b>Auditor Discussion</b></p> <p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC Policy PS-10.04 Volunteer Services Programs</li> <li>• PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p><b>115.32 (a)</b></p> <p>The agency shall ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.</p> <p>Volunteers and contractors are provided PREA training and education relative to their duty's ad responsibilities.</p> <p>The contract medical staff who have contact with inmates have been trained on their responsibilities.</p> <p>Note: Do to COIV-19 the facility have not allow volunteers to enter the facility within the past 12 months.</p> <p>Medical contract staff completed the National Institute of Corrections (NIC) online training Specialized training: Medical and mental health care NIC online curriculum includes but not limited to the following topics:</p> <ol style="list-style-type: none"> <li>1. Detecting, Assessing, and Responding to Sexual Abuse and Harassment       <ol style="list-style-type: none"> <li>a. Sexual Abuse in Confinement Settings</li> <li>b. The Dynamics and Effects of Sexual Abuse</li> <li>c. Your Role in Responding to Sexual Abuse Incidents</li> </ol> </li> <li>2. Preserving Physical Evidence of Sexual Abuse</li> <li>3. Reporting Allegations and Suspicions</li> <li>4. High-Risk Inmates</li> <li>5. Effects of Sexual Abuse</li> <li>6. Trauma and the Brain</li> <li>7. Rape Trauma Syndrome</li> <li>8. SART</li> <li>9. Medical Screening</li> <li>10. 115.21 Evidence protocol and forensic medical examinations</li> <li>11. 115.35 Special training: Medical and mental health care</li> <li>12. 115.61 Staff and agency reporting duties</li> <li>13. 115.65 Mandates a Coordinated Response to Sexual Abuse Incidents</li> <li>14. 115.81 Medical and mental health screenings; history of sexual abuse</li> <li>15. 115.82 Access to emergency medical and mental health services</li> <li>16. 115.83 Ongoing medical and mental health care for sexual abuse victims and abusers.</li> </ol> <p><b>115.32 (b)</b></p> <p>The level and type of training provided to volunteers and contractors shall be based on the services they provided and level of contact they have with inmates, but all volunteer and contractors who have contact with inmates shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.</p> <p>The SCDC Division of Inmates Services Volunteer Orientation provided the Agency/Topics to be covered as follows:</p> <ul style="list-style-type: none"> <li>• SCDC Mission</li> <li>• SCDC Inmate Profile</li> <li>• Types of Volunteer Services</li> <li>• Volunteer Conduct</li> <li>• Employee-Inmate Relations</li> </ul>

- Sexual Abuse, Harassment and Misconduct
- Drug Free Environment
- Contact with News Media
- Appropriate Dress
- Unauthorized Items-Contraband
- Submission to Searches
- Photo Identification for Entry
- Arrival to and Movement Inside the Institution
- Medications
- Pets/Animals
- Phones, Cameras, Recording Devices
- Worship/Religious Freedom
- Suspension or Termination
- Chaplain Directory for Each Institution

SCDC provided a great deal of training for all employees who work in the facilities. Staff received PREA training thru:

The auditor reviews the curriculum of all PREA related training and identify all elements of required topics.

- All staff working through a contract agency will receive PREA training the first day they report to work and annually thereafter.

**115.32 (c)**

The agency shall maintain documentation confirming that volunteers and contractors understand the training they have received.

A Memo from the Director of Nursing for the SCDC dated July 3, 2019 gives the Health Services – HCA-HN staff written guidance on the following PREA issues:

- All staff working through a contract agency will receive PREA training the first day they report to work and annually thereafter.
- Completion of training must be documented and indicated on the roster the nurse received and understood the training.

The auditor reviewed the volunteer services agreement acknowledgement form. The statements include but not limited to:

- The volunteer agrees to: "I agree and understand that the Prison Rape Elimination Act (PREA) is a federal law that prohibits and seeks to eliminate sexual assaults and sexual misconduct in SCDC correctional institutions. Further that SCDC has a zero tolerance for sexual assault or abuse of any person or sexual relationships between staff, volunteers, and offenders. I have also been informed of how to report such incidents."
- Confidentiality Pledge: "As a registered volunteer, I may learn personal and confidential information about inmates in the SCDC. I agree that any such information will not be disclosed without the written consent of both the involved inmate and the affected staff member. I understand that a violation of his pledge will result in my removal as a volunteer."

115.33	<b>Inmate education</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• SCDC Form 18-18 Certification of Prison Rape Elimination Act</li> <li>• SCDC Form 18-69 Certificate of Inmate Orientation</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• SCDC Policy GA-01.12 Inmate Grievance System</li> <li>• SCDC Policy OP-21.04 Inmate Classification Plan</li> <li>• SCDC Policy OP-22.14 Inmate Disciplinary System</li> <li>• SCDC Policy PS-10.08 Inmate Correspondence Privileges</li> <li>• "Let's Talk About Safety" Brochure</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p><b>115.33 (a)</b></p> <p>During the intake process, inmates shall receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.</p> <p>SCDC has created an inmate brochure based on the Just Detention International grant called "Let's Talk About Safety". The brochure covers:</p> <ul style="list-style-type: none"> <li>• Agency's Zero Tolerance Policy</li> <li>• Sexual Safety Tips</li> <li>• PREA Reporting Information</li> <li>• Sexual Assault</li> <li>• Inmate Rights Regarding Sexual Abuse and Sexual Harassment</li> <li>• South Carolina Law Enforcement Division (SLED) Mail Address</li> </ul> <p>The South Carolina Department of Corrections Policy Number: GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 1.1.3 indicated that all inmates will be provided training on PREA during the initial intake process at the Reception and Evaluation (R&amp;E) Centers and within thirty (30) days of intake at all institutions. In the R and E Centers, training and information will be provided in two (2) stages:</p> <ul style="list-style-type: none"> <li>• Intake education, which will be provided during the intake process within twenty-four hours of the inmate's arrival, and will include an explanation of SCDC's zero-tolerance policies toward sexual abuse and sexual harassment, and how to report incidents or suspicious of sexual abuse or sexual harassment; and</li> <li>• Comprehensive education which will be provided within two (2) weeks of the inmate's arrival. PREA training will include, but is not limited to: <ul style="list-style-type: none"> <li>o Review of PREA policy and other SCDC policy provisions pertaining to inmate sexual abuse and sexual harassment prevention, detection, reporting and response, and how staff are to fulfill their responsibilities under these policies and procedures;</li> <li>o Inmates' rights to be free from sexual abuse, sexual harassment, and retaliation for reporting;</li> <li>o Prevention of sexual abuse and sexual harassment;</li> <li>o Tips for staying safe from sexual abuse and sexual harassment;</li> <li>o How to report incidents or suspicions of sexual abuse or sexual harassment;</li> <li>o Availability of medical and mental health treatment and counseling for victimized inmates;</li> <li>o Disciplinary actions for participating in sexual abuse, sexual harassment, or making false allegations.</li> </ul> </li> </ul> <p><b>Facility Staff:</b> The intake/classification staff indicated that they provide inmates with information about the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment. Inmates watch a video on PREA and staff answer questions.</p> <p><b>Interviewed Inmates:</b> Thirty (30) random inmates and ten (10) targeted inmates were interviewed. Thirty-two of the</p>

interviewed inmates recalled receiving information about the facilities rules against sexual abuse and sexual harassment. The interviewed inmates stated that they watched a video, and/or received "some papers". Several of the inmates reported being at the facility for over 15 years and watching the PREA video on the tablets. One inmate notified the associate that all inmates had to watch the PREA video when they received the tablets. The tablets automatically prompted the inmates to watch the video before they could proceed any further with the device.

#### **115.33 (b)**

Within 30 days of intake, the agency shall provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.

The South Carolina Department of Corrections Policy Number: GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020, as a part of the initial intake process at the Reception and Evaluation (R&E) Center, all inmates receive a thorough orientation on the agency's zero-tolerance policy regarding the sexual abuse of inmates.

Comprehensive education which provided within two weeks of the inmate's arrival at R&E include:

- SCDC Policy GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.
- Inmates' right to be free from sexual abuse and sexual harassment as well as retaliation for reporting such incidents;
- Prevention;
- Tips for staying safe;
- How to report incidents or suspicions of sexual abuse or sexual harassment;
- SCDC's Policies and procedure for responding to sexual abuse and sexual harassment, including the availability of treatment and counseling for victimized inmates; and
- Disciplinary actions for intentionally making a false allegation.

The facility provided the following inmate educational methods.

- English PREA Poster
- Spanish PREA Poster
- Inmate Handbook with PREA information
- Let's Talk About Safety" Brochure
- Inmate Kiosk System (Inmates are required to view PREA information before they are able to further utilize the Kiosks).
- Video Tape

One section of the brochure provides inmates with options to alert or others of sexual abuse or sexual harassment taking place in a SCDC correctional setting:

- File a grievance
- File a report to investigations using a facility kiosk
- Request to visit medical and ask for help
- Ask a lawyer, a friend, or family member to request help
- Dial \*22 from any inmate phone located each living units.

**Interviewed Inmates:** Thirty (30) random inmates and ten (10) targeted inmates were interviewed. Thirty-four inmates could recall going through the intake process and receiving PREA related information: varying from the same day or within a week. Several of the inmates could not recall; and two reported that they received nothing.

#### **115.33 (c)**

Current inmates 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 inmate's new facility differ from those of the previous facility.

Policy states current inmates who have not received the required education shall be educated as promptly as possible.

**Facility Staff:** The intake/classification staff indicated that current inmates as well as those transferred from other facilities received PREA information on the agency's zero tolerance policy on sexual abuse or sexual harassment within 72 hours of transferring inmates watch a video on PREA and staff answering questions.

#### **115.33 (d)**

The agency shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.

Policy GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 1.1.5 indicated that the training and information provided will be communicated in a manner that can be clearly understood by the inmate: inmates will have the opportunity to ask questions and received answers during each training session.

Section 1.1.7 indicated that during each inmate orientation and training session, inmate education materials will be provided in formats which are accessible to all inmates. This includes providing documentation and materials to inmates who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.

**115.33 (e)**

The agency shall maintain documentation of inmate participation in these education sessions.

SCDC Policy GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 1.1.6 page 2 indicated that inmates will be required to sign an acknowledgement of having received all PREA training at both R&E Centers and the assigned institution on SCDC Form 18-78, "Certification of Prison Rape Elimination Act (PREA) Orientation." A copy of the 18-78 will be maintained in the inmate's institutional record.

**115.33 (f)**

In addition to providing such education, the agency shall ensure that key information is continuously and readily available or visible to inmates through poster, inmate handbooks, or other written formats.

Policy GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 1.1.10 indicated that in addition to the education outlined above, each SCDC facility will ensure that key information, including information about the right to be free from sexual abuse and sexual harassment, and how to make a report, is continuously and readily available or visible to inmates through posters and other written formats.

The facility provided the following available PREA information.

- English PREA Poster
- Spanish PREA Poster
- Inmate Handbook with PREA information
- Let's Talk About Safety" Brochure
- Inmate Kiosk System (Inmates are required to view PREA information before they are able to further utilize the Kiosks).
- Video Tape
- File a Grievance
- File a report to investigations using a facility kiosk
- Request to visit medical and ask for help
- Ask a lawyer, a friend, or family member to request help
- Dial \*22 from any inmate phone located each living units.



115.34	<b>Specialized training: Investigations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• National Institute of Corrections (NIC) PREA Investigating Sexual Abuse in A Confinement Setting (Certificates)</li> <li>• National Institute of Corrections Online (e-Learning Course)</li> <li>• List of Agency Investigators</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC Policy ADM-17.01 Employee Training Standards</li> <li>• SCDC Policy POL-23.01 Investigation</li> <li>• SCDC Policy POL-23.12 Case File Requirements</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p><b>115.34 (a)</b></p> <p>In addition to the general training provided to all employees pursuant to standard 115.31, 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.</p> <p>The investigators are required to complete the National Institute of Corrections (NIC) online PREA Specialized Investigation training in addition to the general PREA training. Policy requires SCDC Police Services Investigators to complete a multiple-tier training regimen of Specialized Training for Investigators.</p> <p>GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 1.1.2 page 2, indicates that all criminal investigators, medical practitioners, mental health practitioners, and anyone authorized or charged with specific aspects of the agency's response to sexual abuse allegations are required to complete specialized PREA training in the area specific to their role. This training will be completed as least every two (2) years with a certificate of completion or signed training completion document placed in the employee's file. Each Institutional PREA Compliance Manager is responsible for documenting the completion of training on SCDC Form 19-181, "NIC Training Log for Investigations and Medical/Mental Health."</p> <p><b>Central Office Staff:</b> Deputy Director of the Office of Investigations and Intelligence (OII) was asked, did you receive training specific to conducting sexual abuse investigations in confinement settings? Response was yes, all SCDC OII's agents take investigating Sexual Abuse in a Confinement Setting and Investigating Sexual Abuse in A Confinement Setting: Advanced Investigations. These classes are taught by the National Institute of Corrections (NIC).</p> <p><b>115.34 (b)</b></p> <p>Specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.</p> <p><b>Interviewed Staff:</b> Assistant Director of Police Services confirmed investigative training include the proper use of Miranda and Garrity warnings, sexual abuse evidence collection of crime scenes in correctional settings and the evidence and criteria needed to substantiate an incident for criminal or administrative proceeding. SCDC has forty (47) total investigators.</p> <p>The investigators are required to complete the NIC online PREA Specialized Investigations training. The NIC online training include techniques for interviewing sexual abuse victim, proper use of Miranda and Garrity warning, etc. The facility provided a list of individuals that completed the PREA Specialized training and verification by submitting the certificates at were received at the completion of course.</p> <p>The National Institute of Corrections (NIC) online training "PREA: Investigating Sexual Abuse in a Confinement Setting" includes the following topics:</p> <ol style="list-style-type: none"> <li>1. Initial Response</li> <li>2. Investigation</li> <li>3. Determination of the findings</li> <li>4. A Coordinated Response</li> </ol>

5. Sexual Assault Response Team
6. A Systemic Approach
7. How Sexual Abuse Investigations Are Different
8. How Investigations in Confinement Settings Are Different
9. Criteria for Administrative Action
10. Criteria for Criminal Prosecution
11. Report Writing Requirements of an Administrative Report
12. Requirements for an Administrative Report
13. Requirements for a Criminal Report
14. The Importance of Accurate Reporting
15. Miranda and Garrity Requirement
16. Miranda Warning Considerations
17. Garrity Warning Considerations
18. The Importance of Miranda and Garrity Warnings
19. Medical and Mental Health Practitioner's Role in Investigations
20. PREA Standards for Forensic Medical Examinations

**115.34 (c)**

The agency shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.

The agency provided a list of investigators that are responsible for investigating PREA at this facility. NIC verification of completion was provided.

The auditor reviewed 21 investigation packages that included, but not limited to:

- Warden to Warden PREA Notifications – 4
- Incident Report Checklist for PREA Issues – 21
- PREA Investigative Folder Checklist – 21
- Police Services Investigative Reports – 13
- Facility and PREA Coordinator Report of Findings – 21
- Grievance Transferal Memorandum – 7
- Inmate Grievance Form – 7
- Internal Inmate Search – 21
- Incident Report – 21
- Inmate Voluntary Statement – 21
- Miranda Rights – 8
- PREA Incident Review – 7
- Disposition of PREA Report – 21
- Disposition of PREA Notification Report – 21
- Sexual Retaliation Monitoring Form – 6

On July 22, 2021, the facility investigator submitted the above investigation documents.

**115.34 (d)**

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

The agency indicated that the facility has not had any entity or Department of Justice component that conducted investigations.

115.35	<b>Specialized training: Medical and mental health care</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC Policy ADM-17.01 Employee Training Standards</li> <li>• Training Logs for Medical and Mental Health Professionals</li> <li>• SCDC Policy GA-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria <ul style="list-style-type: none"> <li>o Housing of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria</li> <li>o Searches of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria</li> </ul> </li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Staff Interviews</li> </ul> <p><b>115.35 (a)</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>• How to detect and assess signs of sexual abuse and sexual harassment;</li> <li>• How to preserve physical evidence of sexual abuse;</li> <li>• How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and</li> <li>• How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.</li> </ul> <p>The agency ensures that all full-and part-time, contract medical and mental health care professional who work regularly in its facilities have been trained in the topics listed above.</p> <p>GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 1.1.2 page 2, indicates that all criminal investigators, medical practitioners, mental health practitioners, and anyone authorized or charged with specific aspects of the agency's response to sexual abuse allegations are required to complete specialized PREA training in the area specific to their role. This training will be completed as least every two (2) years with a certificate of completion or signed training completion document placed in the employee's file. Each Institutional PREA Compliance Manager is responsible for documenting the completion of training on SCDC Form 19-181, "NIC Training Log for Investigations and Medical/Mental Health."</p> <p>The National Institute of Corrections (NIC) online training Specialized training: Medical and mental health care includes the following topics:</p> <ol style="list-style-type: none"> <li>1. Detecting, Assessing, and Responding to Sexual Abuse and Harassment <ol style="list-style-type: none"> <li>a. Sexual Abuse in Confinement Settings</li> <li>b. The Dynamics and Effects of Sexual Abuse</li> <li>c. Your Role in Responding to Sexual Abuse Incidents</li> </ol> </li> <li>2. Preserving Physical Evidence of Sexual Abuse</li> <li>3. Reporting Allegations and Suspicions</li> <li>4. High-Risk Inmates</li> <li>5. Effects of Sexual Abuse</li> <li>6. Trauma and the Brain</li> <li>7. Rape Trauma Syndrome</li> <li>8. SART</li> <li>9. Medical Screening</li> <li>10. 115.21 Evidence protocol and forensic medical examinations</li> <li>11. 115.35 Special training: Medical and mental health care</li> <li>12. 115.61 Staff and agency reporting duties</li> <li>13. 115.65 Mandates a Coordinated Response to Sexual Abuse Incidents</li> <li>14. 115.81 Medical and mental health screenings; history of sexual abuse</li> <li>15. 115.82 Access to emergency medical and mental health services</li> <li>16. 115.83 Ongoing medical and mental health care for sexual abuse victims and abusers.</li> </ol>

**115.35 (b)**

If medical staff employed by the agency conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations.

**Facility Staff:** According to the facility PREA compliance manager, victims of sexual abuse would be taken to a local hospital that employs a qualified forensic examiner or SANE/SAFE staff.

**Facility Staff:** If you conduct forensic examinations, are you qualified, and have you received the appropriate training in conducting forensic examinations? The medical staff indicated that forensic examinations are performed offsite by the local hospital (Prisma Health Richland).

**115.35 (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.

The medical and mental health maintains documentation that there training is kept as electronic training records.

**115.35 (d)**

Medical and mental health care practitioners shall also receive the training mandated for employees under standard 115.31 or for contractors and volunteers under standard 115.32, depending upon the practitioner's status at the agency.

**Facility Staff:** Have you received any other specialized-training regarding sexual abuse a sexual harassment? The medical staff indicated yes, the NIC "Sexual Abuse and Sexual Harassment in a Confinement Setting for Health Care Staff".

115.41	<b>Screening for risk of victimization and abusiveness</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p><b>Auditor Discussion</b></p> <p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• Perpetration – Little to No Elevated Risk (PREA Screening Application) Section List</li> <li>• Vulnerability – Little to No Elevated Risk (PREA Screening Application) Section List</li> <li>• SCDOC PREA Screening Checklist – Male (PREA Initial Assessments) <ul style="list-style-type: none"> <li>o PREA Vulnerability Risk Factors – Male</li> <li>o PREA Perpetration Risk Factors – Male</li> <li>o Summary of Results</li> <li>o Scoring</li> </ul> </li> <li>• PREA Reassessments</li> <li>• SCDC Form 18-79 PREA Screening Checklist</li> <li>• List of Resident and Housing Assignments</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• SCDC Policy GA-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria</li> <li>• SCDC Policy OP-21.04 Inmate Classification Plan</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p><b>115.41 (a)</b></p> <p>All inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.</p> <p>Policy requires all inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. In addition, for any investigated case of sexual abuse that is found to be substantiated, both the victim and the perpetrator will receive a re-assessment to updated his/her information.</p> <p>The South Carolina Department of Corrections Policy Number GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 1.2.1.1 page 3, indicated that intake screening will be conducted utilizing the PREA screening application within seventy-two (72) hours of the inmate's arrival at any institution the inmate will be permanently or temporarily housed (exclude medical visits and temporary holds).</p> <p>Policy OP-21.04 Inmate Classification Plan section 5.1 – during the receiving and screening phase at the Reception and Evaluation Center, medical staff screen the incoming inmate within 72 hours, using SCDC Form M-14 and the history portion of the R&amp;E Physical in the automated medical record (AMR).</p> <p>Policy states, Initial Screening for Risk of Victimization or Abusiveness: Inmate must be screened for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of arrival at SCDC and again at each subsequent transfer. A trained designated staff member uses the automated PREA Screening Instrument (SCDC Form 18-79, "PREA Screening Checklist") to interview the inmate and complete the checklist.</p> <p>A Memo from the Director of Nursing for the SCDC dated July 3, 2019 gives the Health Services – HCA-HN staff written guidance on the following PREA issues:</p> <ul style="list-style-type: none"> <li>• All inmates must have a PREA Risk Assessment screening when they enter the institution and anytime there is an allegation or case. Meaning if you see the inmate or suspected sexual abuse or harassment you will complete another assessment. This will be completed for every inmate that you receive and completed in 24-48 hours at the same time you do intakes.</li> <li>• Prior to the start of all risk assessments, you must inform the inmate: <ul style="list-style-type: none"> <li>o Risk assessment questions are confidential.</li> <li>o You must report any allegation of sexual abuse/harassment that took place in SCDC.</li> <li>o The inmate is not required to answer any questions and there will be not punishment for refusing.</li> </ul> </li> </ul> <p><b>Interviewed Inmates:</b> Thirty (30) random inmates and ten (10) targeted inmates were interviewed for a total of 40 inmates</p>

interviewed. Eleven of the interviewed inmates entered the facility within the last 12 months. Three of the inmates reported that they did not recall being asked questions regarding prior history of sexual abuse, or whether they identified as being gay, lesbian, or bisexual. Two of the inmates reported that they have been housed at the facility two times and the first time they were asked questions; however, the second time they did not ask them any questions. Four of the inmates could recall if they have been asked similar questions again since their arrival at the facility.

**115.41 (b)**

Intake screening shall ordinarily take place within 72 hours of arrival at the facility.

The South Carolina Department of Corrections Policy Number GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 1.2.1.1 page 3, indicated that intake screening will be conducted utilizing the PREA screening application within seventy-two (72) hours of the inmate's arrival at any institution the inmate will be permanently or temporarily housed (exclude medical visits and temporary holds).

**Interviewed Staff:** According to staff and documentation reviewed, PREA screening take place within the 72 hours of arrival at the facility whether it is the Reception and Evaluation Center or the facility transferred too.

**115.41 (c)**

Such assessments shall be conducted using an objective screening instrument.

The South Carolina Department of Corrections Policy Number GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 1.2 provide 1.2.1.1 page 3, indicated that Intake screening will be conducted utilizing the PREA Screening Application within seventy-two (72) hours of the inmate's arrival at any institution the inmate will be permanently or temporarily housed (exclude medical visits and temporary holds).

**Interviewed Staff:** The facility uses a screening objective screening instrument to determine proper housing, bed, assignment, work assignment, education and other program assignments, with the goal of keeping inmates at a high risk of being sexually abused or sexually harassed separate from those inmates who are a high risk of being sexually abused.

**115.41 (d)**

The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:

- Whether the inmate has a mental, physical, or developmental disability;
- The age of the inmates;
- The physical build of the inmate;
- Whether the inmate has previously been incarcerated;
- Whether the inmate's criminal history is exclusively nonviolent;
- Whether the inmate has prior convictions for sex offenses against an adult or child;
- Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- Whether the inmate has previously experienced sexual victimization;
- The inmate's own perception of vulnerability; and
- Whether the inmate is detained solely for civil immigration purposes?

A review of the PREA: Vulnerability Risk Factors and Perpetration Risk Factors include the following:

- First time the person has been incarcerated (Adult Jail or Prison, or Juvenile)
- Is the inmate under 18 years old?
- Are the inmate two or more races?
- Are the inmate's convictions solely non-violent?
- Does the inmate have past convictions of committing a violent sexual offense?
- Does the inmate have a mental health status?
- Are you gay or bisexual?
- Are you Transgender?
- Are you Intersex?
- Have you ever experienced sexual abuse?
- Did the sexual abuse happen in a prison, jail, juvenile facility, or any other detention facility?
- In the past 30 days have you been experiencing any serious psychological distress?
- Do you have a developmental disability?
- Have you ever been in protective custody because of the threat of sexual abuse?
- Do you have any reason to fear placement in the general population? If so, why?
- Does this inmate have limited English abilities (speaking and understanding)?

- Could others perceive the inmate to be gay or bisexual?
- Could others perceive the inmate to be gender nonconforming?
- Does the inmate have a slight physical build (i.e., particularly thin for their height)?
- Is this inmate a validated gang member?
- Has this inmate ever been convicted for sexual abuse against a child?
- Has this inmate ever been convicted for sexual abuse against an adult?
- Has this inmate ever been convicted for non-sexual violent or assaultive offenses?
- Aside from any convictions, does this inmate have one or more substantiated reports of institutional sexual abuse or sexual violence?
- Do you have a history of committing sexual abuse?
- Did the act of sexual abuse occur in a correctional facility?
- Was this conviction for an act that took place in an institutional setting?

**115.41 (e)**

The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing inmates for risk of being sexually abusive.

GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 indicated that inmates who admit to having committed prior acts of sexual abuse, have prior convictions for violent offenses, and/or have a history of prior institutional violence or sexual behavior that is known to the institution or the agency will be identified and kept away from those found to be at high risk for victimization. This will be accomplished through the inmate classification system.

**115.41 (f)**

Within a set time period, not to exceed 30 days from the inmate's arrival at the facility, the facility will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.

The South Carolina Department of Corrections Policy Number OP-21.04 Inmate Classification Plan 5 Initial Medical Assessment, Orientation, Intake, Assessment, and Referral's provision 5.1.5 Within 30 days of transfer, the Classification Caseworker/CPS will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received since the inmate's transfer using the automated PREA screening instrument.

**Central Office Staff:** Interview with the agency PREA coordinator indicated that inmates stay around 45 days at the R&E Center. Yes, classification staff do the reassessments in 30 days. Inmates who are considered "cadre" or housed at the R&E centers are not in R&E status, but live at the institution and their time there depends on their sentence, programming requirements, medical needs, or a host of other classifications that cause them to be transferred.

**115.41 (g)**

An inmate's risk level shall be reassessed when warranted due to referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.

Policy requires within 30 days of transfer, the Classification Caseworker/CPS reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received since the inmates' transfer. In addition, relevant information has been received, the classification caseworker assesses the inmate's risk using the automated PREA screening instrument. If no additional, relevant information has been received, the classification caseworker indicated that on the automated PREA Due List.

**115.41 (h)**

Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d-1, 7, 8, 9) of this section.

A Memo from the Director of Nursing for the SCDC dated July 3, 2019 gives the Health Services – HCA-HN staff written guidance on the following PREA issues:

- Questions contained in the risk screening instrument are private and confidential, however,
- Medical and mental health professionals are required to report any allegation of sexual abuse / harassment that took place in SCDC facility.
- Unless precluded by law medical and mental health professionals are required to report sexual abuse and to inform inmate of the limits of confidentiality at the initiation of services.
- An inmate is not required to answer any questions on the risk assessment instrument and there will be no punishment for refusing.

**Interviewed Staff:** indicated that the facility would not discipline an inmate for refusing to answer and questions or for not disclosing information.

**115.41 (i)**

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 inmate's detriment by staff or other inmates.

**Central Office Staff:** Agency PREA coordinator was asked, has the agency outlined who should have access to an inmate's risk assessment within the facility in order to protect sensitive information from exploitation? Response, yes – medical, mental health, classification, PREA compliance managers and staff on a case-by-case basis, and the PREA coordinator.

- PREA Initial Assessments – 130

**Corrective Action Summary:**

Provision (b) requires intake screening shall ordinarily take place within 72 hours of arrival at the facility.

Concern 1:

During the documentation review the facility is not meeting the provision on a consistent basis.

Provision (f) requires within a set time period, not to exceed 30 days from the inmate's arrival at the facility, the facility will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.

Concern 2:

During the documentation review the facility is not meeting the provision on a consistent basis.

Facility Response:

Due to the affects from COVID-19, the institution had limited staff and had to mitigate potential cases by limiting access to the facilities. This included those staff member that were listed as "non-essential". This action caused the risk screening and assessments/reassessments to become backlogged. As of March 15th, the Governor of South Carolina has allowed staff returned to work, which allowed the agency and institution to ensure that all assessments and reassessments are conducted and will now be done as the standards and SCDC policy prescribes.

The facility also provided the auditor with a memo to BRCI staff dated March 23, 2021, Subject: PREA Assessments/Reassessments Procedures. The memo states, "To ensure the Broad River will be on track with keeping up with the initial PREA assessments and reassessments the following procedure will be followed.

- When a new intake arrives at Broad River Correctional institution before the inmate is sent to his assigned unit the inmate will be sent to medical. Medical will conduct the PREA initial assessment the day of the inmate arrival. This includes weekend and holidays due to BRCI having 24 hours medical.
- Classification has 30 days to have their reassessment entered in the system from the day that the new intake has arrived.
- Medical and classification both has a staff member that is on the BRCI PREA Team. It is their responsibility to check the assessment and the reassessment list to ensure that it is being done." The auditor check with the facility PREA compliance manager to ensure that this process is being maintained. Staff indicated that the process is being maintained. July 19, 2021.



115.42	<b>Use of screening information</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p data-bbox="240 210 451 237"><b>Auditor Discussion</b></p> <p data-bbox="240 271 504 297"><b>Supporting Information:</b></p> <ul data-bbox="240 331 1449 656" style="list-style-type: none"> <li>• SCDC Form 18-79 PREA Screening Checklist</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC Policy GA-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria</li> <li>• SCDC Policy OP-21.04 Inmate Classification Plan</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p data-bbox="240 689 347 716"><b>115.42 (a)</b></p> <p data-bbox="240 750 1393 837">The agency shall use information from the risk screening required by standard 115.41 to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.</p> <p data-bbox="240 871 1481 996">GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 1.2.1.2 page 3 indicated that information provided from the screening assessment will be used to determine the inmate's housing, bed, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.</p> <p data-bbox="240 1030 1458 1155">The South Carolina Department of Corrections Policy Number OP-21.04 Inmate Classification Plan 5 Initial Medical Assessment, Orientation, Intake, Assessment, and Referral's provision 5.1.6 The inmates PREA status will be used when making decisions regarding cell assignment, job assignment, education, and program assignment. Inmates designated as PREA perpetrators will be kept to the extent possible from those designated as PREA victims.</p> <p data-bbox="240 1189 1490 1314"><b>Facility Staff:</b> How does the agency or facility use information from risk screening during intake to keep inmates from being sexually victimized or being sexually abusive? The facility PREA compliance manager indicated that the PREA risk screening application use a scoring system depending on how an inmate answers the questions and it will provide a color-coding representing risk levels of victims and abusers. This information is used to keep the victims' ways from the abusers.</p> <p data-bbox="240 1348 1477 1538"><b>Central Office Staff:</b> The Coordinator for Transgender Services was asked, how will the you collaborate with facility PREA managers at each facility? Response, there is an open line of communication between PREA compliance managers, the clinical coordinator, and the agency PREA coordinator. The clinical coordinator collaborates with the agency PREA coordinator on each transgender inmate on a case-by-case bases. The clinical coordinator also collaborates with the PCM's at each institution to ensure the mental health and safety needs of the transgender inmate's confined within institution are met, based on individual needs.</p> <p data-bbox="240 1572 1465 1762"><b>Interviewed Targeted Inmate:</b> There was one inmate at Broad River Prison identified as transgender. When asked, "did staff here ask you question about your safety" the inmate reported "no" they facility violated her transgender rights. She stated that when she first arrived at the facility, they put her in the worst unit. Although classification knew she was transgender, they put her in a gang infested unit, and she was beat up. She filed several complaints about her safety and they initially did not respond. She was placed at the prison approximately four or five years ago. She reported that she was initially moved.</p> <p data-bbox="240 1796 1469 1883">When asked "have you been put in a housing area only for transgender or intersex inmates", the inmate reported that there was no special housing. The inmate also stated that when she first arrived, she was not acknowledged by staff as being transgender; however once acknowledged she was moved to a "safer" unit.</p> <p data-bbox="240 1917 347 1944"><b>115.42 (b)</b></p> <p data-bbox="240 1977 1246 2004">The agency shall make individualized determinations about how to ensure the safety of each inmate.</p> <p data-bbox="240 2038 1477 2163">Policy requires information from the risk screening instrument are considered when making housing, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, and ensuring that determination about how to ensure the safety of each inmate is individualized.</p>

#### 115.42 (c)

In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.

SCDC policy require the use of a screening instrument to determine proper housing, be assignment, work assignment, education and other program assignments, with the goal of keeping inmates at a high risk of being sexually abused/sexually harassed separate from those inmates who are at a high risk of being sexually abusive.

Policy requires that the initial housing of LGBT) inmates: Lesbian, gay, bisexual, transgender, or intersex inmates are not housed solely on the basis of their identification unless placed for the purpose of protecting the inmate.

GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 indicated that inmates who self-identify as Transgender or Intersex will be assessed and provided the minimally necessary accommodations on a case-by-case basis. For those inmates who self-identify as Transgender, information will be provided to the agency's Multidisciplinary Management and Treatment Team (MMTT) for individualized case management and review.

GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 indicated that inmates who self-identify as Transgender or Intersex during intake will be not be required to receive gender specific grooming standards until the institution's PREA Compliance Manager (PCM) provides instruction. The PCM will receive instructions from the agency's PREA Coordinator (PC) or designee.

GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 indicated that those inmates' cases that are brought before the agency's MMTT will be discussed on a case-by-case basis with the intention of ensuring the inmate's health and safety, and whether the placement would present management or security problems.

SCDC Policy GA-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria, Section 3. Housing of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria 3.1 states, in deciding whether to house transgender inmate and inmates with gender dysphoria in a facility for male or females, and in making other housing decisions (bathroom and shower access) and programming assignments, the Multidisciplinary Management and Treatment Team will consult with the Division of Operations as well as central Classifications to create a plan with a reasonable outcome for the inmate and institution as a whole. Safety concerns will be taken into account.

Policy GA-06.9 section 3.2 states, the following factors, along with 3.1 above, must be given serious consideration in making housing and placement decisions:

- The inmates' views with respect to safety;
- The inmates' expressed gender identity;
- The inmates' current gender expression;
- The inmates' vulnerability to victimization;
- The likelihood that the inmate will perpetrate abuse;
- Facility considerations such as staffing patterns layout, and inmate population;
- Length of sentence.

#### 115.42 (d)

Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.

Policy requires placement and program assignment of transgender and intersex inmates are reassessed every six months to review any threats to safety experienced by the inmate.

**Facility Staff:** How often are placement and programming assignments for each transgender or intersex inmate reassessed to review any threats to safety experienced by the inmate? The facility PREA compliance manager indicated monthly at the Multidisciplinary Management and Treatment Team (MMTT).

The auditor reviewed the "Multidisciplinary Management and Treatment Team (MMTT) Inmate Accommodation Plan". The plan includes the following information.

- Initial or Update
- Inmate Gender to include other
- Health Considerations (Prescribed Hormones by a Licensed Practitioner, Psychiatric consult to rule out Gender Dysphoria/Others). Other (implants, injectables, surgical history, complications).

- Committee Housing Recommendations (Clothing/Commissary- authorized to have female undergarment, nightshirt, and bathrobe; showering; grooming; recreation; programming; transportation; canteen; other)
- Disposition of Recommendations
- Participation
- Inmate Certification

**115.42 (e)**

A transgender or intersex inmate's own view with respect to his or her own safety shall be given serious consideration.

Policy Number: OP-21.04 section 5.1.1 – on a case-by-case basis, the Gender Dysphoria Multi-Disciplinary Team determine whether to assign a transgender or intersex inmate to an institution for male or female inmates. The placement decision is based on the inmate's own views with respect to his or her health and safety, and whether the decision will present a management or security problem.

**Facility Staff:** Are transgender or intersex inmates' views with respect to his or her own safety given serious consideration in placement and programming assignments? The facility PREA compliance manager indicated yes through the Multidisciplinary Management and Treatment Team (MMTT).

**115.42 (f)**

Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.

**Interviewed Staff:** Transgender and intersex inmates are given the opportunity to shower separately from other inmates.

**Interviewed Targeted Inmate:** When the inmate was asked "are you allowed to shower without other inmates", the inmate reported that initially staff was not respectful. The inmate also reported that she has a lawsuit against the agency; and she would like to know by law where could male and female transgender inmates be housed together; or at least in a cell with another transgender inmate. The inmate reported that she had to file a lawsuit against the agency in order to be able to shower alone. The inmate reported that the lawsuit was initiated filed approximately four or five years ago; and she has been fighting for her rights ever since. The inmate stated that if we needed additional details, we could contact their attorney. The shower locations were observed during the facility tour.

**115.42 (g)**

The agency shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.

Policy requires that the initial housing of LGBT) inmates: Lesbian, gay, bisexual, transgender, or intersex inmates are not housed solely on the basis of their identification unless placed for the purpose of protecting the inmate.

GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 indicated that no inmate will be placed specifically on their identity of lesbian, gay, bisexual, transgender, or intersex.

Inmates identified to be at risk for sexual victimization will not be placed in protective custody or involuntarily segregated, unless there is no available location or method of keeping the inmate separated from likely abusers.

SCDC Policy GA-06.09 The Multidisciplinary Management and Treatment Team, Section 2.1 states, the Multidisciplinary Management and Treatment Team will, on a case-by-case basis, create individualized accommodation plans that will provide for all medically necessary treatment, including personal adjustment and housing needs as search preferences, where deemed medically necessary. These individualized accommodation plans will be documented on SCDC Form M-207, Multidisciplinary Accommodation Plan."

Policy GA-06.09 2.2 states, The Multidisciplinary Management and Treatment Team will be made up of the following:

- Division Director of Behavioral/Mental Health & Substance Abuse Services;
- Assistant Deputy Director of Nursing;
- Chief Medical Doctor;
- Deputy Director of Health Services or designee;
- Chief Psychiatrist or designee;
- Primary care clinician (s) assigned to work with the offender, where appropriate;
- PREA Coordinator
- Deputy Director of Operations or designee;
- Deputy Director of Legal and Compliance or designee, and

- Division Director of Classification and Inmate Records or designee.

The South Carolina Department of Corrections Policy Number OP-21.04 Inmate Classification Plan 5 Initial Medical Assessment, Orientation, Intake, Assessment, and Referral's provision 5.1.7 Initial Housing of LGBT (lesbian, gay, bisexual, and transgender) inmates: Lesbian, gay, bisexual, transgender, or intersex inmates will not be housed solely on the basis of such identification unless placed for the purpose of protecting the inmate. Transgender and intersex inmates will be given the opportunity to shower separately from other inmates. Placement and program assignment of transgender and intersex inmates will be reassessed every six months to review any threats to safety experienced by the inmate.

**Central Office Staff:** Agency PREA coordinator (PC) was asked, how does the agency ensure against placing lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units or wings solely on the basis of their sexual orientation, genital status, or gender identity? Response, SCDC has a Multidisciplinary Management and Treatment Team (MMTT) which handles placement of Transgender, inmates suffering from Gender Dysphoria, and Intersex inmates. Agency policy and the classification system ensures against placement of LGBTI in dedicated facilities, units, or wings solely on the basis of their sexual orientation.

**Facility Staff:** Is the facility subject to a consent decree, legal settlement, or legal judgment requiring that it establish a dedicated facility, unit, or wing for lesbian, gay, bisexual, transgender, or intersex inmates? The facility PREA compliance manager indicated no.

**Corrective Action Summary:**

Concern 1: Transgender Inmate (#1)

There was one inmate at Broad River Prison identified as transgender. When asked, "did staff here ask you questions about your safety" the inmate reported "no" the facility violated her transgender rights. She stated that when she first arrived at the facility, they put her in the worst unit. Although classification knew she was transgender, they put her in a gang infested unit, and she was beat up. She filed several complaints about her safety and they initially did not respond. She was placed at the prison approximately four or five years ago. She reported that she was initially moved.

When asked "have you been put in a housing area only for transgender or intersex inmates", the inmate reported that there was no special housing. The inmate also stated that when she first arrived (four to five years ago), she was not acknowledged by staff as being transgender; however once acknowledged she was moved to a "safer" unit.

When the inmate was asked "are you allowed to shower without other inmates", the inmate reported that initially staff was not respectful. The inmate also reported that she has a lawsuit against the agency; and she would like to know by law where could male and female transgender inmates be housed together; or at least in a cell with another transgender inmate. The inmate reported that she had to file a lawsuit against the agency in order to be able to shower alone. The inmate reported that the lawsuit was initiated filed approximately four or five years ago; and she has been fighting for her rights ever since.

The inmate stated that if we needed additional details, we could contact their attorney. The auditor will not engage in this process of contact the inmate's attorney.

Facility Response

When the agency started to acknowledge having transgender inmates at the facilities, the institution followed all guidelines according to policy and procedure. The inmates are housed together according to their classification custody level. There isn't any problem with housing a transgender in the same cells, but they must match with their custody classification custody level. The inmate is being monitored by the Agency's Multidisciplinary Management and Treatment Team (MMTT) and has been provided an accommodation plan which describes the specific accommodations provided to this inmate, individually, to include showering alone.

Concern #2: Transgender Inmate (#2)

During the auditor documentation review the auditor express concerns regarding a Transgender being transferred on February 3, 2021 before the on-site PREA audit.

Agency PREA Coordinator Response:

Interviewed agency PREA coordinator and provided documentation/memo serves as notification as to the purpose and reasoning behind the movement of inmate X2 from Broad River Correctional Institution to Ridgeland Correctional Institution on February 3, 2021.

Inmate X2 is a self-identified transgender female inmate who is monitored by the South Carolina Department of Corrections (SCDC), Multidisciplinary Management and Treatment Team (MMTT) to ensure the inmates health and safety is assessed per the National PREA Standards, standard 115.42, Use of screening information.

On 9/20/2020, inmate X2 submitted an allegation alleging she was being sexually harassed by another inmate. Although the

inmate and the alleged perpetrator was separated by tier, it was not possible, due to COVID-19 positive cases, that the alleged perpetrator be moved out of the building. On 12/4/2020, inmate X2 sent a correspondence to my office (agency PREA coordinator) which stated she felt she was being retaliated against by her alleged perpetrator and other inmates due to her allegation. The alleged perpetrator was then moved on 12/4/2020 to separate wing of the same building where the alleged victim and perpetrator would not be within sight or sound of each other and would still be within COVID-19 protocols.

Due to COVID-19 protocols, inmate X2 was not able to be transferred to another institution until 2/3/2021, but was requested to be moved on 12/8/2020. This request was in reference to the health and safety of the inmate.

<b>115.43</b>	<b>Protective Custody</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p data-bbox="240 210 451 237"><b>Auditor Discussion</b></p> <p data-bbox="240 271 504 297"><b>Supporting Information:</b></p> <ul data-bbox="240 331 1449 723" style="list-style-type: none"> <li>• SCDC Policy Number: OP 22.23 Statewide Protective Custody</li> <li>• Form 19-17 Evaluation of Protective Concerns</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• SCDC Policy GA-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria</li> <li>• SCDC Policy HS-19.04 Mental Health Services – General Provisions</li> <li>• SCDC Policy OP-21.04 Inmate Classification Plan</li> <li>• PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p data-bbox="240 757 347 784"><b>115.43 (a)</b></p> <p data-bbox="240 817 1485 943">Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is not available alternative means of separation from likely abusers. If a facility cannot conduct such as assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.</p> <p data-bbox="240 976 1481 1066">GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 indicated that no inmate will be placed specifically on their identity of lesbian, gay, bisexual, transgender, or intersex.</p> <p data-bbox="240 1099 1445 1155">Inmates identified to be at risk for sexual victimization will not be placed in protective custody or involuntarily segregated, unless there is no available location or method of keeping the inmate separated from likely abusers.</p> <p data-bbox="240 1189 1445 1245">The South Carolina Department of Corrections Policy Number: OP 22.23 – Statewide Protective Custody and utilizes the form Evaluation of Protective Concerns – SCDC Form 19-47.</p> <p data-bbox="240 1279 1477 1368">Policy states when the inmate requests protective custody he or she will be interviewed by the highest supervisor on duty to determine the nature of the concern. The information will be documented in Section I of SCDC Form 19-47, Evaluation of Protective Concerns.</p> <p data-bbox="240 1402 1430 1527">The interviewing official will be responsible for making a recommendation on the form as to his/her assessment of the inmate's reason (s) for requesting protective custody housing. The interviewing official may either recommend that the inmate be returned to the general population or placed in "Pre-Hearing Detention with Protective Custody Concerns for further investigation.</p> <p data-bbox="240 1561 347 1588"><b>115.43 (b)</b></p> <p data-bbox="240 1621 1461 1711">Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document:</p> <ul data-bbox="240 1744 667 1836" style="list-style-type: none"> <li>• The opportunities that have been limited;</li> <li>• The duration of the limitation; and</li> <li>• The reasons for such limitations.</li> </ul> <p data-bbox="240 1870 1246 1897">The South Carolina Department of Corrections Policy Number: OP-22.23 sections provide access to:</p> <ul data-bbox="240 1930 1246 2157" style="list-style-type: none"> <li>• Security Checks – periodically observe inmates at least every 30 minutes on an irregular schedule.</li> <li>• Daily Inmate Evaluation Sheets – responsible for conducting daily cell inspections.</li> <li>• Programs – allowed access to meaningful programs and services.</li> <li>• Religious Programming – requests to see a Chaplain will receive prompt response.</li> <li>• Medical Care – Qualified health care personnel will be required to visit.</li> <li>• Mental Health</li> <li>• Access to Legal Materials</li> </ul>

- Recreation
- Visitation
- Correspondence Privileges
- Personal Telephone Calls
- Legal Telephone Calls
- Canteen Purchases
- Etc.

**115.43 (c)**

The facility shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.

Policy OP-22.23 section 5.1 – Inmates must be provided with a review within seven (7) calendar days of their initial placement in Protective Concern. The inmate will appear before the IPCC to justify or discuss his/her placement into Statewide Protective Custody housing. If placement in state protective custody is recommended, at least one (1) of the following elements must be established by the IPCC in order for the inmate's request to be considered valid.

The auditor listed PREA related from the policy:

- Record of having been assaulted;
- Verified threats, verbal abuse, or harassment;
- Reliable confirmed evidence of sexual assault.

**Facility Staff:** The facility PREA compliance manager indicated in that involuntary segregated housing is seldom a consideration unless an assessment of all available alternative has been made, and a determination has been made that there are no available alternatives means of separation form likely abusers.

**115.43 (d)**

If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, the facility shall clearly document:

- The basis for the facility's concern for the inmate's safety; and
- The reason why no alternative means of separation can be arranged.

**Central Office Staff:** Interview with the agency PREA coordinator indicated yes to if an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section the facility clearly documents using the Protective Concerns Documentation (SCDC Form 19-47) and incident report (SCDC Form 19-29).

**Interviewed staff:** regarding and review the Evaluation of Protective Concerns to validate information regarding inmates' concerns and reason why no alternative means

**115.43 (d)**

Every 30 days, the facility shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.

Policy OP-22.23 section 2.4 – If placement in Protective Custody is approved by the warden/duty warden or approved designee the inmate will be transferred to available Short Term (ST) bed space for a period of up to seven (7) calendar days for further investigation.

115.51	<b>Inmate reporting</b>
	<b>Auditor Overall Determination:</b> Exceeds Standard
	<b>Auditor Discussion</b>
	<p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC Policy Number: GA 01.07 Access to the General Counsel</li> <li>• SCDC Policy GA-01.12 Inmate Grievance System</li> <li>• SCDC Policy PS-10.08 Inmate Correspondence Privileges</li> <li>• PREA Zero Tolerance Policy Poster (English)</li> <li>• PREA Zero Tolerance Policy Poster (Spanish)</li> <li>• Inmate Orientation Manual (English)</li> <li>• Inmate Orientation Manual (Spanish)</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p><b>115.51 (a)</b></p> <p>The agency shall provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation, by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.</p> <p>The South Carolina Department of Corrections Policy Number: GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 2.2 page 4, indicated that inmates incarcerated in an SCDC institution will have multiple ways of reporting actual or suspected acts of sexual abuse or sexual harassment. Inmates may make a report by utilizing the inmate phone system to call in an allegation by dialing *22, or write or make a verbal report to any agency employee, volunteer, intern, or contractor. Inmates may also utilize the kiosk system to write any staff member regarding the allegation, notify medical personnel through the sick call procedure, write to the South Carolina Law Enforcement Division (SLED), notify an emotional support counselor by dialing *63 on the inmate phone system, or ask a family member or friend to file a report on their behalf through the PREA Tips page on the agency's public website at <a href="http://www.doc.sc.gov/preaweb/">http://www.doc.sc.gov/preaweb/</a>.</p> <p>The inmate can file a written report without giving his/her name or the name of the abuser (s). This information could also include an assault that occurred at any Correctional Facility, Detention Center, County Facility or while under community supervision, prior to or during his/her commitment to the SCDC.</p> <p>Inmates can report PREA related allegations by:</p> <ul style="list-style-type: none"> <li>• File a grievance</li> <li>• File a report to investigations using a facility kiosk</li> <li>• Request to visit medical and ask for help</li> <li>• Ask a lawyer, a friend, or family member to request help</li> <li>• Dial *22 from any inmate phone located each living units (PREA reporting line set up by the SCDC to leave a message regarding any violation in the facility.</li> <li>• Call Sexual Assault Hotline</li> </ul> <p><b>Facility Random Staff:</b> The interviewed random staff reported that the inmates can privately report by using the hotline number, tell staff, tell family members, or the kiosk system. It should be noted that all of the inmates have a device in which they can directly file a PREA allegation.</p> <p>Interviewed Inmates: Thirty (30) random inmates and ten (10) targeted inmates were interviewed for a total of (forty) 40 inmates interviewed. All of interviewed inmates stated that they had multiple ways to report. Most of the inmates reported that they would tell staff, call the hotline, tell family members or friends. The hearing-impaired inmate also reported that he could notify his interpreter.</p> <p><b>115.51 (b)</b></p> <p>The agency shall also provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and</p>



sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. Inmates detailed 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.

The following are ways inmate can report sexual abuse or sexual harassment to public or private entity.

- Dialing \*63 on the inmate phone (This call is not recorded and the inmate does not have to put in their Inmate Personal Identification Number (PIN) to make the call. The call goes to a Statewide Partnership with Sexual Assault Center that partnered with SCDC to provide these services. Center: Sexual Trauma Services of the Midlands.
- By Reporting to the Division of Investigations
- Inmate Kiosk System
- Dialing \*22 reporting line set up by the SCDC to leave a message regarding any violation in the facility.
- By writing to South Carolina Law Enforcement Division (SLED); Anyone can write to SLED to make a report of sexual abuse inside a correctional institution in South Carolina and can choose to remain anonymous. If you have access to website, you can just click on the link and enter required information.
- Tell a friend or family member to use the SCDC Anonymous PREA Tips website
- Legal Counsel
- Attorney Visits
- Legal Correspondences
- Grievance Process (Mail outside)

Inmates detailed solely for civil immigration purposes are provided contact information regarding the consular officials.

**Interviewed Inmates:** Thirty (30) random inmates and ten (10) targeted inmates were interviewed for a total of forty (40) interviewed. The inmates reported that they could make a report to someone who does not work at the facility by telling other family members or call the hotline. The inmates were able to describe being able to make reports verbally, in writing, anonymously, and from third parties. Most of the inmates felt that they could make a report without giving their name; however, if there is no name that it would be hard to investigate. It should also be noted that one inmate who is disabled reported that he has an inmate caretaker assigned to him; and he would rely on him to make a report. Another inmate stated that he tried to make a report to the protective agency, and they notified him that he cannot reach out to the protective agency to make reports.

#### **115.51 (c)**

Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.

GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 2.2.1 indicated that SCDC employees, volunteers, interns, and contractors will accept and report all allegations of sexual abuse from an inmate no matter the source or location of the allegations.

**Facility Random Staff:** The interviewed random sample of staff sixteen (16) reported that the inmates can privately report by using the hotline number, notify staff, family, or friends. Such reports can be made verbally or in writing. All the interviewed staff reported that if an inmate makes a report verbally or in writing, sexual abuse or harassment, the allegations are responded to immediately and they would immediately seek a written statement.

#### **115.51 (d)**

The agency shall provide a method for staff to privately report sexual abuse and sexual harassment of inmates.

**Facility Random Staff:** The interviewed random staff sixteen (16) reported that inmates can privately reporting by using the hotline number, notify staff, family, or friends. Such reports can be made verbally or in writing. All of the interviewed staff also could articulate at least one method in which staff could make a private report. The majority of staff reported they would notify their supervisor.

#### **Corrective Action Summary:**

Concern #1:

Interviewed Targeted Inmates: Two of the three interviewed inmates stated that the staff did not investigate their allegation, therefore notification did not occur. One inmate stated that he was notified of the results of the allegation. One inmate who was notified stated that he was told that the allegation was unfounded because they could not see on camera anything. He also reported that there are no cameras in the mental health offices.

One of the three interviewed inmates stated that he was notified in writing within 60 days of the results of the allegation

Facility Response:

The Institution has a new management team and a new PREA compliance manager. While the new PREA compliance manager was getting prepared for the audit it was found that the reported PREA allegations for the past 12 months were not investigated or investigations were not completed. The new management team have been working on investigating and closing cases to meet the PREA standards.

It was determined that the past management did not investigate, monitor for retaliation nor notified the inmates of the result of their investigations, and the 30-day incident reviews were not conducted. All past cases are being investigated, monitor for retaliation and inmates are being notified by the new PREA compliance manager, as well as conducting 30-day incident reviews when applicable.

The auditor reviewed 21 investigation packages that included, but not limited to:

- Warden to Warden PREA Notifications – 4
- Incident Report Checklist for PREA Issues – 21
- PREA Investigative Folder Checklist – 21
- Police Services Investigative Reports – 13
- Facility and PREA Coordinator Report of Findings – 21
- Grievance Transferal Memorandum – 7
- Inmate Grievance Form – 7
- Internal Inmate Search – 21
- Incident Report – 21
- Inmate Voluntary Statement – 21
- Mirada Rights – 8
- PREA Incident Review – 7
- Disposition of PREA Report – 21
- Disposition of PREA Notification Report – 21
- Sexual Retaliation Monitoring Form – 6

On July 22, 2021, the facility investigator submitted the above investigation documents.

115.52	<b>Exhaustion of administrative remedies</b>
	<p data-bbox="240 147 738 174"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="240 210 451 237"><b>Auditor Discussion</b></p> <p data-bbox="240 273 502 300"><b>Supporting Information:</b></p> <ul data-bbox="240 331 1449 591" style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC Policy GA-01.12 Inmate Grievance System</li> <li>• Grievance Log/Records</li> <li>• PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p data-bbox="240 622 347 649"><b>115.52 (a)</b></p> <p data-bbox="240 680 1449 739">An agency shall be exempt from this standard if it does not have administrative procedures to address inmate grievances regarding sexual abuse.</p> <p data-bbox="240 770 1469 828">The South Carolina Department of Corrections Policy Number: GA-01.12 Inmate Grievance System section 15.1 meets the requirements of this standard.</p> <p data-bbox="240 860 1469 1021">Policy Number: GA-01.12 Inmate Grievance System section 15.2.6 states that the Inmate Grievance Coordinator (IGC) will not investigate allegations of a violation of PREA. A copy of any grievance alleging PREA violations will be provided to the PREA Compliance Manager within 24 hours of receipt for investigation and providing recommended responses to grievances. The PREA Compliance Manager will maintain a copy of the grievance and maintain a log of PREA allegations grievances.</p> <p data-bbox="240 1052 347 1079"><b>115.52 (b)</b></p> <ul data-bbox="240 1111 1481 1442" style="list-style-type: none"> <li>• The agency shall not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.</li> <li>• The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege and incident of sexual abuse.</li> <li>• The agency shall not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.</li> <li>• Nothing in this section shall restrict the agency's ability to defend against an inmate lawsuit on the ground that applicable status of limitations has expired.</li> </ul> <p data-bbox="240 1473 1465 1532">Policy Number: GA-01.12 Inmate Grievance System section 15.2.1 states, there will be no time frame for filing a grievance alleging sexual abuse. The inmate will not be required to attempt any informal resolution.</p> <p data-bbox="240 1563 1469 1657">SCDC permits inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits. SCDC refrains from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse and sexual harassment.</p> <p data-bbox="240 1688 347 1715"><b>115.52 (c)</b></p> <p data-bbox="240 1747 539 1774">The agency shall ensure that:</p> <ul data-bbox="240 1805 1485 1921" style="list-style-type: none"> <li>• An inmate who alleges sexual abuse may submit a grievance with without submitting it to a staff member who is the subject of the complaint, and</li> <li>• Such grievance is not referred to a staff member who is the subject of the complaint.</li> </ul> <p data-bbox="240 1953 1406 2011">The agency ensures that an inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint. Inmates can submit grievance through a grievance box.</p> <p data-bbox="240 2042 1469 2136">All grievances are picked up on a daily basis, during normal working hours, by an employee designated by the Warden. All grievances are numbered and entered into the automated system within three working days by an employee designated by the Warden.</p>

**Central Office Staff:** The agency PREA coordinator indicated that the inmates turn their grievance in using the grievance box at each facility.

**115.52 (d)**

- 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.
- Computation of the 90-day time period shall not include time consumed by inmates in preparing any administrative appeal.
- 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 inmate in writing of any such extension and provide a date by which a decision will be made.
- At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.

Policy, GA-01.2, Inmate Grievance System requires facilities to 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 with a maximum allowable extension of time to respond of up to 70 days per 115.52 (b) when the normal time period for response is insufficient to make an appropriate decision.

Policy, GA-01.12, Inmate Grievance System indicates that at any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.

The auditor founded this provision in compliance because policy requires a copy of any grievance alleging PREA violations will be provided to the PREA Compliance Manager within 24 hours of receipt for investigation and providing recommended responses to grievances.

**115.52 (e)**

- Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing request for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates.
- If a third-party file such a request on behalf on an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
- If the inmate declines to have the request processed on his or her behalf, the agency shall document the inmate's decision.

Policy, GA-01.12, Inmate Grievance System allows third parties to file a grievance on the behalf of an inmate.

**Interviewed Staff:** The agency PREA coordinator indicated during his interview that third parties include individuals such as fellow inmates, staff members, family members, attorneys, and outside advocates, are all permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse.

**115.52 (f)**

- The agency shall establish procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse.
- After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the agency shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final agency decision within 5 calendar days. The initial response and final agency decision shall document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

SCDC has established documented procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse.

**Central Office Staff:** According to the agency PREA coordinator, after receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, SCDC immediately would forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to investigations and/or a level of review at which

immediate corrective action may be taken.

Policy, GA-01.12, Inmate Grievance System, Section 15.2.4. If the inmate files an emergency grievance showing substantial risk of imminent sexual abuse, the Agency shall immediately forward the grievance to the Warden for response within 48 hours of receipt of the grievance and an Agency final decision shall be provided within five (5) calendar days. Section 15.2.6. The inmate Grievance Coordinator (IGC) will not investigate allegations of a violation of PREA. A copy of any grievance alleging PREA violations will be provided to the PREA Compliance Manager within 24 hours of receipt for investigation and providing recommended responses to grievances. The PREA Compliance Manager will maintain a copy of the grievance and maintain a log of PREA allegations grievances.

**115.52 (g)**

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

Policy Number: GA-01.12 Inmate Grievance System section 15.25 states that the agency may discipline and inmate for filing a grievance related to the alleged sexual abuse if there is evidence that the inmate filed the grievance in bad faith.

115.53	<b>Inmate access to outside confidential support services</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p><b>Auditor Discussion</b></p> <p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• SCDC MOU with the Statewide Partnerships with Sexual Assault Centers (The Sexual Trauma Services)</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC Policy PS-10.08 Inmate Correspondence Privileges</li> <li>• Inmate Handbook (English) – Talk About Safety Brochure</li> <li>• Inmate Handbook (Spanish) – Talk About Safety Brochure</li> <li>• Pee Dee Coalition Against Domestic and Sexual Assault 63 Poster</li> <li>• Anonymous PREA Tips (Inmate Call Family to Report)</li> <li>• MOU: Monthly Reports of Services and Those Served</li> <li>• MOU with Sexual Trauma Services</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p><b>115.53 (a)</b></p> <p>The facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The facility shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.</p> <p>The South Carolina Department of Corrections website – Prison Rape Elimination Act (PREA) Statewide Partnerships with Sexual Assault Centers. Facilities are provided access to outside victim advocates for emotional support services for inmates related to sexual abuse whether it occurred in prison on or before they became incarcerated.</p> <p>MOU between the SC Department of Corrections Facilities in Lexington, Richland, Newberry, Sumter, and Clarendon Counties and Sexual Trauma Services of the Midlands (STSM). The STSM is responsible for:</p> <ul style="list-style-type: none"> <li>o Responding to calls from inmates received on STSM's 24-hour crisis hotline;</li> <li>o Providing inmates with confidential emotional support services related to sexual abuse during their residency at an institution and during their transition from the corrections facility into the community;</li> <li>o Providing follow-up services to victims of sexual assault as resources allow, including in-person visits;</li> <li>o Maintaining confidentiality of communications with inmates;</li> <li>o Working with designated staff to obtain security clearance as needed and follow all facility guidelines for safety and security;</li> <li>o Attending any and all Sexual Abuse Incident Reviews at the request of an inmate with the understanding that STSM cannot disclose any communication with an inmate without a signed release from said inmate.</li> <li>o Communicating any questions or concerns to PREA Coordinator that are not in violation of confidentiality.</li> </ul> <p>Note: This MOU services provided as agreed pursuant to the approved project goals and objectives listed in the awarded Justice Assistance Grant Program (Grant No. 1GPR19001).</p> <p>For providing services as the sole service provider of the STSM is responsible for:</p> <ul style="list-style-type: none"> <li>o Providing emotional support services to inmate and juveniles adjudicated to the SCDC and the SCDJJ for sexual assault and sexual misconduct;</li> <li>o Providing awareness and knowledge to inmates and juveniles about sexual assault, misconduct, and harassment through group education sessions provided by a qualified instructor;</li> <li>o Providing training and education to the staff of SCDC and SCDJJ, to included correctional officers, medical and mental health practitioners, and others (including train-the-trainer) regarding information on the PREA, sexual assault, trauma informed care, youth violence prevention, SAFE/SANE requirements, and how to assist survivors of sexual abuse;</li> <li>o Submitting monthly reports of services and those served;</li> <li>o Providing timely invoices for payment with descriptive line items describing services provided, dates, times, locations, and costs;</li> </ul>

o Providing training agreed upon within each quarter of the grant.

Contact: Sexual Trauma Services of the Midlands/ 3830 Forest Drive -Suite 201, Columbia, SC 29204

The Sexual Trauma Services of the Midlands services this facility.

- Dialing \*63 on the inmate phone (This call is not recorded and the inmate does not have to put in their Inmate Personal Identification Number (PIN) to make the call. The call goes to a Statewide Partnership with Sexual Assault Center that partnered with SCDC to provide these services. Center: Sexual Trauma Services of the Midlands.

The Sexual Trauma Services of the Midlands (STSM) provided monthly reports to the SCDC. The auditor reviews the reports from June 2020 to February 2021, which revealed the following:

- Total number of Crisis Intervention – 18
- Total number of Hotline Support – 3
- Total number of Hospital Accompaniment – 0
- Total number of Group Services - 9

**Interviewed Targeted Inmates:** Inmate who reported sexual abuse. The three inmates were interviewed who reported sexual abuse and or sexual harassment. The inmates reported that they were not give mailing addresses or telephone numbers for outside services. However, one inmate stated that there is signage posted in the facility. When probed one inmate stated that they were receiving tele mental health services.

When asked about communicating with outside services in a confidential way; one inmate reported that they don't know because it was not needed, another stated that if you are by yourself, you could use the tablets and contact someone; and other inmate stated that they were doing tele mental health but haven't heard from the person in a while.

**Interviewed Inmates:** Nine of the interviewed inmates reported that they were aware of services available outside of the facility that deal with sexual abuse if needed. It should be noted that when probed, only one inmate could describe any outside services. One inmate reported that there are numbers and mailing addresses posted in the facility. He stated that he doesn't know the details of the services, but he feels he could confidentiality communicate with the services on the tablets. Several inmates reported seeing things on tv for women who need services, one inmate recalled services while he was at a treatment program, and one inmate stated that he knows about services because his victims needed them.

The facility PREA brochure contains information regarding outside supportive services. When probed, approximately half of the inmates could recall getting the brochure.

#### **115.53 (b)**

The facility shall inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

**Central Office Staff:** The agency PREA coordinator indicated that inmates are informed at orientation and by Medical and Classification staff when completing the PREA Screening Application the extent to which reports of abuse will be forwarded to authorities as mandated reporters.

#### **115.53 (c)**

The agency shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse. The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements.

MOU between the SC Department of Corrections Facilities in Lexington, Richland, Newberry, Sumter, and Clarendon Counties and Sexual Trauma Services of the Midlands (STSM). The STSM is responsible for:

- o Responding to calls from inmates received on STSM's 24-hour crisis hotline;
- o Providing inmates with confidential emotional support services related to sexual abuse during their residency at an institution and during their transition from the corrections facility into the community;
- o Providing follow-up services to victims of sexual assault as resources allow, including in-person visits;
- o Maintaining confidentiality of communications with inmates;
- o Working with designated staff to obtain security clearance as needed and follow all facility guidelines for safety and security;
- o Attending any and all Sexual Abuse Incident Reviews at the request of an inmate with the understanding that STSM cannot disclose any communication with an inmate without a signed release from said inmate.
- o Communicating any questions or concerns to PREA Coordinator that are not in violation of confidentiality.

Note: This MOU services provided as agreed pursuant to the approved project goals and objectives listed in the awarded Justice Assistance Grant Program (Grant No. 1GPR19001).

SCDC has a statewide partnership agreement with multiple sexual assault centers across the state. The ten sexual assault centers provide hundreds of hours of support to victim of sexual assault, including individual face-to-face contacts, group sessions, written correspondence, and phone calls through toll-free hotline support.

**Corrective Action Summary:**

The standard shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state, or national victim advocacy or rape crisis organizations, and for persons detained solely for civil immigration purposes, immigrant services agencies.

**Concern #1: Interviewed Target Inmates**

Interviewed Targeted Inmates: Three inmates were interviewed who reported sexual abuse and or sexual harassment. The inmates reported that they were not give mailing addresses or telephone numbers for outside services. However, one inmate stated that there is signage posted in the facility. When probed one inmate stated that they were receiving tele mental health services.

When asked about communicating with outside services in a confidential way; one inmate reported that they don't know because it was not needed, another stated that if you are by yourself, you could use the tablets and contact someone; and other inmate stated that they were doing tele mental health but haven't heard from the person in a while.

**Facility Response:**

Due to COVID-19 protocols, non-essential staff, contractors, visitors, and others were no permitted to enter any institutions. This mandate included Rape Crisis Center personnel. In order to ensure continued access, All RCC's were provided access to inmates through telehealth applications or through phone calls.

All inmates have access to PREA information located on the kiosk and the inmate tablets. The institution will provide a pamphlet with the number for outside help when they report any allegations of PREA. There are signs posted around the institution with the numbers for outside services.

Contact: Sexual Trauma Services of the Midlands/ 3830 Forest Drive -Suite 201, Columbia, SC 29204

The auditor requested that STSM outside emotional services provide information regarding inmates within the past 12 months. The Sexual Trauma Services of the Midlands (STSM) provided monthly reports to the SCDC agency PREA coordinator. The auditor reviews the reports from June 2020 to February 2021, which revealed the following:

- Total number of Crisis Intervention – 18
- Total number of Hotline Support – 3
- Total number of Hospital Accompaniment – 0
- Total number of Group Services - 9

**Concern #1: Interviewed Inmates**

Nine of the forty (40) interviewed inmates reported that they were aware of services available outside of the facility that deal with sexual abuse if needed. It should be noted that when probed, only one inmate could describe any outside services. One inmate reported that there are numbers and mailing addresses posted in the facility. He stated that he doesn't know the details of the services, but he feels he could confidentiality communicate with the services on the tablets. Several inmates reported seeing things on tv for women who need services, one inmate recalled services while he was at a treatment program, and one inmate stated that he knows about services because his victims needed them.

The facility PREA brochure contains information regarding outside supportive services. When probed, over half of the inmates could recall getting the brochure.

**Facility Response:**

All inmates have access to the PREA brochure through the kiosk and inmate tablets. Inmates are required to acknowledge seeing the brochure on their initial use.

All inmates are provided a paper pamphlet and reminded of access through the kiosk or tablet and the number for outside help when they report any allegations of PREA. There are signs posted around the institution with the numbers for outside services (STSM).

Contact: Sexual Trauma Services of the Midlands/ 3830 Forest Drive -Suite 201, Columbia, SC 29204

The auditor requested that STSM outside emotional services provide information regarding inmates within the past 12



months. The Sexual Trauma Services of the Midlands (STSM) provided monthly reports to the SCDC agency PREA coordinator. The auditor reviews the reports from June 2020 to February 2021, which revealed the following:

- Total number of Crisis Intervention – 18
- Total number of Hotline Support – 3
- Total number of Hospital Accompaniment – 0
- Total number of Group Services - 9

<b>115.54</b>	<p><b>Third-party reporting</b></p> <p><b>Auditor Overall Determination:</b> Meets Standard</p> <p><b>Auditor Discussion</b></p> <p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• MOU between SCDC and Statewide Partnership for Victim Services</li> <li>• SCDC PREA Tip Line</li> <li>• Inmate Handbook</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• SCDC Official Website (Third-Party Reporting)</li> <li>• Interviews</li> </ul> <p><b>115.54 (a)</b></p> <p>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 an inmate.</p> <p>The auditor reviewed the SCDC website under the PREA section, it gives the public access to third party reporting by writing to South Carolina Law Enforcement Division (SLED) to make a report of sexual abuse inside a correctional institution in South Carolina and can choose to remain anonymous. If the public have access to website, they can just click on the link and enter required information.</p> <p>Tip line allows third-party reporters to indicate the date of the incident, location of the incident, type of incident and describe in details of the incident the third-party is reporting.</p> <p>SCDC has established a reporting line that is housed at Headquarters of the Office of Investigations. This is a system in which an individual can leave a message, either by name or anonymously.</p> <p>The message is then sent to the agency PREA coordinator who is responsible for distribution to the appropriate facility. This exact message is sent to the coordinator via email and he is able to listen to the exact message.</p> <p>Information on how to make a report is displayed on the SCDC website for anyone to access.</p>
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115.61	<b>Staff and agency reporting duties</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• SCDC Policy ADM-11.04 Employee Corrective Action</li> <li>• SCDC Policy ADM-11.17 Employee Conduct</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC Policy ADM-17.01 Employee Training Standards</li> <li>• SCDC Policy POL-23.01 Investigation</li> <li>• Investigation Packages</li> <li>• SCDC Policy PS-10.04 Volunteer Services Programs</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p><b>115.61 (a)</b></p> <p>The agency shall require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.</p> <p>GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 2.3 indicated that all employees, volunteers, interns, agents, or contractor of the agency who observe or receive information concerning sexual abuse or sexual harassment, including threats of sexual abuse or a substantial risk of imminent sexual abuse, toward an inmate and/or any person presently under the jurisdiction of the agency, must report it immediately to one of the following: Institutional Investigator, Warden of the Institution, PREA Compliance Manager, appropriate member of the Director's staff Division Director of Human Resources, or the PREA Coordinator.</p> <p>SCDC Policy, HS-18.07, Inmate Health Information, indicated that the Agency is committed to upholding the confidentiality and privacy of an inmate's medical history. Inmate's medical history/record will be accessible to authorized SCDC personnel and others only for duly authorized purposes in accordance with applicable Agency policies/procedures, American Correctional Association Standards, and state and federal statutes.</p> <p>GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 2.3.6 indicated that any person who has knowledge of or has received information of, sexual abuse and fails to report it to the appropriate law enforcement authority, or a person who threatens or attempts to intimidate a witness is guilty of a misdemeanor and upon conviction must be fined not more than \$500.00 or imprisoned for not more than six (6) months, or both.</p> <p><b>Facility Random Staff:</b> Sixteen (16) random staff interviews; indicated a clear understanding of the duty to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility; retaliation against Inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident of retaliation immediately. The various ways staff indicated that they could make a report included, but was not limited to:</p> <ul style="list-style-type: none"> <li>• Report to supervisor</li> <li>• Report to the PREA compliance manager</li> <li>• Complete an incident report</li> </ul> <p>The sixteen (16) interviewed staff consistently described a process for reporting any information related to sexual abuse incidents as: report immediately, take to medical, isolate from other inmates, don't allow the inmate to bath, shower, or brush teeth, preserve evidence; and report to someone else for the investigation.</p> <p><b>Facility Staff:</b> Are all allegations of sexual abuse and sexual harassment (including those from third-party and anonymous sources) reported directly to designated facility investigators? The warden indicated that all incidents are reported to the facility PREA compliance manager, associate Warden for investigation and tracking.</p>

**Facility Staff:** The facility medical staff indicated that they are required to report any knowledge suspicion, or information regarding an incident of sexual abuse or sexual harassment to a designated supervisor or official immediately upon learning of it.

**115.61 (b)**

Apart from reporting to designated supervisors or officials, staff shall not reveal 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.

See Section (a) response.

**115.61 (c)**

Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph (a) of this section and to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.

GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 2.3.5 page 5, indicated that any employee, (to include contract and temporary) who knowingly or intentionally submits inaccurate or untruthful information concerning sexual abuse as defined by state statute is guilty of the misdemeanor of falsely reporting sexual abuse and, upon conviction, must be imprisoned for not more than one (1) year. In addition, such conduct will result in corrective action up to, and including, termination pursuant to SCDC Policy ADM-11.04, "Employee Corrective Action."

**Facility Staff:** Medical and Mental Health staff confirmed that they are required to inform inmates of their professional duty to report sexual abuse, and the limitations of confidentiality, at the initiation of services.

A Memo from the Director of Nursing for the SCDC dated July 3, 2019 gives the Health Services – HCA-HN staff written guidance on the following PREA issues:

- Questions contained in the risk screening instrument are private and confidential, however,
- Medical and mental health professionals are required to report any allegation of sexual abuse / harassment that took place in SCDC facility.
- Unless precluded by law medical and mental health professionals are required to report sexual abuse and to inform inmate of the limits of confidentiality at the initiation of services.
- An inmate is not required to answer any questions on the risk assessment instrument and there will be no punishment for refusing.
- Shall not reveal information related to incident except to designated supervisor
- If 18 or considered a vulnerable adult will report allegations without consent.
- Report all allegation receive from a 3rd party or anonymous reports.

**115.61 (d)**

If the alleged victim is under the age of 18 or considered a vulnerable adult under a state or local vulnerable persons statute, the agency shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.

As a part of the medical and mental health training, confidentiality and informed consent were included. If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, the agency is required to report the allegations to the designates State or local services agency under applicable mandatory reporting laws.

**Central Office Staff:** Agency PREA coordinator was asked, how do you respond when an allegation of sexual abuse or sexual harassment is made by someone under the age of 18 or someone considered a vulnerable adult under state or local law? Response, when an allegation is received, the victim and perpetrator is immediately separated. Security supervisors and the Institutional PREA compliance manager is notified so that the proper procedures, documentation, and notifications are completed. For individuals under the age 18, the Youthful Offenders Program Manager is notified so that the juvenile's family is notified of the allegation and all mandatory required agencies are informed. That juvenile is provided an opportunity to call and work with the local rape crisis center and/or Qualified Health Professional within the institution.

**Facility Staff:** How do you respond when an allegation of sexual abuse or sexual harassment is made by someone under the age of 18 or someone considered a vulnerable adult under state or local law? The warden indicated that the facility does not have any inmates under 18 years of age at the facility. If the facility did have inmates under the age of 18 and vulnerable adults, the investigations and procedures do not change due to age and vulnerability.

**115.61 (e)**

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

See Section (a & c) responses.

115.62	<b>Agency protection duties</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC, Policy, OP-22.23, Statewide Protective Custody</li> <li>• SCDC Policy OP-21.04 Inmate Classification Plan</li> <li>• PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p><b>115.62 (a)</b></p> <p>When an agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate.</p> <p><b>Central Office Staff:</b> Deputy director of legal and compliance/agency head designee was asked, when you learn that a resident is subject to a substantial risk of imminent sexual abuse what protective action does the agency take? Response, if there is a specific source of the imminent sexual abuse, the potential abuser will be relocated so that there is no contact between the potential victim and possible perpetrator during an investigation and afterwards, if the investigation supports the potential for sexual abuse. Potential victimization and potential perpetrator conduct are taken into consideration in all housing and work assignments. As a last resort, the potential victim may be housed in protective custody until an investigation can be conducted and potential abuser identified.</p> <p><b>Facility Random Staff:</b> Sixteen (16) random staff interviewed reported being aware of the agency procedure for reporting any information related to an inmate who may be at imminent risk of sexual abuse. One hundred percent of the interviewed staff could articulate immediate notification to the supervisor. Nine of the interviewed staff also stated that they would seek to have the inmate moved into another area and immediately complete an incident report.</p>

115.63	<b>Reporting to other confinement facilities</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p data-bbox="240 210 451 237"><b>Auditor Discussion</b></p> <p data-bbox="240 271 504 297"><b>Supporting Information:</b></p> <ul data-bbox="240 331 1449 622" style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• Notifications of Allegations Received for Other Facilities</li> <li>• Notifications of Allegations Send to Other Facilities</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p data-bbox="240 656 347 683"><b>115.63 (a)</b></p> <p data-bbox="240 712 1453 801">Upon receiving an allegation that an inmate 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.</p> <p data-bbox="240 835 1430 898">Policy requires that any inmate allegation of sexual abuse occurring while confined at another facility be reported to the Warden of the facility where the alleged abuse occurred, within 72 hours of receipt of the allegation.</p> <p data-bbox="240 925 1485 1055"><b>Central Office Staff:</b> Deputy director of legal and compliance/agency head designee was asked, if another agency or facility within another agency refers allegations of sexual abuse or sexual harassment that occurred within one of your facilities, is there a designated point of contact? Response, allegations received from another agency or facility are referred to the agency PREA coordinator as the central point of contact.</p> <p data-bbox="240 1081 1477 1178"><b>Facility Staff:</b> What happens when your facility receives an allegation from another facility or agency that an incident of sexual abuse or sexual harassment occurred in your facility? The warden indicated that this is sent to the PREA compliance manager and an investigation is initiated.</p> <p data-bbox="240 1205 1458 1335">What happens when your agency receives such allegations? Response, the PREA coordinator reviews the allegation and refers it either to the institutional PREA compliance manager for documentation that might exit and for administrative investigation if the allegation warrants and administrative investigation or Investigations and Intelligence office if a criminal investigation is necessary.</p> <p data-bbox="240 1361 1038 1388">The auditor reviewed 21 investigation packages that included, but not limited to:</p> <ul data-bbox="240 1422 804 1917" style="list-style-type: none"> <li>• Warden to Warden PREA Notifications – 4</li> <li>• Incident Report Checklist for PREA Issues – 21</li> <li>• PREA Investigative Folder Checklist – 21</li> <li>• Police Services Investigative Reports – 13</li> <li>• Facility and PREA Coordinator Report of Findings – 21</li> <li>• Grievance Transferal Memorandum – 7</li> <li>• Inmate Grievance Form – 7</li> <li>• Internal Inmate Search – 21</li> <li>• Incident Report – 21</li> <li>• Inmate Voluntary Statement – 21</li> <li>• Mirada Rights – 8</li> <li>• PREA Incident Review – 7</li> <li>• Disposition of PREA Report – 21</li> <li>• Disposition of PREA Notification Report – 21</li> <li>• Sexual Retaliation Monitoring Form – 6</li> </ul> <p data-bbox="240 1951 1110 1977">On July 22, 2021, the facility investigator submitted the above investigation documents.</p> <p data-bbox="240 1989 347 2016">115.63 (b)</p> <p data-bbox="240 2040 1353 2067">Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.</p> <p data-bbox="240 2101 504 2128">See Section (a) response.</p>

**115.63 (c)**

The agency shall document that it has provided such notification.

See Section (a) response.

**115.63 (d)**

The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

See Section (a) response.



115.64	<b>Staff first responder duties</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p data-bbox="240 210 451 237"><b>Auditor Discussion</b></p> <p data-bbox="240 271 504 297"><b>Supporting Information:</b></p> <ul data-bbox="240 331 1449 723" style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC Form Sexual Abuse Response Checklist</li> <li>• SCDC Form New Employee Orientation</li> <li>• SCDC Form 19-29 Incident Report</li> <li>• SCDC Form Sexual Abuse Response Protocol</li> <li>• SCDC Policy ADM-17.01 Employee Training Standards</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p data-bbox="240 757 347 784"><b>115.64 (a)</b></p> <p data-bbox="240 817 1458 873">Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to:</p> <ul data-bbox="240 907 1490 1164" style="list-style-type: none"> <li>• Separate the alleged victim and abuser;</li> <li>• Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;</li> <li>• 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; and</li> <li>• If 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.</li> </ul> <p data-bbox="240 1198 1481 1288">GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 2.3.1.1 indicated that in the event of an actual or suspected case of sexual abuse/victimization, the security staff first responder (s) must complete the following steps:</p> <ul data-bbox="240 1321 1469 1612" style="list-style-type: none"> <li>o Identify and separate the alleged perpetrator and alleged victim;</li> <li>o Immediately take the alleged victim to Medical;</li> <li>o Escort alleged inmate perpetrator (s) to an isolated area, preferably in a dry cell with restricted access to a toilet or water;</li> <li>o Notify the shift supervisor, PREA Compliance Manager, and Warden as well as Police Services;</li> <li>o Identify and isolate any witness;</li> <li>o Secure the crime scene;</li> <li>o Document all incidents promptly on SCDC Form 19-29A, "Incident Report"; and</li> <li>o Only share information related to the incident with those people who need to know in order to ensure the alleged victim's safety, conduct the investigation, or provide treatment to the alleged victim or alleged perpetrator.</li> </ul> <p data-bbox="240 1646 1481 1736"><b>Facility staff:</b> Discussed the training they received from SCDC regarding PREA. The training occurs the first day of hire at the New Employee Orientation (NEO), the required training academy course, mandatory annual training at the facility and at shift briefing.</p> <p data-bbox="240 1769 1490 1993"><b>Interviewed Targeted Inmates:</b> Inmates who reported sexual abuse. Three (3) inmates were interviewed who reported sexual abuse while at the facility. One inmate later clarified that he reported sexual harassment. He stated that the report was made in July 2020; and staff did not respond to the allegation until February 2021. He stated that he made the initial allegation to the PREA compliance manager. He also stated that he initially tried to notify a Sergeant and the sergeant refused to allow him to make the report. On August 8, 2020 inmates received tables and that is when he was able to file an allegation with the agency PREA compliance manager. The inmate further elaborated that it wasn't until February 2021 that people came to his dorm to conduct a PREA interview.</p> <p data-bbox="240 2027 1481 2116">Another interviewed inmate reported sexual harassment and staff responded within 72 hours. He stated that he made the report to a counselor and it was sent to investigated. Although it was investigated nothing happened and the officer is still on the unit.</p>

The 3rd interviewed inmates stated that he reported approximately one year ago that he was sexually abused. He stated that a staff member grabbed his butt. He stated that nothing three days after the allegation was reported on the kiosk, he received correspondence that it would be investigated but nothing happened. The inmate reported that the staff still works at the facility; and another staff member reported that he would back up the allegation, but nothing happened. The staff involved in the allegation is part of the search team.

He reported that last week, staff spoke to him about a recent claim. The inmate stated that he allowed another inmate to use his tablet and the person made a false claim on his tablet that he had been raped.

#### **115.64 (b)**

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.

Policy Number: OP-21.12 Attachment A – SCDC Sexual Abuse Response Checklist and Attachment B SCDC Sexual Abuse Response Protocol give guidelines to staff that have a duty to respond rapidly, professionally, and thoroughly when an inmate has been sexually victimized. The guide gives requirements to the duties of the security and none security staff.

**Facility Random Staff:** Sixteen (16) random staff interviewed consistently reported that the duties of a first responder to include, but are not limited to: take immediate action, stay with the victim, separate the victim from the perpetrator, isolate/secure the scene and secure evidence, call for additional staff, complete an incident report, and notify supervisor and PREA compliance manager. Most of the security staff also reported that they would send the victim to medical for an initial evaluation of his/her medical condition.

#### **Corrective Action Summary:**

Concern #1:

Interviewed Targeted Inmates: Three inmates were interviewed who reported sexual abuse while at the facility. One inmate later clarified that he reported sexual harassment. He stated that the report was made in July 2020; and staff did not respond to the allegation until February 2021. He stated that he made the initial allegation to the PREA compliance manager. He also stated that he initially tried to notify a sergeant and the sergeant refused to allow him to make the report. On August 8, 2020 inmates received tablets and that is when he was able to file an allegation with the agency PREA compliance manager. The inmate further elaborated that it wasn't until February 2021 that people came to his dorm to conduct a PREA interview.

Another interviewed inmate reported sexual harassment and staff responded within 72 hours. He stated that he made the report to a counselor and it was sent to investigated. Although it was investigated nothing happened and the officer is still on the unit.

The 3rd interviewed inmates stated that he reported approximately one year ago that he was sexually abused. He stated that a staff member grabbed his butt. He stated that nothing happen, three days after the allegation was reported on the kiosk, he received correspondence that it would be investigated but nothing happened. The inmate reported that the staff still works at the facility; and another staff member reported that he would back up the allegation, but nothing happened. The staff involved in the allegation is part of the search team.

He reported that last week, staff spoke to him about a recent claim. The inmate stated that he allowed another inmate to use his tablet and the person made a false claim on his tablet that he had been raped.

#### **Facility Response:**

The Institution has a new management team and a new PREA compliance manager. While the new PREA compliance manager was getting prepared for the audit it was found that the reported PREA allegations for the past 12 months were not investigated or investigations were not completed. The new management team have been working on investigating and closing cases to meet the PREA standards.

It was determined that the past management did not investigate, monitor for retaliation nor notified the inmates of the result of their investigations, and the 30-day incident reviews were not conducted. All past cases are being investigated, monitor for retaliation and inmates are being notified by the new PREA compliance manager, as well as conducting 30-day incident reviews when applicable.

The auditor reviewed 21 investigation packages that included, but not limited to:

- Warden to Warden PREA Notifications – 4
- Incident Report Checklist for PREA Issues – 21
- PREA Investigative Folder Checklist – 21
- Police Services Investigative Reports – 13
- Facility and PREA Coordinator Report of Findings – 21

- Grievance Transferal Memorandum – 7
- Inmate Grievance Form – 7
- Internal Inmate Search – 21
- Incident Report – 21
- Inmate Voluntary Statement – 21
- Mirada Rights – 8
- PREA Incident Review – 7
- Disposition of PREA Report – 21
- Disposition of PREA Notification Report – 21
- Sexual Retaliation Monitoring Form – 6

On July 22, 2021, the facility investigator submitted the above investigation documents.

<b>115.65</b>	<b>Coordinated response</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC Form Sexual Abuse Response Checklist</li> <li>• SCDC Form Sexual Abuse Response Protocol</li> <li>• Copy of Written Institutional Plan</li> <li>• Online PREA Audit: Pre-Audit Questionnaire</li> <li>• Interviews</li> </ul> <p><b>115.65 (a)</b></p> <p>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.</p> <p>Policy Number: OP-21.12 Attachment A – SCDC Sexual Abuse Response Checklist and Attachment B SCDC Sexual Abuse Response Protocol give guidelines to staff that have a duty to respond rapidly, professionally, and thoroughly when an inmate has been sexually victimized.</p> <p>The facility provided an institutional plan for addressing issues of sexual abuse and sexual harassment. The plan provides bullet points for the following areas to follow.</p> <ul style="list-style-type: none"> <li>• Staff First Responders</li> <li>• Shift Commander</li> <li>• PREA Compliance Manager</li> <li>• Medical Staff</li> <li>• Mental Health Staff</li> </ul> <p><b>Facility Staff:</b> Does the facility have a plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership in response to an incident of sexual abuse? The warden indicated that policy GA-06.11 details the Prevention, Detection, and Response to sexual abuse and harassment. There are also checklist and forms to assist staff when an allegation is made.</p>

<b>115.66</b>	<b>Preservation of ability to protect inmates from contact with abusers</b>
	<p data-bbox="242 145 738 174"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="242 210 451 239"><b>Auditor Discussion</b></p> <p data-bbox="242 271 504 300"><b>Supporting Information:</b></p> <ul data-bbox="242 329 1449 521" style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Copy of any Collective Bargaining Agreements (None)</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p data-bbox="242 555 349 584"><b>115.66 (a)</b></p> <p data-bbox="242 611 1484 739">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 any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.</p> <p data-bbox="242 768 1477 864">There are no current agreements that limit the agency's ability to remove alleged staff sexual abusers from contact with inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted. There have not been any collective bargaining agreements since August 20, 2012.</p> <p data-bbox="242 893 1444 1021"><b>Central Office Staff:</b> Deputy director of legal and compliance/agency head designee was asked, has the agency, or any governmental entity responsible for collective bargaining on the agency behalf, entered into or renewed any collective bargaining agreements or other agreement since August 20, 2012? Response, the agency does not have collective bargaining in South Carolina.</p> <p data-bbox="242 1052 349 1081"><b>115.66 (b)</b></p> <p data-bbox="242 1108 1150 1137">Nothing in this standard shall restrict the entering into or renewal of agreement that govern:</p> <ul data-bbox="242 1167 1492 1294" style="list-style-type: none"> <li>• The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of standards 115.72 and 115.76; or</li> <li>• 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.</li> </ul> <p data-bbox="242 1323 501 1352">See section (a) response.</p>

115.67	<b>Agency protection against retaliation</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Supporting Documents:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• SCDC Policy Number: ADM 115.15 South Carolina Whistleblower Act Section, Retaliation Against an Employee for Filing a Report</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC Policy ADM-17.01 Employee Training Standards</li> <li>• Employee Policy Acknowledgement Form (Retaliation Section)</li> <li>• Documentation of Retaliation Monitoring</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p><b>115.67 (a)</b></p> <p>The agency shall establish a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and shall designate which staff members or departments are charged with monitoring retaliation.</p> <p>GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 4 page 7 indicated that no inmate will be subjected retaliation, reprisal, harassment, or disciplinary action by employees, volunteers, or other inmates for reporting allegations, knowledge, or cooperation with an investigation of sexual abuse against an inmate. Inmates may report retaliation using any of the procedures for reporting sexual abuse, as described in this policy.</p> <p>GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 indicated that in accordance with SCDC policy ADM-11.15, "South Carolina Whistleblower Act" for more information. No employee, volunteer, intern, or contractor will be subjected to any kind of retaliation for reporting of any wrongdoings.</p> <p>The South Carolina Department of Corrections Policy Number: ADM-11.15 South Carolina Whistleblower Act and SC Code of Laws 8-27-10 A-27-50, an employee must file a report of waste, fraud, mismanagement, or other wrongdoing by the agency and/or by an SCDC employee to an appropriate within sixty (60) days of learning of the misconduct or wrongdoing. Such reports should be filed as quickly as possible.</p> <p>SCDC policy ADM-11.15, Retaliation Against an Employee for Filing a Report – Any employee who files a validated and/or substantiated report of wrongdoing with an appropriate authority will not be dismissed, suspended, or demoted nor incur a reduction in pay, unless the corrective action taken is unrelated to the report of the wrongdoing.</p> <p><b>115.67 (b)</b></p> <p>The agency shall employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.</p> <p><b>Interviewed staff:</b> Interviewed staff indicated that the facility has multiple protection measures, such as changes the inmates housing, transfer of inmates, and increase monitoring.</p> <p><b>115.67 (c)</b></p> <p>For at least 90 days following a report of sexual abuse, the agency shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. Items the agency should monitor include any inmate 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.</p> <p>GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-</p>

21.12) Updated July 8, 2020 indicated that wardens will ensure that all inmates, employees, witnesses, and reporters of alleged sexual abuse or sexual harassment are monitored for retaliation or reprisal for a minimum of ninety (90) days while housed or employed at the same institution. Institutional PCMs will ensure all individuals monitored are documented on SCDC Form 19-182, "Sexual Abuse Retaliation Monitoring" and this form is filed for auditing and review.

**Central Office Staff:** Deputy director of legal and compliance/agency head designee was asked, how do the agency protect residents and staff from retaliation for sexual abuse or sexual harassment allegations? Response, the perpetrator is removed from areas that might all contact with the victim of sexual harassment or sexual abuse. The PREA compliance manager consults with and conducts wellness checks with the victim for at least 90 days to ensure the victim is not subjected to retaliation.

**115.67 (d)**

In the case of inmates, such monitoring shall also include periodic status checks.

See section (c) response.

**115.67 (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.

The South Carolina Department of Corrections Policy Number: GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 – No inmate will be subjected to retaliation, reprisal, harassment, or disciplinary action by employees, volunteers, or other inmates for reporting allegations or knowledge of sexual abuse against an inmate. Inmates may report retaliation using any of the procedures for reporting sexual abuse, as described in standard 115.33. Allegations of reprisal may also be investigated by the Inspector General or Division of Investigations.

Employees will not be subjected to any kind of retaliation for reporting of any wrongdoings. Refer to Agency Policy/Procedure ADM-115.15, South Carolina Whistleblower Act.

**115.67 (f)**

An agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

**Interviewed Staff:** Interviewed staff indicated the facility obligation to monitor will terminate if the facility determines that the allegation is unfounded.

**Corrective Action Summary:**

Concern #1: Staff Retaliation

An interviewed inmate housed in the crisis unit reported that he made an allegation of sexual harassment and nothing happened. He stated that the nursing staff is retaliating against him and came up to him and said since you made a report against me, I'm going to make a report against you. He feels like he is being retaliated by nurse X10. He stated that he feels like his hands are tied.

Concern #2: Sgt and/or Nurse Retaliation

Interviewed inmate reported that Sgt would not allow inmate to report PREA claims/allegations. If an inmate report PREA he would get the PREA documentations and compare with inmate hand writing to determine who file the allegation.

An interviewed inmate housed in the crisis unit reported that he made an allegation of sexual harassment and nothing happened. He stated that the nursing staff is retaliating against him and came up to him and said since you made a report against me, I'm going to make a report against you. He feels like he is being retaliated by nurse. He stated that he feels like his hands are tied. He also stated that he is uncomfortable with the inmate watchers. He stated that the facility has inmate watchers who will look at the inmates while they are naked. He stated that the policy says its ok; however, he is very uncomfortable with it as he feels the inmates are wanting to watch them. The allegation was recently made, the associate has notified the auditor for follow up.

Facility Response:

The Institution has a new management team and a new PREA compliance manager. While the new PREA compliance manager was getting prepared for the audit it was found that the reported PREA allegations for the past 12 months were not investigated or investigations were not completed. The new management team have been working on investigating and closing cases to meet the PREA standards.

It was determined that the past management did not investigate, monitor for retaliation nor notified the inmates of the result of their investigations, and the 30-day incident reviews were not conducted. All past cases are being investigated, monitor for retaliation and inmates are being notified by the new PREA compliance manager, as well as conducting 30-day incident reviews when applicable.

Inmates that are on crisis status are given a suicide smocks to use as clothing. On occasion, inmates do come out of their smock and can be seen undressed, an on occasion, they do masturbate. The inmate watcher job is a position that inmates apply for as a job. This role has guidelines which includes what actions should be done if an inmate does do something that is against policies, rules, regulations, or guidelines. This includes masturbation. The institution cannot control when and where an inmate is going to masturbate. The purpose of the "Watcher" is to ensure that if the inmate attempts suicide, someone is there to assist and contact staff. The only way to accomplish this goal is always to have the suicidal inmate watched. Interview with the staff also incident that if a "Watcher" is very concern, they can request for an inmate job change. Follow-up July 19, 2021.

The auditor reviewed 21 investigation packages that included, but not limited to:

- Warden to Warden PREA Notifications – 4
- Incident Report Checklist for PREA Issues – 21
- PREA Investigative Folder Checklist – 21
- Police Services Investigative Reports – 13
- Facility and PREA Coordinator Report of Findings – 21
- Grievance Transferal Memorandum – 7
- Inmate Grievance Form – 7
- Internal Inmate Search – 21
- Incident Report – 21
- Inmate Voluntary Statement – 21
- Mirada Rights – 8
- PREA Incident Review – 7
- Disposition of PREA Report – 21
- Disposition of PREA Notification Report – 21
- Sexual Retaliation Monitoring Form – 6

On July 22, 2021, the facility investigator submitted the above investigation documents.



115.68	<b>Post-allegation protective custody</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC Policy Number: OP 22.23 Statewide Protective Custody</li> <li>• SCDC Form 19-47 Evaluation of Protective Concerns</li> <li>• Interviews</li> </ul> <p><b>115.68 (a)</b></p> <p>Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the requirements of standards 115.43.</p> <p>GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 indicated that inmates identified to be at high risk for sexual victimization will not be placed in protective custody or involuntarily segregated, unless there is no available location or method of keeping the inmate separated from likely abusers.</p> <p>Policy states when the inmate requests protective custody he or she will be interviewed by the highest supervisor on duty to determine the nature of the concern. The information will be documented in Section I of SCDC Form 19-47, Evaluation of Protective Concerns.</p> <p>The interviewing official will be responsible for making a recommendation on the form as to his/her assessment of the inmate's reason (s) for requesting protective custody housing. The interviewing official may either recommend that the inmate be returned to the general population or placed in "Pre-Hearing Detention with Protective Custody Concerns for further investigation.</p> <p>The South Carolina Department of Corrections Policy Number: OP 22.23 – Statewide Protective Custody and utilizes the form Evaluation of Protective Concerns – SCDC Form 19-47.</p> <p><b>Facility Staff:</b> Does agency policy prohibits placing inmates at high risk for sexual victimization or who have alleged sexual abuse in involuntary segregated housing in lieu of other housing areas, unless an assessment has determined there are no available alternative means of separation from potential abusers? The warden indicated that the facility does not prohibits use from placing them in segregated housing, however, the facility must justify the placement and have a plan to re-integrate the inmate into population for his safety.</p> <p><b>Interviewed Staff:</b> That staff first consider other alternatives based on the circumstances of the allegation before considering the placement of an inmate in protective custody, alternatives such as placing the inmate in another housing area, or transferring the inmate to another facility.</p> <p><b>Interviewed Staff:</b> Facility PREA compliance manager confirmed that to the extent possible, access to programs, privileges, education, and work opportunities would not be limited to inmates placed in protective custody for reasons of sexual abuse or sexual harassment. Restrictions of programs, privileges, education, and work opportunities would be documented by the facility.</p>

115.71	<b>Criminal and administrative agency investigations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC Policy GA 05.01 Investigations and Procedures</li> <li>• SCDC Form Sexual Abuse Response Protocol Checklist</li> <li>• SCDC Form Sexual Abuse Response Protocol</li> <li>• SCDC Policy Number: OP 21.12 Section 9 Data Collection/Tracking</li> <li>• SCDC Policy Number: OP 21.09 Inmate Records</li> <li>• SCDC Policy Number: HS 18.07 Inmate Health Information</li> <li>• SCDC Policy POL-23.01 Investigation</li> <li>• MOU Between South Carolina Law Enforcement Division (SLED) and South Carolina Department of Correction (SCDOC)</li> <li>• Investigation Packages</li> <li>• List of Cases Referred for Prosecution</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p><b>115.71 (a)</b></p> <p>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.</p> <p>GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 2.4 page 5 states, SCDC will ensure that all allegations of sexual abuse and sexual harassment are thoroughly investigated promptly. PREA allegations of sexual abuse or sexual harassment may be received in numerous ways to include:</p> <ul style="list-style-type: none"> <li>• PREA Tips – SCDC public website page that the public can use to report an allegation of sexual abuse/sexual harassment;</li> <li>• *22 Hotline Call;</li> <li>• Warden-to-warden PREA Notification;</li> <li>• Grievance;</li> <li>• Request to Staff Member (RTSM) or Automated Request to Staff Member (ARTSM);</li> <li>• Note, Letter, or Verbally.</li> </ul> <p>GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 states, regardless of how an allegation of sexual abuse or sexual harassment is received, the PMC will ensure SCDC Form 19.29A, "Incident Report" is completed, along with an SCDC Form 19-169. "Incident Report Checklist for PREA Issues." The PMC will assign a case number to the PREA allegation on SCDC Form 19-19-186, "PREA Case Log." The case number and information will also be recorded on the web-based PREA Case Log, which captures information for all institutions. The PCM will interview the alleged victim to gather any other pertinent information regarding the case and ask the inmate to complete SCDC Form 19-187, "PREA Inmate Voluntary Statement." This information, along with a printed inmate face sheet (printed through the Internal Inmate Search Application), will be forwarded to the Agency's PREA Coordinator for review and confirmation that the case is PREA-related. Upon approval by the Agency's PC, the Agency PC, the Agency' PC will forward all inmate-on-inmate sexual harassment cases back to the institutional PCM to begin their administrative investigation, or for those allegations of criminal sexual abuse or staff-on-inmate sexual harassment will be investigated by SCDC's Police Services.</p> <p>All allegations of sexual abuse and sexual harassment, including threats and attempts, will be immediately and aggressively investigated. The Division of Investigations shall initiate the investigation, will notify South Carolina Law Enforcement Division (SLED) and the Inspector General's office when sexual misconduct by staff, contractors or volunteers is alleged, and will conduct an internal investigation in accordance with SCDC Policy and Procedure GA-05.01 Investigations.</p> <p><b>Central Office Staff:</b> Deputy Director of the Office of Investigations and Intelligence (OII) was asked, how long does it take to initiate an investigation following an allegation of sexual abuse or sexual harassment? Response, an investigation is initiated as soon as the allegation is received and reviewed by OII. Time from incident date to referral to OII does vary depending on circumstances out of OII control (institutional processing, means by which the allegation is made, etc.).</p>

**Central Office Staff:** Deputy Director of the Office of Investigations and Intelligence (OII) was asked, what would be the first steps in initiating and investigation and how long would they take? Response, all cases are different but normally it would be an interview with the victim. Initial interviews are conducted as quickly as possible after the investigation is initiated. If the victim is taken to the hospital for injuries sustained in an assault and OII are notified immediately. Agents often respond to the hospital to conduct the initial interview.

SCDC Police Services statewide has forty (40) investigators, who are Class 1 Police Officers. These investigators are assigned to a region in the state. Using a regional approach, the state is divided into four (4) regions. Each region has five (5) investigators assigned with one (1) supervising manager for each respective region. Each region is task with the responsibility of performing a variety of types of investigations to include PREA investigations.

**115.71 (b)**

Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations pursuant to standard 115.34.

The investigators are required to complete the NIC online PREA Specialized Investigations training. The NIC online training include techniques for interviewing sexual abuse victim, proper use of Miranda and Garrity warning, etc. The facility provided a list of individuals that completed the PREA Specialized training and verification by submitting the certificates at were received at the completion of course.

**115.71 (c)**

Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.

Collection of forensic and other physical evidence will be done in coordination with the facility's medical staff, the Division of Investigations and/or the South Carolina Law Enforcement Division.

Evidence/Security Procedures: if there is evidence that a sexual assault has occurred, the area will be treated as a possible crime scene and the following steps will be implemented immediately upon discovery:

- Identify and maintain the crime scene, preserve evidence, including on the victims' and alleged perpetrator's bodies or clothes, and maintain custody of evidence until released to law enforcement officials;
- Items shall not be cleaned or removed;
- Photos shall be taken of the suspected crime scene and any evidence;
- Allow only authorized personnel to enter the area;
- If the incident occurred within the last 5 days, request that the victim – and ensure that the alleged perpetrator (s) refrain from actions that could destroy evidence, such as bathing, brushing teeth, changing their clothes, urinating, defecating, drinking, or eating until they have been examined by qualified medical personnel.
- Ensure that any alleged staff, volunteer or contractor perpetrators are immediately separated from contact with inmates.
- For additional procedures, see the Sexual Abuse Response Protocol (Policy Number: OP-21.12 Attachment A – SCDC Sexual Abuse Response Checklist and Attachment B SCDC Sexual Abuse Response Protocol).

**Central Office Staff:** Deputy Director of the Office of Investigations and Intelligence (OII) was asked, please describe any direct and circumstantial evidence you would be responsible for gathering in an investigation of an incident of sexual abuse. Response, witness statements, video footage, sexual assault evidence collection kit, photographs, fingerprints, etc...

**115.71 (d)**

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.

According to policy, if allegations of conduct that appears to be criminal are substantiated, referral will be made to the appropriate solicitor for prosecution. Additionally, staff will be subject to Agency corrective action up to and including termination, and inmates may be charged through the Agency Disciplinary System.

**Central Office Staff:** Deputy Director of the Office of Investigations and Intelligence (OII) was asked, when you discover evidence that a prosecutable crime may have taken place, do you consult with prosecutors before you conduct compelled interviews? Response, OII agents are trained investigators and are not required to consult with prosecutors before conducting interviews. They proceed and consult with prosecutors if needed and the OII office also have an attorney on staff with who provides guidance when necessary.

#### 115.71 (e)

The credibility of an alleged victim, suspect, or witness shall be assessed on an individual as is and shall not be determined by the person's status as inmate or staff. No agency shall require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

**Central Office Staff:** Deputy Director of the Office of Investigations and Intelligence (OII) was asked, on what basis do you judge the credibility of an alleged victim, suspect, or witness? Response, there are several ways such as corroborating their information through investigation, prior incidents, they observe their demeanor during interviews, information from SCDC personnel who may have had prior interactions with the person, whether the individual has been credible before.

**Interviewed Targeted Inmates:** Three inmates who reported sexual abuse. None of the interviewed inmates reported that they were required to take a polygraph test. One inmate stated that he requested to take a polygraph test but nothing happened. Another inmate stated that by the time they spoke to him; he did not want the allegation to be further investigated. He also stated that there are staff who work at the facility that are related to each other. He stated that one of the staff notified his abuser that he made an allegation against him.

#### 115.71 (f)

Administrative Investigations:

- Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and
- 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.

GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 indicated that Administrative Investigations: All allegations of sexual abuse or sexual harassment that do not meet the level of a criminal offense will be investigated for violations of agency policies, procedures, rules, or guidelines.

Institutional PCMs are responsible for the thorough investigation of all non-criminal investigations. PCMs will gather and preserve direct and circumstantial evidence, including available physical evidence and any available electronic monitoring data, interview alleged victims (s), perpetrator (s), and witnesses, and review any available prior complaints and reports of sexual abuse or sexual harassment involving the alleged or suspected perpetrators.

All administrative investigations will be documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.

Administrative investigations will utilize preponderance of the evidence as the standard for determining whether an allegation of sexual abuse or sexual harassment is substantiated.

**Central Office Staff:** Deputy Director of the Office of Investigations and Intelligence (OII) was asked, what efforts do you make during an administrative investigation to determine whether staff actions or failures to act contributed to the sexual abuse? Response, if the investigation is administrative in nature the complete investigation report, with findings, is turned over to the proper authorities for any action they deem necessary.

#### 115.71 (g)

Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.

GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 indicated that Criminal Investigations: Any allegation that provides evidence of criminal sexual abuse will be forwarded to the proper authorities for prosecution.

Agents with SCDC's Police Services will gather and preserve direct and circumstantial evidence, including available physical evidence, and any available electronic monitoring data, interview alleged victim (s), perpetrator (s), and witnesses, and review prior complaints and reports of sexual abuse involving the alleged or suspected perpetrator.

All criminal investigations will be documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.

#### 115.71 (h)

Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.

Policy requires that the Police Services or designee will pursue criminal prosecution against any SCDC employee, inmate, or

visitor who participates in a criminal act. Prosecution will be pursued through the appropriate judicial officer, i.e., the State Attorney General Circuit Solicitor, Magistrate, or City Recorder, of the jurisdiction in which the crime occurred.

According to policy, if allegations of conduct that appears to be criminal are substantiated, referral will be made to the appropriate solicitor for prosecution. Additionally, staff will be subject to agency corrective action up to and including termination, and inmates may be charged through the Agency Disciplinary System.

**Central Office Staff:** Deputy Director of the Office of Investigations and Intelligence (OII) was asked, when do you refer cases for prosecution? Response, anytime the allegation is found to be criminal under the SC Code of Laws.

**Central Office Staff:** Deputy Director of the Office of Investigations and Intelligence (OII) was asked, please describe the investigation process: Allegation is received and reviewed by OII. Case opened. Victims (s) and witness (es) are then interviewed, and evidence collected if available. Suspect is interviewed and any follow-up interviews take place. Report is written and reviewed through supervisory chain. Once the report is finalized, the appropriate operational staff and PREA staff are notified of the outcome of the investigation so any administrative matter can be handled. If criminal charges are made, the case is then prepared for prosecution through the courts.

#### **115.71 (i)**

The agency shall retain all written reports referenced in paragraphs (f) and (g) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

SCDC has a general investigative record retention schedule of physical destruction of 7 years after adjudication or until the inmate discharges from a sentence, dies while incarcerated, whichever comes first, the records can then be destroyed. The schedule has been corrected to meet standard requirements.

The South Carolina Department of Corrections Policy Number: HS-18.07 Inmate Health Records section 10 – Inactive health records will be maintained by the Central HIR office in hard copy form for 25 years or on microfilm and/or on electronic media for 99 years.

#### **115.71 (j)**

The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.

**Central Office Staff:** Deputy Director of the Office of Investigations and Intelligence (OII) was asked, how do you proceed when a staff member alleged to have committed sexual abuse terminates employment prior to a completed investigation into his/her conduct? Response, they continue with the investigation, the fact that the suspect is no longer employed has no bearing on the investigation. Their employment status means nothing to the investigative process.

**Central Office Staff:** Deputy Director of the Office of Investigations and Intelligence (OII) was asked, how do you proceed when a victim who alleges sexual abuse or sexual harassment or an alleged abuser leaves the facility prior to a completed investigation into the incident? Response, they continue with the investigation, where the victim or offender currently resides has no bearing on the case.

#### **115.71 (k)**

Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.

**Central Office Staff:** The agency PREA coordinator indicated that South Carolina Department of Corrections conducts investigations of all allegations that have allegations of events that have the potential to be deemed criminal in nature based on federal, state, and local laws. Those allegations that do not have criminal intent are investigated by internal administrative investigators that have completed specialized investigations training provided online by the National Institute of Corrections. SCDC policies are in line with the guidance and mandates of the PREA Standards and are reviewed by the agency PREA coordinator routinely to ensure consistency.

#### **115.71 (l)**

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.

The South Carolina Department of Corrections Policy Number: POL-23.01 Investigations section 3.3 – A letter of agreement/memorandum of understanding will be developed and signed by the agency Director and the Chief of the State Law Enforcement Division (SLED) that delineates which allegations of potential criminal activity will be accepted for investigation by SLED. The Deputy Director of Policy Services will ensure that the provisions of this letter of agreement/memorandum of understanding are complied with by investigative personnel. In all cases that are investigated by

SLED, Police Services and SCDC Agents will be available to assist SLED, as needed.

**Central Office Staff:** Deputy Director of the Office of Investigations and Intelligence (OII) was asked, when an outside agency investigates an incident of sexual abuse in the facility, what role do you play? Response, in the event that this should happen, OII would still open a case as an assisting agency and assist the outside agency with the investigation, evidence collection, and interviews.

**Central Office Staff:** Agency PREA coordinator (PC) was asked, if an outside agency investigates allegations of sexual abuse, how does the agency remain informed of the progress of a sexual abuse investigation? Response, SCDC conducts its own investigations, but if an outside agency assists or investigates, SCDC ensure that all reports are received and are provided to the PREA coordinator. The Office of Investigations and Intelligence stays in constant communication with the outside agencies. SCDC has an agreement with the South Carolina Law Enforcement for investigations.

**Facility Staff:** If an outside agency investigates allegations of sexual abuse, how does the facility remain informed of the progress of a sexual abuse investigation? The warden indicated that the Office of Investigation and Intelligence handles all criminal investigations. They provided the institution with a final report.

**Corrective Action Summary:**

Concern #1:

A review of 29 PREA investigation Packages for the past 12 months reveal that PREA allegations are not being investigated. Of the 29 one was completed.

Facility Response:

The Institution has a new management staff and a new PCM. While the new PCM was getting prepared for the audit it was found that the PREA allegation investigations were not investigated or completed. With the new management team at the institution, they have been closing cases and getting them back on track.

It was determined that the past facility PREA compliance manager did not investigate, monitor for retaliation nor notified the inmate within the proper timeframe. All past cases are being investigated, monitor for retaliation and inmates are being notified by the new facility PREA compliance manager.

Upon completion of the open investigation the auditor needs the following documents for each case.

- Disposition of PREA Reviews (Notifications to inmates)
- Report of Findings
- Sexual Abuse Retaliation Monitoring
- PREA Incident Reviews – One completed within the past 12 months.

The auditor reviewed 21 investigation packages that included, but not limited to:

- Warden to Warden PREA Notifications – 4
- Incident Report Checklist for PREA Issues – 21
- PREA Investigative Folder Checklist – 21
- Police Services Investigative Reports – 13
- Facility and PREA Coordinator Report of Findings – 21
- Grievance Transferal Memorandum – 7
- Inmate Grievance Form – 7
- Internal Inmate Search – 21
- Incident Report – 21
- Inmate Voluntary Statement – 21
- Mirada Rights – 8
- PREA Incident Review – 7
- Disposition of PREA Report – 21
- Disposition of PREA Notification Report – 21
- Sexual Retaliation Monitoring Form – 6

On July 22, 2021, the facility investigator submitted the above investigation documents.

Facility Response:

The Institution has a new management team and a new PREA compliance manager. While the new PREA compliance manager was getting prepared for the audit it was found that the reported PREA allegations for the past 12 months were not investigated or investigations were not completed. The new management team have been working on investigating and closing cases to meet the PREA standards.

It was determined that the past management did not investigate, monitor for retaliation nor notified the inmates of the result of their investigations, and the 30-day incident reviews were not conducted. All past cases are being investigated, monitor for retaliation and inmates are being notified by the new PREA compliance manager, as well as conducting 30-day incident reviews when applicable.

The auditor reviewed 21 investigation packages that included, but not limited to:

- Warden to Warden PREA Notifications – 4
- Incident Report Checklist for PREA Issues – 21
- PREA Investigative Folder Checklist – 21
- Police Services Investigative Reports – 13
- Facility and PREA Coordinator Report of Findings – 21
- Grievance Transferal Memorandum – 7
- Inmate Grievance Form – 7
- Internal Inmate Search – 21
- Incident Report – 21
- Inmate Voluntary Statement – 21
- Mirada Rights – 8
- PREA Incident Review – 7
- Disposition of PREA Report – 21
- Disposition of PREA Notification Report – 21
- Sexual Retaliation Monitoring Form – 6

On July 22, 2021, the facility investigator submitted the above investigation documents.

**Inmate Confidential Communication:**

On February 18, 2021, the auditor received a confidential letter for an inmate at Broad River Correctional Institution, South Carolina Department of Corrections.

The inmate reported, “at Broad River Correctional Institution, in Columbia, SC. The shower curtains are not PREA compliant in Marion dorm. Security staff allows inmates to use bed sheets to cover the PREA shower curtains in other dorms.”

The inmate also reported on 2/10/21, around 6:10am, he was called upon for a PREA interview by medical. While answering questions with a nurse, another staff entered the room without invitation. The nurse nor the inmate asked for, or needed that staff presence in the room. Staff proceeded to answer a question that was being asked of the inmate by the nurse.

The inmate letter stated that he and the other inmate were separated months ago; however, he is highly concerned about the staff’s lack of professionalism. He stated many of the staff are related to inmates in the facility and they inappropriately share information with the inmates. He stated that he had to play off the incident by saying “it was someone else”.

During the site visit the auditor confidentially included the inmate’s name on the random selected inmate list. The inmate was interviewed and reported that his allegation of sexual abuse was not properly investigated. He stated that seven months after the allegation staff came to speak to him about the allegation and then a correctional officer notified the abuser that “his roommate reported a PREA claim against him”.

The inmate did give the name of the correctional officer and the auditor shared the name and discuss the inmate concerns with the warden and PREA Coordinator. The inmate concerns are addressed in the none compliant or concerns listed below.

**Interview Inmate:** The associate auditor interviewed the inmate that send the confidential communication letter to the auditor. The inmate reported that his allegation of sexual abuse was not properly investigated. He stated that seven months after the allegation staff came to speak to him about the allegation and then a correctional officer notified the abuser that “his roommate reported a PREA claim against him”. The inmate stated that he and the other inmate were separated months ago; however, he is highly concerned about the staff’s lack of professionalism. He stated many of the staff are related to inmates in the facility and they inappropriately share information with the inmates. He stated that he had to play off the incident by someone “it was someone else”.

The Institution has a new management team and a new PREA compliance manager. While the new PREA compliance manager was getting prepared for the audit it was found that the reported PREA allegations for the past 12 months were not investigated or investigations were not completed. The new management team have been working on investigating and closing cases to meet the PREA standards.

It was determined that the past management did not investigate, monitor for retaliation nor notified the inmates of the result of their investigations, and the 30-day incident reviews were not conducted. All past cases are being investigated, monitor for retaliation and inmates are being notified by the new PREA compliance manager, as well as conducting 30-day incident reviews when applicable.

The auditor reviewed 21 investigation packages that included, but not limited to:

- Warden to Warden PREA Notifications – 4
- Incident Report Checklist for PREA Issues – 21
- PREA Investigative Folder Checklist – 21
- Police Services Investigative Reports – 13
- Facility and PREA Coordinator Report of Findings – 21
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- Mirada Rights – 8
- PREA Incident Review – 7
- Disposition of PREA Report – 21
- Disposition of PREA Notification Report – 21
- Sexual Retaliation Monitoring Form – 6

On July 22, 2021, the facility investigator submitted the above investigation documents.



<b>115.72</b>	<b>Evidentiary standard for administrative investigations</b>
	<p data-bbox="242 145 738 174"><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p data-bbox="242 210 451 239"><b>Auditor Discussion</b></p> <hr/> <p data-bbox="242 271 504 300"><b>Supporting Information:</b></p> <ul data-bbox="242 329 1449 757" style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC Policy GA 05.01 Investigations and Procedures</li> <li>• SCDC Form Sexual Abuse Response Protocol Checklist</li> <li>• SCDC Form Sexual Abuse Response Protocol</li> <li>• SCDC Policy Number: OP 21.12 Section 9 Data Collection/Tracking</li> <li>• SCDC Policy Number: OP 21.09 Inmate Records</li> <li>• SCDC Policy POL-23.01 Investigation</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p data-bbox="242 788 347 817"><b>115.72 (a)</b></p> <p data-bbox="242 846 1449 907">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.</p> <p data-bbox="242 936 1476 1030"><b>Central Office Staff:</b> Deputy Director of the Office of Investigations and Intelligence (OII) was asked, what standards of evidence do you require to substantiate allegation of sexual abuse or sexual harassment? Response, preponderance of the evidence.</p> <p data-bbox="242 1059 1476 1120"><b>Central Office Staff:</b> The agency PREA coordinator was interviewed regarding Investigative Report 33-2020-015 Inmate X and Staff XX.</p> <p data-bbox="242 1182 1476 1276">The evidence presented in the investigative report provides that the alleged perpetrator, staff XX, admitted to having “phone sex” and providing nude pictures to an incarcerated inmate of the South Carolina Department of Corrections. Staff XX was arrested on March 4, 2020 for “Misconduct in Office” by a Police Services agent.</p> <p data-bbox="242 1305 1412 1400">The Police Services Investigative Report printed on March 8, 2020 indicated that the case was investigated by South Carolina Department of Corrections Police Services. The investigative report stated there was insufficient evidence to substantiate criminal charges of sexual misconduct. This PREA allegation is unsubstantiated by Police Services.</p> <p data-bbox="242 1429 1460 1489">The agency PREA coordinator indicated based on the preponderance of the evidence the administrative investigation was founded to be substantiated.</p> <p data-bbox="242 1518 1484 1646">The PREA coordinator submitted a Memo on July 7, 2021, stating “due to the evidence presented in the Investigative Report 33-2020-015, this case is considered substantiated and will be recorded as such. As directed by SCDC Policy GA-06.11, Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment, ensure you provide inmate x, place a copy in your investigative file for this incident.</p>

115.73	<b>Reporting to inmates</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC Policy POL-23.01 Investigation</li> <li>• PREA Investigation Tracking Log</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p><b>115.73 (a)</b></p> <p>Following an investigation into an inmate’s allegation that he or she suffered sexual abuse in an agency facility, the agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.</p> <p>GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 3.4 indicated that following an investigation into an inmate’s allegation that he or she suffered sexual abuse in an institution, the institution’s PCM will ensure the alleged victim is provided notification of whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded by completing and having the inmate sign that he/she has received a copy of SCDC Form 19-165, “Disposition of PREA Report.” The original is placed in the inmate’s PREA case file in the PCM’s office.</p> <p><b>Central Office Staff:</b> The agency PREA coordinator was interviewed regarding Investigative Report 33-2020-015 Inmate X and Staff XX.</p> <p>The evidence presented in the investigative report provides that the alleged perpetrator, staff XX, admitted to having “phone sex” and providing nude pictures to an incarcerated inmate of the South Carolina Department of Corrections. Staff XX was arrested on March 4, 2020 for “Misconduct in Office” by a Police Services agent.</p> <p>The Police Services Investigative Report printed on March 8, 2020 indicated that the case was investigated by South Carolina Department of Corrections Police Services. The investigative report stated there was insufficient evidence to substantiate criminal charges of sexual misconduct. This PREA allegation is unsubstantiated by Police Services.</p> <p>The agency PREA coordinator indicated based on the preponderance of the evidence the administrative investigation was founded to be substantiated.</p> <p>The PREA coordinator submitted a Memo on July 7, 2021, stating “due to the evidence presented in the Investigative Report 33-2020-015, this case is considered substantiated and will be recorded as such. As directed by SCDC Policy GA-06.11, Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment, ensure you provide inmate x, place a copy in your investigative file for this incident.</p> <p><b>Central Office Staff:</b> Deputy Director of the Office of Investigations and Intelligence (OI) was asked, do your agency procedures require that a resident who makes an allegation of sexual abuse must be informed as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded following an investigation? Response, the responsibility of notifying the victim on the outcome of the investigation falls on the PREA compliance manager of the institution. OI has no procedures or policy that requires them to notify the victim on the outcome, however, in most cases we do.</p> <p><b>Facility Staff:</b> Does your facility notify an inmate who makes an allegation of sexual abuse when the allegation has been determined to be substantiated, unsubstantiated, unsubstantiated, or unfounded following an investigation? The warden indicated that they are provided with a policy form which covers if the allegation was substantiated or not, what steps the agency is taking, and outside counseling service for them to contact.</p> <p><b>Interviewed Targeted Inmates:</b> Inmates who reported sexual abuse. Two of the three interviewed inmates stated that the staff did not investigate therefore notification did not occur. One inmate stated that they were notified of the results of the allegation. The one inmate who was notified stated that he was told that the allegation was unfounded because they could not see on camera anything. He also reported that there are no cameras in the mental health offices.</p>

One of the three interviewed inmates stated that he was notified in writing within 60 days of the results of the allegation.

**115.73 (b)**

If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.

If the agency did not conduct the investigation, the agency will use the same process as defined in section (a) of the standard.

**115.73 (c)**

Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever:

- The staff member is no longer posted within the inmate's unit;
- The staff member is no longer employed at the facility;
- The agency learns that the staff member has been indicated on a charge related to sexual abuse within the facility; or
- The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

**115.73 (d)**

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

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

GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 3.4 indicated that following an investigation into an inmate's allegation that he or she suffered sexual abuse in an institution, the institution's PCM will ensure the alleged victim is provided notification of whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded by completing and having the inmate sign that he/she has received a copy of SCDC Form 19-165, "Disposition of PREA Report." The original is placed in the inmate's PREA case file in the PCM's office.

**115.73 (e)**

All such notifications or attempted notifications shall be documented.

Policy requires the institution's PCM to ensure that alleged victim is provided notification of whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded by completing and have the inmate sign that he/she has received a copy of SCDC Form 19-165, "Disposition of PREA Report." The original is placed in the inmate's PREA case file in the PCM's office.

**115.73 (f)**

An agency's obligation to report under this standard shall terminate if the inmate is released from the agency's custody.

Interviewed staff indicated that if the inmate is released from the agency's custody the facility will terminate.

**Corrective Actions Summary:**

Standard requires following an investigation into an inmates' allegation that he or she suffered sexual abuse in an agency facility, the agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. All such notifications or attempted notifications shall be documented.

Concern #1:

During the documentation review of the 29 PREA investigations only one inmate received notifications. Investigations were not being investigated; the new facility PREA compliance manager started investigating the requested 29 cases.

Concern #2:

**Interviewed Targeted Inmates:** Two of the three interviewed inmates stated that the staff did not investigate their allegation, therefore notification did not occur. One inmate stated that they were notified of the results of the allegation.

Concern #3:

Interviewed inmates indicated that PREA allegations were reported, but they have not received any notification.

Facility Response:

The Institution has a new management team and a new PREA compliance manager. While the new PREA compliance manager was getting prepared for the audit it was found that the reported PREA allegations for the past 12 months were not investigated or investigations were not completed. The new management team have been working on investigating and closing cases to meet the PREA standards.

It was determined that the past management did not investigate, monitor for retaliation nor notified the inmates of the result of their investigations, and the 30-day incident reviews were not conducted. All past cases are being investigated, monitor for retaliation and inmates are being notified by the new PREA compliance manager, as well as conducting 30-day incident reviews when applicable.

The auditor reviewed 21 investigation packages that included, but not limited to:

- Warden to Warden PREA Notifications – 4
- Incident Report Checklist for PREA Issues – 21
- PREA Investigative Folder Checklist – 21
- Police Services Investigative Reports – 13
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- Mirada Rights – 8
- PREA Incident Review – 7
- Disposition of PREA Report – 21
- Disposition of PREA Notification Report – 21
- Sexual Retaliation Monitoring Form – 6

On July 22, 2021, the facility investigator submitted the above investigation packages.

115.76	<b>Disciplinary sanctions for staff</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• SCDC Policy ADM-11.04 Employee Corrective Action</li> <li>• SCDC Policy ADM-11.17 Employee Conduct</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC Policy ADM-11.34 Employee Inmate Relations</li> <li>• SCDC Policy ADM-11.39 Staff Sexual Misconduct with Inmates</li> <li>• SCDC Policy ADM-17.01 Employee Training Standards</li> <li>• SCDC Policy POL-23.01 Investigation</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p><b>115.76 (a)</b></p> <p>Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.</p> <p>Policies ADM 11.17 Employee Conduct and ADM 11.04 Employee Corrective action were viewed and cover the details for termination.</p> <p>According to policy, if allegations of conduct that appears to be criminal are substantiated, referral will be made to the appropriate solicitor for prosecution. Additionally, staff will be subject to Agency corrective action up to and including termination.</p> <p><b>115.76 (b)</b></p> <p>Termination shall be the presumptive disciplinary sanction for have engaged in sexual abuse.</p> <p>According to policy, if allegations of conduct that appears to be criminal are substantiated, referral will be made to the appropriate solicitor for prosecution. Additionally, staff will be subject to Agency corrective action up to and including termination.</p> <p><b>115.76 (c)</b></p> <p>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.</p> <p>Through discussions with staff, it is clear that violating agency sexual abuse and sexual harassment policies will be commensurate with past act in the personal files.</p> <p><b>115.76 (d)</b></p> <p>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.</p> <p><b>Interviewed staff:</b> indicated that if staff or contractors are terminated for violating agency sexual abuse policy, that the State Law Enforcement Division (SLED) are the agency that will investigate.</p> <p>Interviewed staff seemed aware of the fact that the individual would also need to be reported to the relevant licensing body.</p> <p>The auditor reviewed a copy of the Termination of Employment for Staff X1.</p>

115.77	<b>Corrective action for contractors and volunteers</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• SCDC Policy PS-10.04 Volunteer Services Programs</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• SCDC Policy ADM-11.39, Staff Sexual Misconduct with Inmates</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p><b>115.77 (a)</b></p> <p>Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.</p> <p><b>Facility Staff:</b> In the case of any violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, what remedial measures does your facility take? Does the facility always prohibit further contact with inmates? The warden indicated that the facility always prohibits further contact.</p> <p>The warden also indicated that the individuals are subject to arrest, the facility can report them to any licensing agencies, barring them from further contract or volunteering with SCDC.</p> <p><b>115.77 (b)</b></p> <p>The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.</p> <p>See section (a) response.</p>

115.78	<b>Disciplinary sanctions for inmates</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p data-bbox="240 208 451 235"><b>Auditor Discussion</b></p> <p data-bbox="240 271 502 297"><b>Supporting Information:</b></p> <ul data-bbox="240 329 1449 757" style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC Policy GA-01.12 Inmate Grievance System</li> <li>• SCDC Policy OP-21.04 Inmate Classification Plan</li> <li>• SCDC Policy OP-22.14 Inmate Disciplinary System</li> <li>• SCDC Policy POL-23.01 Investigation</li> <li>• SCDC Form 19-29A</li> <li>• SCDC Policy Number: HS 19.01 Placement of Inmates in Mental Health Observation and Evaluation Status</li> <li>• PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Staff Interviews</li> </ul> <p data-bbox="240 788 347 815"><b>115.78 (a)</b></p> <p data-bbox="240 846 1485 936">Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.</p> <p data-bbox="240 967 1485 1034">The SCDC has a discipline process in place for inmates who violate the rules of the facility which includes incidents of sexual abuse. Sanctions for inmates violating agency policy vary depending upon the level of the violation.</p> <p data-bbox="240 1066 1461 1133">Sanctions for these violations take into consideration many aspects of the inmate's history and assessments conducted by the staff at the facility. This also includes the inmates' mental health status.</p> <p data-bbox="240 1160 1485 1227">The agency will not sanction inmates who have made an allegation in good faith, even if the investigation cannot substantiate the allegation.</p> <p data-bbox="240 1254 1477 1339">According to policy, the inmate has the right to refuse administrative resolution and request that the incident be referred to a disciplinary hearing, however, the Hearing Officer has the authority to levy additional sanctions and to take accrued good time if the inmates is found guilty of the incident.</p> <p data-bbox="240 1370 1469 1496">The South Carolina Department of Corrections Policy Number: OP 22.14 Inmate Disciplinary System section 7.1 and 7.2 – inmates will be served with notice of disciplinary charges at least forty-eight (48) hours prior to their hearings, Should the inmate refuse to sign SCDC Form 19-69, Inmate Disciplinary Report and Hearing Record, he/she will forfeit the opportunity to request that their accuser and/or witness (s) be present at their scheduled hearing.</p> <p data-bbox="240 1527 1485 1818">Policy also requires once the inmate is formally charged (and entered into the Offender Management System), the hearing will be held within 21 calendar days. SCDC Form 19-69, will be used to document the charges and the results of the hearing. The charges will be explained by the Hearing Officer to the inmate in terms she/he can understand. Inmates may not be subjected to any form of coercion designed to persuade them to waive their rights to 48-hour notice. If inmates are offered the opportunity to waive the 48-hour notice, they must be fully informed, in terms understandable to them, of the nature of the right at stake. In addition, an inmate may waive his/her right to a hearing, the Hearing Officer will review the waive section of the SCDC Form 19-69, conduct the hearing in the absence of the inmate, determine guilt or innocence; if guilty, decide on appropriate penalties, and notify the inmate of the same using SCDC Form 19-69. Should an inmate refuse to sign a waiver and/or attend the hearing, the hearing will be held in the inmate's absence and recorded.</p> <p data-bbox="240 1850 347 1877"><b>115.78 (b)</b></p> <p data-bbox="240 1908 1422 1975">Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses on other inmates with similar histories.</p> <p data-bbox="240 2007 1437 2096"><b>Facility Staff:</b> Are the sanctions proportionate to the nature and circumstances of the abuses committed, the inmates' disciplinary histories, and the sanctions imposed for similar offenses by other inmates with similar histories? The warden indicated yes; this is all in accordance with SCDC policy OP 22.14 Inmate Discipline.</p> <p data-bbox="240 2128 347 2154"><b>115.78 (c)</b></p>

The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, in any, should be imposed.

The South Carolina Department of Corrections Policy Number: OP-22.14 section 1.4 – If the inmate has a mental health issue noted on his/her MEDCLASS screen or is acting in such a manner that indicates a mental health concern, then a copy of SCDC Form 19-29A, "Incident Report." Must be forwarded to the mental health staff. This referral must be documented on SCDC Form 19-29A. In these instances, a memorandum from the mental health care professional must be included as an attachment to SCDC Form 19-29A, attesting to the inmate's mental status and accountability for his/her actions. Refer to SCDC Policy HS-19.01, "Placement of Inmates in Mental Health Observation and Evaluation Status," for additional information).

**Interviewed Staff:** The Agency PREA Coordinator indicated that an inmate's mental disabilities or mental illness would be considered when determining the type of sanction, if any, should be imposed.

**Facility Staff:** Is mental disability or mental illness considered when determining sanctions? The warden indicated yes, if the inmate is a mental health classification on L1, L2, L3, LC, or MR, and is found guilty the charges must be reviewed by a Mental Health Disciplinary Treatment Team before sanctions are imposed.

#### **115.78 (d)**

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

**Facility Staff:** The medical staff indicated that the facility offers therapy, counseling, or other intervention services designed to address and correct the underlying reasons or motivations for sexual abuse and the facility consider offering these services to the offending inmates.

Staff also indicated that when these services are provided, the inmate's participation are not required as a condition of access to programming or other benefits. Participation is on a voluntary basis.

#### **115.78 (e)**

The agency may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

**Central Office Staff:** The agency PREA coordinator indicated that SCDC only discipline offenders when it is proven the staff member did not consent to the conduct.

#### **115.78 (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.

A report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred does not constitute falsely reporting an incident or lying, even if an investigation does not establish sufficient to substantiate the allegation. Any inmate conclusively found to have filed an intentionally false report alleging sexual abuse will be subject to disciplinary action through the Inmate Disciplinary System and /or criminal charges.

GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 2.2.2 indicated that a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred does not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

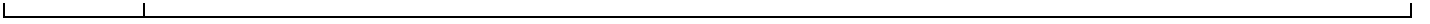
GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 indicated that any inmate conclusively found to have filed an intentionally false report alleging sexual abuse will be subject to disciplinary action through the Inmate Disciplinary System and/or criminal charges.

#### **115.78 (g)**

An agency may, in its discretion, prohibit all sexual activity between inmates and may discipline inmates for such activity. An agency may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

**Central Office Staff:** The agency PREA coordinator indicated that SCDC prohibits sexual activity between inmates and may discipline inmates proven, but does not consider such activity sexual abuse unless an investigation and preponderance of the evidence proves otherwise.





115.81	<b>Medical and mental health screenings; history of sexual abuse</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p data-bbox="240 210 451 237"><b>Auditor Discussion</b></p> <p data-bbox="240 271 504 297"><b>Supporting Information:</b></p> <ul data-bbox="240 331 1449 689" style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC Policy GA-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria</li> <li>• SCDC Policy HS-19.04 Mental Health Services – General Provisions</li> <li>• Mental Health Reception and Evaluation Flow Chart</li> <li>• PREA Medical and Mental Health Services Log Sample</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p data-bbox="240 723 347 750"><b>115.81 (a)</b></p> <p data-bbox="240 779 1437 871">If the screening pursuant to standard 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.</p> <p data-bbox="240 904 1485 963">The SCDC system allows medical and mental health staff to provide an initial assessment and continued re-assessment and follow up services to the inmates.</p> <p data-bbox="240 996 1485 1088"><b>Intake Screening:</b> All newly admitted and interfacility transferred inmates are required to be screened by health services staff upon admission to the facility prior to placement in general population. A mental health referral and evaluation by mental health staff within 24 hours of referral is also required for the following circumstances:</p> <ul data-bbox="240 1122 1469 1346" style="list-style-type: none"> <li>• Inmates incarcerated for the first time;</li> <li>• Inmates discharged from a psychiatric facility within the last 30 days;</li> <li>• Inmates who, within 30 days of incarceration, have displayed or indicated a suicidal ideation but lacked a plan to carry out the suicide;</li> <li>• Inmates with mental health concerns as identified by the court, or as reported by a concerned party;</li> <li>• Inmates with a history (within the past three years) of suicide attempts or plans, either self-reported or reported by a concerned party.</li> </ul> <p data-bbox="240 1379 1437 1438">A Memo from the Director of Nursing for the SCDC dated July 3, 2019 gives the Health Services – HCA-HN staff written guidance on the following PREA issues:</p> <ul data-bbox="240 1471 1465 1597" style="list-style-type: none"> <li>• Prior victimization reports must be seen by mental health within 14 days of intake screening.</li> <li>• Prior perpetrated sexual abuse must be seen by mental health within 14 days of intake.</li> <li>• Shall obtain informed consent before reporting information about prior victimization not occurring in correction unless less than 18 years old.</li> </ul> <p data-bbox="240 1630 1485 1722">SCDC Policy HS-18.13 Health Screening and Exams Section 1, states immediately upon an inmate's arrival at an SCDC Reception and Evaluation Center, and upon transfer to any SCDC facility, preliminary medical screening will be completed to include:</p> <ul data-bbox="240 1756 1426 1814" style="list-style-type: none"> <li>• Inquiry into the inmate's health history and observation of his/her current appearance, behavior, and condition. SCDC Supply M-14, "Medical Screen, "will be completed by the medical staff or a health trained staff member.</li> </ul> <p data-bbox="240 1848 1493 2072"><b>Interviewed Inmates:</b> Two interviewed inmates disclosed a prior history of sexual victimization at risk screening. When asked whether or not when they told staff at the program that they had been sexually abused whether they were asked if they wanted to meet with a medical or mental health practitioner; one stated that they did not initially disclose prior sexual abuse at screening. He reported that the disclosure occurred last month. When he notified staff last month, he was not offered to speak to medical or mental health. The inmate reported that he would like to speak to mental health staff; as he has been dealing with a lot of things since the death of his father in December; along with his recent disclosure. The associate notified staff of the inmate request.</p> <p data-bbox="240 2105 1485 2163">The second interviewed inmate who disclosed a prior history of sexual victimization at risk screening stated that staff did offer a follow up with medical or mental health; however, he is "good now". The inmate also stated that they just asked him in</p>

February of 2021, and he has been at the facility for two years. Based on interviews with random staff, it appears that the PREA related questionnaire was asked of inmates in February of 2021.

**115.81 (b)**

If the screening pursuant to standard 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.

GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 3.3 Perpetrator Treatment Plan: An individual treatment plan shall be developed and initiated for each sexual perpetrator in order to decrease the individual's potential for continued sexual abuse within the correctional environment and after release to the community.

**115.81 (c)**

If the screening pursuant to standard 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner with 14 days of the intake screening.

See Section (a) response.

**115.81 (d)**

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.

**115.81 (e)**

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

A Memo from the Director of Nursing for the SCDC dated July 3, 2019 gives the Health Services – HCA-HN staff written guidance on the following PREA issues:

- Shall obtain informed consent before reporting information about prior victimization not occurring in correction unless less than 18 years old.

**Facility Staff:** The medical staff indicated that they do obtain informed consent from inmates reporting about prior sexual victimization that did not occur in an institutional setting.

**Facility Staff:** The medical staff indicated that there is no separate consent process for inmates under the age of 18. There are no youthful inmates housed at this facility.

115.82	<b>Access to emergency medical and mental health services</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p data-bbox="240 210 451 237"><b>Auditor Discussion</b></p> <p data-bbox="240 271 504 297"><b>Supporting Information:</b></p> <ul data-bbox="240 331 1449 622" style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• SCDC Policy GA-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria</li> <li>• SCDC Policy HS-19.04 Mental Health Services – General Provisions</li> <li>• Mental Health Reception and Evaluation Flow Chart</li> <li>• SCDC Policy Number: HS 18.15 Level of Care</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p data-bbox="240 656 347 683"><b>115.82 (a)</b></p> <p data-bbox="240 712 1481 801">Inmate 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.</p> <p data-bbox="240 835 1437 898">A Memo from the Director of Nursing for the SCDC dated July 3, 2019 gives the Health Services – HCA-HN staff written guidance on the following PREA issues:</p> <ul data-bbox="240 925 1246 1122" style="list-style-type: none"> <li>• You may not use an inmate interpreter – only staff or outside services.</li> <li>• Inmate must receive immediate, unimpeded access to emergency treatment and crisis intervention.</li> <li>• If medical/mental health not on duty cases will be reported to the covering institution.</li> <li>• Must provide information about emergency contraception and STD prophylaxis.</li> <li>• There will be no financial cost to the inmate.</li> <li>• If female, she gets pregnant OB care will be provided.</li> </ul> <p data-bbox="240 1149 1490 1245"><b>Facility Staff:</b> Medical staff indicated that inmate victims of sexual abuse receive immediate timely and unimpeded access to emergency medical treatment and crisis intervention services. The nature and scope of these services are determined according to their professional judgement.</p> <p data-bbox="240 1272 1469 1368"><b>Interviewed Targeted Inmates:</b> Three inmates who reported sexual abuse. One of the three interviewed inmates reported that they were offered follow up mental health services. He also reported that he is already on the mental health unit and receives ongoing mental health services.</p> <p data-bbox="240 1402 347 1429"><b>115.82 (b)</b></p> <p data-bbox="240 1458 1490 1554">If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim pursuant to standard 115.62 and shall immediately notify the appropriate medical and mental health practitioners.</p> <p data-bbox="240 1581 1481 1677">GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 2.3.1.1 indicated that in the event of an actual or suspected case of sexual abuse/victimization, the security staff first responder (s) must complete the following steps:</p> <ul data-bbox="240 1704 1469 2002" style="list-style-type: none"> <li>o Identify and separate the alleged perpetrator and alleged victim;</li> <li>o Immediately take the alleged victim to Medical;</li> <li>o Escort alleged inmate perpetrator (s) to an isolated area, preferably in a dry cell with restricted access to a toilet or water;</li> <li>o Notify the shift supervisor, PREA Compliance Manager, and Warden as well as Police Services;</li> <li>o Identify and isolate any witness;</li> <li>o Secure the crime scene;</li> <li>o Document all incidents promptly on SCDC Form 19-29A, "Incident Report"; and</li> <li>o Only share information related to the incident with those people who need to know in order to ensure the alleged victim's safety, conduct the investigation, or provide treatment to the alleged victim or alleged perpetrator.</li> </ul> <p data-bbox="240 2029 504 2056">See Section (a) response.</p> <p data-bbox="240 2089 347 2116"><b>115.82 (C)</b></p>

Inmate 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.

**Facility Staff:** Medical staff indicated that victims of sexual abuse are offered timely information about access to emergency contraception and sexually transmitted infection prophylaxis.

The interviewed inmates' allegations of sexual abuse or harassment did not involve sexual penetration; therefore, emergency contraception and/or sexually transmitted infection prophylaxis were not offered.

**115.82 (d)**

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.

**Facility Staff:** The medical staff indicated the treatment services provided are without financial cost.

115.83	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p><b>Auditor Discussion</b></p> <p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• MOU: Sexual Trauma Services of the Midlands (STSM) and SCDC</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC Policy Number: HS 18.15 Level of Care</li> <li>• SCDC Policy GA-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria</li> <li>• SCDC Policy HS-19.04 Mental Health Services – General Provisions</li> <li>• Mental Health Reception and Evaluation Flow Chart</li> <li>• Columbia-Suicide Severity Rating Scale</li> <li>• SCDC Policy Number: HS 18.13 Health Screening and Exams</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p><b>115.83 (a)</b></p> <p>The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.</p> <p>GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 indicated that victim support: an individual treatment plan shall be developed and initiated for each victim of sexual abuse to address post-traumatic stress resulting from the sexual abuse. The treatment plan shall include, at a minimum, mental health counseling, medical follow-up (i.e., baseline testing for infectious diseases, etc.). In the case of female inmates, a pregnancy test will be completed as appropriate.</p> <p>The facility offers medical and mental health evaluations and, as appropriate, treatment to all inmates who have been victimized by sexual abuse.</p> <p>A Memo from the Director of Nursing for the SCDC dated July 3, 2019 gives the Health Services – HCA-HN staff written guidance on the following PREA issues:</p> <ul style="list-style-type: none"> <li>• Inmate will be offered medical and mental health evaluation and treatment.</li> <li>• Will receive on going treatment needed with follow up services and referral for any outside care needed.</li> <li>• Provide services consistent with community level of care.</li> <li>• Vaginal perpetration will be offered pregnancy test.</li> <li>• If pregnancy results lawful pregnancy related services will be provided.</li> <li>• STD testing will be offered as medically appropriate.</li> <li>• Treatment will be provided at no financial cost regardless if victim names abuser or not.</li> <li>• Victim and perpetrator will be followed by mental health.</li> </ul> <p>The facility is a male facility.</p> <p><b>115.83 (b)</b></p> <p>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 replacement in, other facilities, or their release from custody.</p> <p><b>Facility Staff:</b> Medical staff indicated that evaluation and treatment of inmates who have been victimized entail basic first aid, lab work/STDs, noninvasive assessment (medical), Mental Health Clinical Assessment, psychiatric referral trauma counseling.</p> <p><b>Interviewed Targeted Inmate:</b> Three inmates who reported sexual abuse. One of the three interviewed inmates reported that they were offered follow up mental health services. He also reported that he is already on the mental health unit and receives ongoing mental health services. The other two inmates stated that they were not offered any services.</p> <p>The interviewed inmates' allegations of sexual abuse or harassment did not involve sexual penetration; therefore, emergency</p>

contraception and/or sexually transmitted infection prophylaxis were not offered.

See Section (a) response.

**115.83 (c)**

The facility shall provide such victims with medical and mental health services consistent with the community level of care.

SCDC Policy Number: HS 18.15 Level of Care policy statement – The Agency is committed to providing medically necessary care to inmates throughout their incarceration period. Services provided by Agency medical staff will be in keeping with generally accepted medical standards of the community and will be the most reasonable level of service available for the diagnosis, symptoms, and treatment of the medical condition.

**Facility Staff:** Medical staff indicated that medical and mental health services offered consistent with community level of care.

The Sexual Trauma Services of the Midlands (STSM) provided monthly reports to the SCDC. The auditor reviews the reports from June 2020 to February 2021, which revealed the following:

- Total number of Crisis Intervention – 18
- Total number of Hotline Support – 3
- Total number of Hospital Accompaniment – 0
- Total number of Group Services - 9

**115.83 (d)**

Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.

**Facility Staff:** Medical staff indicated that this is a male only facility, and inmates' victims are not given timely information and access to all female pregnancy related services.

**115.83 (e)**

If pregnancy results from the conduct described in paragraph (d) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

See Section (a) response.

This facility is male only.

**115.83 (f)**

Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.

See Section (a) response.

**115.83 (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.

**Facility Staff:** The medical staff indicated the treatment services provided are without financial cost.

**115.83 (h)**

All prisons shall attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

**Facility Staff:** Medical staff indicated that mental health evaluation of all known inmate-on-inmate abusers and offer treatment if appropriate within a 60-day period of learning.

<b>115.86</b>	<b>Sexual abuse incident reviews</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• Annual PREA Report – August 29, 2019</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• SCDC Policy POL-23.01 Investigation</li> <li>• SCDC Policy POL-23.12 Case File Requirements</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p><b>115.86 (a)</b></p> <p>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.</p> <p>GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 3.5 indicated that following an investigation into an allegation of sexual abuse or sexual harassment, the institution's PMC will ensure an incident review is conducted with thirty (30) calendar days following the PCM receiving Police Services' written investigative report, or upon the PCM's completion of an administrative investigation and completing SCDC Form 19-188, "PCM Report of Findings".</p> <p><b>115.86 (b)</b></p> <p>Such review shall ordinarily occur within 30 days of the conclusion of the investigation.</p> <p>See section (a) response.</p> <p><b>115.86 (c)</b></p> <p>The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.</p> <p><b>Facility Staff:</b> Does your facility have a sexual abuse incident review team? If yes, does the team include upper-level management officials and allow for input from line supervisors, investigators, and medical or mental health practitioners? The warden indicated yes, the warden, associate wardens, major, admin captain, investigators, medical, mental health, line staff are all part of the review team.</p> <p><b>115.86 (d)</b></p> <p>The review team shall:</p> <ul style="list-style-type: none"> <li>• Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;</li> <li>• 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 cause by other group dynamics at the facility;</li> <li>• Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;</li> <li>• Assess the adequacy of staffing levels in that area during different shifts;</li> <li>• Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and</li> <li>• Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d) of this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.</li> </ul> <p><b>Facility Staff:</b> How does the team use the information from the sexual abuse incident review? The warden indicated, to see if anything could have been done to prevent the incident. Are any policy changes needed, was the incident motivated by race, gender identity, gang affiliation, LGBT, etc. Did staffing create a higher risk, could physical barriers have prevented the</p>



assault.

**115.86 (e)**

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

**Central Office Staff:** The agency PREA coordinator indicated that SCDC Policy GA-06.11B, Applying the PREA Standard, Section 9.2 mandates that all SCDC Institutional SART's will conduct a sexual abuse incident review with 30 days of receiving a substantiated or substantiated investigation report of an allegation of sexual abuse or sexual harassment. Additionally, the incident review will be documented on SCDC Form 19-183. All SCDC Incident Reviews are conducted with the company of an SCDC attorney.

**Corrective Action Summary:**

Standard requires the facility to 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. Such review shall ordinarily occur within 30 days of the conclusion of the investigation.

Concern #1:

During the documentation review of the 29 PREA investigations only one was conducted.

Facility Response:

The Institution has a new management team and a new PREA compliance manager. While the new PREA compliance manager was getting prepared for the audit it was found that the reported PREA allegations for the past 12 months were not investigated or investigations were not completed. The new management team have been working on investigating and closing cases to meet the PREA standards.

It was determined that the past management did not investigate, monitor for retaliation nor notified the inmates of the result of their investigations, and the 30-day incident reviews were not conducted. All past cases are being investigated, monitor for retaliation and inmates are being notified by the new PREA compliance manager, as well as conducting 30-day incident reviews when applicable.

The auditor reviewed 21 investigation packages that included, but not limited to:

- Warden to Warden PREA Notifications – 4
- Incident Report Checklist for PREA Issues – 21
- PREA Investigative Folder Checklist – 21
- Police Services Investigative Reports – 13
- Facility and PREA Coordinator Report of Findings – 21
- Grievance Transferal Memorandum – 7
- Inmate Grievance Form – 7
- Internal Inmate Search – 21
- Incident Report – 21
- Inmate Voluntary Statement – 21
- Mirada Rights – 8
- PREA Incident Review – 7
- Disposition of PREA Report – 21
- Disposition of PREA Notification Report – 21
- Sexual Retaliation Monitoring Form – 6

On July 22, 2021, the facility investigator submitted the above investigation documents.

115.87	<b>Data collection</b>
	<b>Auditor Overall Determination:</b> Exceeds Standard
	<p><b>Auditor Discussion</b></p> <p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• Annual PREA Report – August 29, 2019</li> <li>• Department of Justice SSV Reports</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p><b>115.87 (a)</b></p> <p>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.</p> <p>GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 indicated that all institutions operated by or contracted with SCDC will collect data regarding all allegations of sexual abuse and sexual harassment on a daily basis. All information regarding allegations, investigations, dispositions, and subsequent actions will be electronically filed and a hard copy retained by the institution.</p> <p>SCDC Policy OP-22-25, Reporting Incidents and Accidents “Management Information Notes” (MIN) and other Methods of Reporting section 2 Reporting indicates that all significant incidents, events, and/or accidents at SCDC facilities, at the Broad River Complex, or other SCDC locations, or involving SCDC vehicles and/or employees during their work time will be entered into the CRT system as a MIN. The significant incident, event, or accident (s) will be automated as MIN by a designated creator as soon as possible after the incident/accident/event occurs. Note: MINs must be entered into the CRT immediately following an incident as soon as is feasible. All MINs will include a concise description of the significant incident, event, or accident, to include the basic reporting elements, i.e., when, where, who, what, why, and how. These elements must be including:</p> <ul style="list-style-type: none"> <li>• Date and time of incident;</li> <li>• Person submitting the MIN, i.e., individual who observes/documents the incident;</li> <li>• Codes denoting the type of incidents</li> <li>• Location where incident occurred</li> <li>• SCDC number (s) if inmate (s) are involved;</li> <li>• Job titles (s) and location if employee (s) are involved;</li> <li>• Race, sex, and age if inmate (s);</li> <li>• Institutional assignment;</li> <li>• SCDC vehicle number if vehicle involved;</li> <li>• Concise factual description of the incident/accident, including steps taken to aid the inmate and/or employee involved; and</li> <li>• Any additional pertinent information.</li> </ul> <p>GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 6 indicated the standardized set of definitions for sexual abuse and sexual harassment.</p> <p><b>115.87 (b)</b></p> <p>The agency shall aggregate the incident-based sexual abuse data at least annually.</p> <p>According to the SCDC 2019 Annual Report in calendar year 2019, SCDC received 265 reported allegations of sexual abuse/sexual harassment. SCDC Police Services investigated 195 (74%) allegations of sexual abuse/sexual harassment for criminal intent. Seventy allegations (26%) were investigated by institutional investigators. In total, there were 99 allegations (37%) of resident-on-resident abuse and 68 allegations (26%) of staff-on-resident abuse. Of the 265 allegations, 17 allegations (6%) were substantiated, 144 allegations (54%) were unsubstantiated, 55 allegations (21%) were unfounded, and 49 allegations (19%) cases are ongoing.</p> <p>The 2019 Annual Report included but not limited to:</p> <ul style="list-style-type: none"> <li>• Introduction and Report Summary</li> </ul>

- Agency Aggregate Data
- 2019 Aggregated Allegations of Sexual Abuse/Sexual Harassment
- Comparison Data 2017 – 2019
- Data by Institution
- Allegation Breakdown
- Corrective Actions
- Schedule of Audits
- Definitions

**Central Office Staff:** The agency PREA coordinator indicated that the 2020 SCDC Annual Report is being reviewed by the SCDC Executive Management Team and will be published once the Executive Director has had an opportunity to review and sign.

**115.87 (c)**

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.

The U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistic (BJS) is tasked with annual data collection responsibilities under PREA. The South Carolina Department of Corrections has collected the required data using the Survey of Sexual Violence (SSV) including administrative data reported to the Central Office. The SCDC website listed a links of SSV reports from 2006 through 2018 submitted to BJS.

The agency PREA coordinator provided the auditor with the latest copy.

**115.87 (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.

**Interviewed Staff:** with staff indicated that the agency maintains, review, and collect the required data, including reports, investigation files, and sexual abuse incident reviews.

**115.87 (e)**

The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.

The agency provided an Annual PREA Report Addendum dated September 16, 2019 stating that the SCDC (private facility) contract with CoreCivic for the housing of certain SCDC inmates in confinement. CoreCivic must also comply with the Federal PREA Standards. The CoreCivic Safety – Tallahatchie County Correctional Facility.

The agency PREA coordinator provided the auditor with a copy of CoreCivic 2020 PREA Annual Report.

**115.87 (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.

The U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistic (BJS) is tasked with annual data collection responsibilities under PREA. The South Carolina Department of Corrections has collected the required data using the Survey of Sexual Violence (SSV) including administrative data reported to the Central Office. The SCDC website listed a links of SSV reports from 2006 through 2019 submitted to BJS.

115.88	<b>Data review for corrective action</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p><b>Auditor Discussion</b></p> <p><b>Supporting Information:</b></p> <ul style="list-style-type: none"> <li>• Annual PREA Report – August 29, 2019</li> <li>• SCDC Policy Number: HS 18.07 Inmate health Records</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• Interviews</li> </ul> <p><b>115.88 (a)</b></p> <p>The agency shall review data collected and aggregated pursuant to standard 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:</p> <ul style="list-style-type: none"> <li>• Identifying problem areas;</li> <li>• Taking corrective action on an ongoing basis; and</li> <li>• Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.</li> </ul> <p>GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 indicated that the Institutional PCMs are responsible for the management and production of PREA files for auditing and reviewing purposes. As a means of ensuring PCMs have complete documentation in these PREA Case files, PCMs should utilize SCDC Form 19-189, PREA Investigative Folder Checklist.”</p> <p>The policy also requires the Institutional PCMs to provide the agency PC a Monthly Report of PREA Allegations in Excel spreadsheet format listing all allegations opened each month for review. Each SCDC institution is required to conduct quarterly PREA meetings with the intention of discussing each allegation and determining if changes are needed to the agency’s policies or institution’s procedures and/or practices.</p> <p>The PMCs are responsible for reviewing each allegation reported within the quarter with the institution’s Sexual Assault Response Team (SART) and document the meeting utilizing meeting notes, which will be filed in the institution’s provided electronic shared folder.</p> <p>The PMC utilize the “PREA Quarterly Meeting” outline provided by the agency’s PREA coordinator’s office as a reference to ensure the meeting covers all aspects which include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Identifying problem areas;</li> <li>• Training needs;</li> <li>• Improvement needs;</li> <li>• Corrective actions taken; and</li> <li>• Corrective action plans.</li> </ul> <p>The agency provided the auditor with a copy of the 2019 Annual PREA Report dated August 29, 2019. A review of the report reveals that the Agency has identified areas of concerns and provided corrective actions.</p> <ul style="list-style-type: none"> <li>• The Agency has identified areas of concerns <ul style="list-style-type: none"> <li>o Physical Plant</li> <li>o Policy and Procedure</li> <li>o Video Monitoring</li> <li>o Documentation</li> <li>o Data Collection</li> </ul> </li> <li>• The Agency has provided a corrective action list of the following: <ul style="list-style-type: none"> <li>o Policy Review and Revisions</li> <li>o Grants</li> <li>o Physical Plant Improvements</li> </ul> </li> </ul>

- o Video Monitoring
- o Documentation
- o Data Collection
- o PREA Auditing
- o SLED Fingerprinting

Note: Details are listed in the SCDC 2019 Annual PREA Report.

The Facility PREA compliance manager forwards data to the SCDC PREA Coordinator. An annual report is prepared by the Agency PREA Coordinator and placed on the SCDC website after review and approval from upper management to the SCDC Director.

**Central Office Staff:** Deputy Director of Legal and Compliance/Agency Head Designee was asked, how do you use incident-based sexual abuse data to assess and improve sexual abuse prevention, detection, and response policies, practices, and training? Response, the agency review incident-based information relating to sexual abuse to analyze locations of abuse, the frequency with which offenders may be identified as a perpetrator or victims, patterns within certain institutions, and the times and days of abuse. The information is used to determine locations for electronic surveillance equipment, facility renovation needs, staffing allocations within institutions, institutional training, and the need to take protective measure for specific inmates.

**Facility Staff:** If the agency reviews data collected and aggregated pursuant to 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, and training, what role does the facility and facility data play in this review? The facility PREA compliance manager indicated the facility will submit facility data to the agency PREA coordinator who will collect data from all institutions. The data will be aggregated into an annual report with corrective actions. The agency PREA coordinator holds semi-annual meetings to discuss the data with division heads.

**115.88 (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.

The Agency provided the auditor with a copy of the Annual PREA Report dated August 29, 2019. The auditor reviews the following information within the report.

According to the SCDC 2019 Annual Report in calendar year 2019, SCDC received 265 reported allegations of sexual abuse/sexual harassment. SCDC Police Services investigated 195 (74%) allegations of sexual abuse/sexual harassment for criminal intent. Seventy allegations (26%) were investigated by institutional investigators. In total, there were 99 allegations (37%) of resident-on-resident abuse and 68 allegations (26%) of staff-on-resident abuse. Of the 265 allegations, 17 allegations (6%) were substantiated, 144 allegations (54%) were unsubstantiated, 55 allegations (21%) were unfounded, and 49 allegations (19%) cases are ongoing.

The 2019 Annual Report included but not limited to:

- Introduction and Report Summary
- Agency Aggregate Data
- 2019 Aggregated Allegations of Sexual Abuse/Sexual Harassment
- Comparison Data 2017 – 2019
- Data by Institution
- Allegation Breakdown
- Corrective Actions
- Schedule of Audits
- Definitions

**115.88 (c)**

The agency's report shall be approved by the agency heard and made readily available to the public through its website or, if it does not have one, through other means.

The Annual PREA Report (2019) was approved by the Agency Heard and the Chief Legal & Compliance Officer on May 5, 2019 and posted on the agency website. Note: Signatures on File.

**Central Office Staff:** Deputy Director of Legal and Compliance/Agency Head Designee was asked, do you approve written annual PREA reports? Response, the Deputy Director of Legal and Compliance and the Director of the South Carolina Department of Corrections reviews and approve written PREA annual reports. The annual reports are available on the agency website.

**115.88 (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.

A review of the Annual PREA Report (2019), the agency redacts specific material from the report that would present a threat to the safety and security of each facility. The report is published on the SCDC website.

<b>115.89</b>	<b>Data storage, publication, and destruction</b>
	<p data-bbox="242 145 738 174"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="242 210 451 239"><b>Auditor Discussion</b></p> <p data-bbox="242 271 504 300"><b>Supporting Information:</b></p> <ul data-bbox="242 329 1449 521" style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> <li>• SCDC POLICY Number: HS 18.07 Inmate Health Records</li> <li>• Interviews</li> </ul> <p data-bbox="242 553 349 582"><b>115.89 (a)</b></p> <p data-bbox="242 611 1190 640">The agency shall ensure that data collected pursuant to standard 115.87 are securely retained.</p> <p data-bbox="242 669 1481 828">GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 indicated that all case records associated with claims of sexual abuse, including incident reports, investigative reports, inmate information, case disposition, medical and counseling evaluation findings and recommendations for post-release treatment and/or counseling are retained in accordance with SCDC Policy OP-21.09 "Inmate Records Plan, and SCDC Policy HS- 18.07, "Inmate Health Information."</p> <p data-bbox="242 860 349 889"><b>115.89 (b)</b></p> <p data-bbox="242 918 1489 1010">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.</p> <p data-bbox="242 1039 1476 1131">The agency provided an Annual PREA Report Addendum dated September 16, 2019 stating that the SCDC (private facility) contract with CoreCivic for the housing of certain SCDC inmates in confinement. CoreCivic must also comply with the Federal PREA Standards. The CoreCivic Safety – Tallahatchie County Correctional Facility.</p> <p data-bbox="242 1162 1434 1290">The Auditor review the CoreCive 2018 PREA Annual Report. The report provides a review of the incident-based and aggregated data for calendar year 2018 and a comparison of aggregated data for calendar years 2015, 2016, 2017 and 2018. The report provides corrective actions developed to further reduce sexual abuse and sexual harassment within CoreCivi facilities.</p> <p data-bbox="242 1321 1481 1382">A review of the South Carolina Department of Corrections 2019 PREA Annual Report and the CoreCivic 2018 PREA Annual Report indicated that both reports are located on the internet.</p> <p data-bbox="242 1413 349 1442"><b>115.89 (c)</b></p> <p data-bbox="242 1471 1362 1500">Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.</p> <p data-bbox="242 1529 1441 1590">Interview with the Agency PREA Coordinator and review of the Annual Report indicated that all personal identifiers were removed.</p> <p data-bbox="242 1621 349 1650"><b>115.89 (d)</b></p> <p data-bbox="242 1680 1450 1740">The agency shall maintain sexual abuse data collected pursuant to 115.87 for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.</p> <p data-bbox="242 1771 1489 1899">Interviewed staff indicated that the record retention standard is determined in state statutes and would require the legislature to make a change to the state law. This is an area that the SCDC and Police Services do not have control over. This provision will be rated compliance with the understanding that the PREA Coordinator explores options and recommendations to the SC legislators to change state law.</p> <p data-bbox="242 1930 1489 2022">The South Carolina Department of Corrections Policy Number: HS-18.07 Inmate Health Records section 10 – Inactive health records will be maintained by the Central HIR office in hard copy form for 25 years or on microfilm and/or on electronic media for 99 years.</p> <p data-bbox="242 2054 501 2083">See section (a) response.</p>

<b>115.401</b>	<b>Frequency and scope of audits</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<p data-bbox="242 210 451 237"><b>Auditor Discussion</b></p> <p data-bbox="242 271 504 297"><b>Supporting Information:</b></p> <ul data-bbox="242 331 1449 524" style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• SCDC PREA Annual Report 2019</li> <li>• CoreCivic 2020 PREA Annual Report</li> <li>• Interviews</li> </ul> <p data-bbox="242 562 360 589"><b>115.401 (a)</b></p> <p data-bbox="242 622 1469 680">During the three-year period starting on August 20, 2013, and during each three-year period thereafter, the agency shall ensure that each facility operated by the agency, or a private organization on behalf of the agency, is audited at least once.</p> <p data-bbox="242 714 1433 804">To ensure SCDC continues on its path to full compliance with the Federal PREA standards, the Office of Legal and Compliance PREA staff, has implemented corrective actions to address all 21-agency facilities to receive a PREA audit every three years.</p> <p data-bbox="242 837 360 864"><b>115.401 (b)</b></p> <p data-bbox="242 898 1477 956">During each one-year period starting on August 20, 2013, the agency shall ensure that at least one third of each facility type operated by the agency, or by a private organization on behalf of the agency, is audited.</p> <p data-bbox="242 990 1433 1079">To ensure SCDC continues on its path to full compliance with the Federal PREA standards, the Office of Legal and Compliance PREA staff, has implemented corrective actions to address all 21-agency facilities to receive a PREA audit every three years.</p> <p data-bbox="242 1113 360 1140"><b>115.401 (c)</b></p> <p data-bbox="242 1173 1485 1263">The Department of Justice may send a recommendation to an agency for an expedited audit if the Department has reason to believe that a particular facility may be experiencing problems relating to sexual abuse. The recommendation may also include referrals to resources that may assist the agency with PREA related issues.</p> <p data-bbox="242 1296 1286 1323">The agency has not received any recommendation for the Department of Justices for an expedited audit.</p> <p data-bbox="242 1357 360 1384"><b>115.401 (d)</b></p> <p data-bbox="242 1417 1433 1476">The Department of Justice shall develop and issue an audit instrument that will provide guidance on the conduct of and contents of the audit.</p> <p data-bbox="242 1509 1412 1563">The Prison Rape Elimination Act (PREA) Final Audit Report: Adult Prisons and Jails – Form V6 were implemented as required.</p> <p data-bbox="242 1597 360 1624"><b>115.401 (e)</b></p> <p data-bbox="242 1657 1070 1684">The agency shall bear the burden of demonstrating compliance with the standards.</p> <p data-bbox="242 1718 975 1744">The facility provided the required information to demonstrate compliance.</p> <p data-bbox="242 1778 360 1805"><b>115.401 (f)</b></p> <p data-bbox="242 1839 1485 1897">The auditor shall review all relevant agency-wide policies, procedures, reports, internal and external audits, and accreditation for each facility type.</p> <p data-bbox="242 1930 1477 2047">The auditor uses a triangular approach, by connecting the PREA audit documentations, on-site observation, tour, facility practice, interviewed staff and residents, local and national advocates, etc. to make determinations for each standard. Each standard and/or provision are designed with documentation reviewed, PREA Audit: Pre-Audit Questionnaire, overall findings and interview results.</p> <p data-bbox="242 2080 360 2107"><b>115.401 (g)</b></p> <p data-bbox="242 2141 1442 2168">The audits shall review, at a minimum, a sampling of relevant documents and other records and information for the most</p>



recent one-year period.

The agency/facility provided the required sampling information.

**115.401 (h)**

The auditor shall have access to, and shall observe, all areas of the audited facilities.

Compliant.

**115.401 (i)**

The auditor shall be permitted to request and receive copies of any relevant documents (including electronically stored information).

The auditor received requested documentation.

**115.401 (j)**

The auditor shall retain and preserve all documentation relied upon in making audit determinations. Such documentation shall be provided to the Department of Justice upon request.

The facility documentation will be preserved and provided to the Department of Justice upon request.

**115.401 (k)**

The auditor shall interview a representative sample of inmates, residents, and detainees, and of staff, supervisors, and administrators.

The auditor interviewed the required staff and inmates, the sample sizes are noted in the report narrative.

**115.401 (l)**

The auditor shall be permitted to conduct private interviews with inmates, residents, and detainees.

All required interviews were conducted in private.

**115.401 (m)**

Inmates, residents, and detainees shall be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.

The auditor received one (1) confidential correspondence for inmates, and none from staff.

**115.401 (n)**

Auditors shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility.

The auditor attempted to communicate with community-based and victim advocates, the results are listed in the report narrative.

<b>115.403</b>	<b>Audit contents and findings</b>
	<p data-bbox="240 147 738 174"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="240 210 451 237"><b>Auditor Discussion</b></p> <p data-bbox="240 273 502 300"><b>Supporting Information:</b></p> <ul data-bbox="240 331 1449 524" style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.</li> <li>• GA-06.11 Applying the Prison Rape Elimination Act (PREA)</li> <li>• SCDC PREA Annual Report 2019</li> <li>• CoreCivic 2020 PREA Annual Report</li> <li>• Interviews:</li> </ul> <p data-bbox="240 555 360 582"><b>115.403 (a)</b></p> <p data-bbox="240 613 1425 672">Each audit shall include a certification by the auditor that no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.</p> <p data-bbox="240 703 352 730">Compliant.</p> <p data-bbox="240 761 360 788"><b>115.403 (b)</b></p> <p data-bbox="240 819 1331 846">Audit reports shall state whether agency-wide policies and procedures comply with relevant PREA standards.</p> <p data-bbox="240 878 352 904">Compliant.</p> <p data-bbox="240 936 360 963"><b>115.403 (c)</b></p> <p data-bbox="240 994 1469 1084">For each PREA standard, the auditor shall determine whether the audited facility reaches one of the following findings: Exceeds Standards, Meets Standards; Or Does Not Meet Standard. The audit summary shall indicate, among other things, the number of provisions the facility has achieved at each grade level.</p> <p data-bbox="240 1115 352 1142">Compliant.</p> <p data-bbox="240 1173 360 1200"><b>115.403 (d)</b></p> <p data-bbox="240 1232 1444 1290">Audit reports shall describe the methodology, sampling sizes, and basis for the auditor's conclusions with regard to each standard provision for each audited facility, and shall include recommendations for any required corrective action.</p> <p data-bbox="240 1321 352 1348">Compliant.</p> <p data-bbox="240 1379 360 1406"><b>115.403 (e)</b></p> <p data-bbox="240 1438 1378 1496">Auditor shall redact any personally identifiable inmate or staff information from their reports, but shall provide such information to the agency upon request, and may provide such information to the Department of Justice.</p> <p data-bbox="240 1527 352 1554">Compliant.</p> <p data-bbox="240 1585 360 1612"><b>115.403 (f)</b></p> <p data-bbox="240 1644 1477 1702">The agency shall ensure that the auditor's final report is published on the agency's website if it has on, or is otherwise made readily available to the public.</p> <p data-bbox="240 1733 1449 1760">Auditor request the final report to be published on the agency's website or otherwise made readily available to the public.</p>

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

<b>115.13 (a)</b>	<b>Supervision and monitoring</b>	
	Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or standards?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors?	yes
<b>115.13 (b)</b>	<b>Supervision and monitoring</b>	
	In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.)	yes
<b>115.13 (c)</b>	<b>Supervision and monitoring</b>	
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan?	yes

<b>115.13 (d)</b>	<b>Supervision and monitoring</b>	
	Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment?	yes
	Is this policy and practice implemented for night shifts as well as day shifts?	yes
	Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility?	yes
<b>115.14 (a)</b>	<b>Youthful inmates</b>	
	Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
<b>115.14 (b)</b>	<b>Youthful inmates</b>	
	In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
<b>115.14 (c)</b>	<b>Youthful inmates</b>	
	Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
<b>115.15 (a)</b>	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?	yes
<b>115.15 (b)</b>	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.)	na
	Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the facility does not have female inmates.)	na
<b>115.15 (c)</b>	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?	yes
	Does the facility document all cross-gender pat-down searches of female inmates (N/A if the facility does not have female inmates)?	na

<b>115.15 (d)</b>	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility have policies that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility have procedures that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit?	yes
<b>115.15 (e)</b>	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status?	yes
	If an inmate's genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner?	yes
<b>115.15 (f)</b>	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes
	Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes

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

<b>115.16 (c)</b>	<b>Inmates with disabilities and inmates who are limited English proficient</b>	
	Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations?	yes
<b>115.17 (a)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
<b>115.17 (b)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates?	yes
	Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with inmates?	yes
<b>115.17 (c)</b>	<b>Hiring and promotion decisions</b>	
	Before hiring new employees who may have contact with inmates, does the agency perform a criminal background records check?	yes
	Before hiring new employees who may have contact with inmates, does the agency, consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse?	yes
<b>115.17 (d)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates?	yes
<b>115.17 (e)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees?	yes



<b>115.17 (f)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions?	yes
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees?	yes
	Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?	yes
<b>115.17 (g)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes
<b>115.17 (h)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.)	yes
<b>115.18 (a)</b>	<b>Upgrades to facilities and technologies</b>	
	If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)	na
<b>115.18 (b)</b>	<b>Upgrades to facilities and technologies</b>	
	If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)	na
<b>115.21 (a)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
<b>115.21 (b)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
	Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes

<b>115.21 (c)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate?	yes
	Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?	yes
	If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?	yes
	Has the agency documented its efforts to provide SAFEs or SANEs?	yes
<b>115.21 (d)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?	yes
	If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency always makes a victim advocate from a rape crisis center available to victims.)	yes
	Has the agency documented its efforts to secure services from rape crisis centers?	yes
<b>115.21 (e)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews?	yes
	As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?	yes
<b>115.21 (f)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.)	yes
<b>115.21 (h)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency always makes a victim advocate from a rape crisis center available to victims.)	yes
<b>115.22 (a)</b>	<b>Policies to ensure referrals of allegations for investigations</b>	
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse?	yes
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment?	yes

<b>115.22 (b)</b>	<b>Policies to ensure referrals of allegations for investigations</b>	
	Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior?	yes
	Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?	yes
	Does the agency document all such referrals?	yes
<b>115.22 (c)</b>	<b>Policies to ensure referrals of allegations for investigations</b>	
	If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).)	yes
<b>115.31 (a)</b>	<b>Employee training</b>	
	Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?	yes
	Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?	yes
	Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims?	yes
	Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse?	yes
	Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?	yes
<b>115.31 (b)</b>	<b>Employee training</b>	
	Is such training tailored to the gender of the inmates at the employee's facility?	yes
	Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa?	yes

<b>115.31 (c)</b>	<b>Employee training</b>	
	Have all current employees who may have contact with inmates received such training?	yes
	Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures?	yes
	In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies?	yes
<b>115.31 (d)</b>	<b>Employee training</b>	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes
<b>115.32 (a)</b>	<b>Volunteer and contractor training</b>	
	Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes
<b>115.32 (b)</b>	<b>Volunteer and contractor training</b>	
	Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)?	yes
<b>115.32 (c)</b>	<b>Volunteer and contractor training</b>	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes
<b>115.33 (a)</b>	<b>Inmate education</b>	
	During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes
<b>115.33 (b)</b>	<b>Inmate education</b>	
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents?	yes
<b>115.33 (c)</b>	<b>Inmate education</b>	
	Have all inmates received the comprehensive education referenced in 115.33(b)?	yes
	Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility?	yes

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

<b>115.35 (a)</b>	<b>Specialized training: Medical and mental health care</b>	
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
<b>115.35 (b)</b>	<b>Specialized training: Medical and mental health care</b>	
	If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.)	na
<b>115.35 (c)</b>	<b>Specialized training: Medical and mental health care</b>	
	Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
<b>115.35 (d)</b>	<b>Specialized training: Medical and mental health care</b>	
	Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.)	yes
	Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.)	yes
<b>115.41 (a)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
	Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
<b>115.41 (b)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Do intake screenings ordinarily take place within 72 hours of arrival at the facility?	yes
<b>115.41 (c)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Are all PREA screening assessments conducted using an objective screening instrument?	yes

<b>115.41 (d)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes?	yes
<b>115.41 (e)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior acts of sexual abuse?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior convictions for violent offenses?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: history of prior institutional violence or sexual abuse?	yes
<b>115.41 (f)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening?	yes

<b>115.41 (g)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Does the facility reassess an inmate's risk level when warranted due to a referral?	yes
	Does the facility reassess an inmate's risk level when warranted due to a request?	yes
	Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse?	yes
	Does the facility reassess an inmate's risk level when warranted due to receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness?	yes
<b>115.41 (h)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section?	yes
<b>115.41 (i)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates?	yes
<b>115.42 (a)</b>	<b>Use of screening information</b>	
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments?	yes
<b>115.42 (b)</b>	<b>Use of screening information</b>	
	Does the agency make individualized determinations about how to ensure the safety of each inmate?	yes
<b>115.42 (c)</b>	<b>Use of screening information</b>	
	When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)?	yes
	When making housing or other program assignments for transgender or intersex inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems?	yes



<b>115.42 (d)</b>	<b>Use of screening information</b>	
	Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate?	yes
<b>115.42 (e)</b>	<b>Use of screening information</b>	
	Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments?	yes
<b>115.42 (f)</b>	<b>Use of screening information</b>	
	Are transgender and intersex inmates given the opportunity to shower separately from other inmates?	yes
<b>115.42 (g)</b>	<b>Use of screening information</b>	
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
<b>115.43 (a)</b>	<b>Protective Custody</b>	
	Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers?	yes
	If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment?	yes

<b>115.43 (b)</b>	<b>Protective Custody</b>	
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible?	yes
	If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	na
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	na
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	na
<b>115.43 (c)</b>	<b>Protective Custody</b>	
	Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged?	yes
	Does such an assignment not ordinarily exceed a period of 30 days?	yes
<b>115.43 (d)</b>	<b>Protective Custody</b>	
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The basis for the facility's concern for the inmate's safety?	yes
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged?	yes
<b>115.43 (e)</b>	<b>Protective Custody</b>	
	In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS?	yes
<b>115.51 (a)</b>	<b>Inmate reporting</b>	
	Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?	yes

<b>115.51 (b)</b>	<b>Inmate reporting</b>	
	Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?	yes
	Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the inmate to remain anonymous upon request?	yes
	Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility never houses inmates detained solely for civil immigration purposes.)	na
<b>115.51 (c)</b>	<b>Inmate reporting</b>	
	Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Does staff promptly document any verbal reports of sexual abuse and sexual harassment?	yes
<b>115.51 (d)</b>	<b>Inmate reporting</b>	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?	yes
<b>115.52 (a)</b>	<b>Exhaustion of administrative remedies</b>	
	Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse.	yes
<b>115.52 (b)</b>	<b>Exhaustion of administrative remedies</b>	
	Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)	yes
	Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.)	yes
<b>115.52 (c)</b>	<b>Exhaustion of administrative remedies</b>	
	Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	yes
	Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	yes

<b>115.52 (d)</b>	<b>Exhaustion of administrative remedies</b>	
	Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)	yes
	If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)	yes
	At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)	yes
<b>115.52 (e)</b>	<b>Exhaustion of administrative remedies</b>	
	Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Are those third parties also permitted to file such requests on behalf of inmates? (If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.)	yes
	If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)	yes
<b>115.52 (f)</b>	<b>Exhaustion of administrative remedies</b>	
	Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)	yes
	Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
	Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
<b>115.52 (g)</b>	<b>Exhaustion of administrative remedies</b>	
	If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.)	yes

<b>115.53 (a)</b>	<b>Inmate access to outside confidential support services</b>	
	Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations?	yes
	Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility never has persons detained solely for civil immigration purposes.)	yes
	Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible?	yes
<b>115.53 (b)</b>	<b>Inmate access to outside confidential support services</b>	
	Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws?	yes
<b>115.53 (c)</b>	<b>Inmate access to outside confidential support services</b>	
	Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse?	yes
	Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements?	yes
<b>115.54 (a)</b>	<b>Third-party reporting</b>	
	Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment?	yes
	Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate?	yes
<b>115.61 (a)</b>	<b>Staff and agency reporting duties</b>	
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation?	yes
<b>115.61 (b)</b>	<b>Staff and agency reporting duties</b>	
	Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions?	yes

<b>115.61 (c)</b>	<b>Staff and agency reporting duties</b>	
	Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section?	yes
	Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services?	yes
<b>115.61 (d)</b>	<b>Staff and agency reporting duties</b>	
	If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws?	yes
<b>115.61 (e)</b>	<b>Staff and agency reporting duties</b>	
	Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators?	yes
<b>115.62 (a)</b>	<b>Agency protection duties</b>	
	When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate?	yes
<b>115.63 (a)</b>	<b>Reporting to other confinement facilities</b>	
	Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred?	yes
<b>115.63 (b)</b>	<b>Reporting to other confinement facilities</b>	
	Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?	yes
<b>115.63 (c)</b>	<b>Reporting to other confinement facilities</b>	
	Does the agency document that it has provided such notification?	yes
<b>115.63 (d)</b>	<b>Reporting to other confinement facilities</b>	
	Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?	yes
<b>115.64 (a)</b>	<b>Staff first responder duties</b>	
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes

<b>115.64 (b)</b>	<b>Staff first responder duties</b>	
	If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff?	yes
<b>115.65 (a)</b>	<b>Coordinated response</b>	
	Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse?	yes
<b>115.66 (a)</b>	<b>Preservation of ability to protect inmates from contact with abusers</b>	
	Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes
<b>115.67 (a)</b>	<b>Agency protection against retaliation</b>	
	Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff?	yes
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes
<b>115.67 (b)</b>	<b>Agency protection against retaliation</b>	
	Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations?	yes

<b>115.67 (c)</b>	<b>Agency protection against retaliation</b>	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff?	yes
	Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?	yes
<b>115.67 (d)</b>	<b>Agency protection against retaliation</b>	
	In the case of inmates, does such monitoring also include periodic status checks?	yes
<b>115.67 (e)</b>	<b>Agency protection against retaliation</b>	
	If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?	yes
<b>115.68 (a)</b>	<b>Post-allegation protective custody</b>	
	Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43?	yes
<b>115.71 (a)</b>	<b>Criminal and administrative agency investigations</b>	
	When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
	Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes



<b>115.71 (b)</b>	<b>Criminal and administrative agency investigations</b>	
	Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34?	yes
<b>115.71 (c)</b>	<b>Criminal and administrative agency investigations</b>	
	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
	Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
	Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes
<b>115.71 (d)</b>	<b>Criminal and administrative agency investigations</b>	
	When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?	yes
<b>115.71 (e)</b>	<b>Criminal and administrative agency investigations</b>	
	Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes
<b>115.71 (f)</b>	<b>Criminal and administrative agency investigations</b>	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes
	Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?	yes
<b>115.71 (g)</b>	<b>Criminal and administrative agency investigations</b>	
	Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?	yes
<b>115.71 (h)</b>	<b>Criminal and administrative agency investigations</b>	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
<b>115.71 (i)</b>	<b>Criminal and administrative agency investigations</b>	
	Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	yes
<b>115.71 (j)</b>	<b>Criminal and administrative agency investigations</b>	
	Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?	yes
<b>115.71 (l)</b>	<b>Criminal and administrative agency investigations</b>	
	When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).)	yes

<b>115.72 (a)</b>	<b>Evidentiary standard for administrative investigations</b>	
	Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?	yes
<b>115.73 (a)</b>	<b>Reporting to inmates</b>	
	Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	yes
<b>115.73 (b)</b>	<b>Reporting to inmates</b>	
	If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)	yes
<b>115.73 (c)</b>	<b>Reporting to inmates</b>	
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the inmate's unit?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility?	yes
<b>115.73 (d)</b>	<b>Reporting to inmates</b>	
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility?	yes
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?	yes
<b>115.73 (e)</b>	<b>Reporting to inmates</b>	
	Does the agency document all such notifications or attempted notifications?	yes
<b>115.76 (a)</b>	<b>Disciplinary sanctions for staff</b>	
	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes
<b>115.76 (b)</b>	<b>Disciplinary sanctions for staff</b>	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes

<b>115.76 (c)</b>	<b>Disciplinary sanctions for staff</b>	
	Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories?	yes
<b>115.76 (d)</b>	<b>Disciplinary sanctions for staff</b>	
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies(unless the activity was clearly not criminal)?	yes
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?	yes
<b>115.77 (a)</b>	<b>Corrective action for contractors and volunteers</b>	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?	yes
<b>115.77 (b)</b>	<b>Corrective action for contractors and volunteers</b>	
	In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates?	yes
<b>115.78 (a)</b>	<b>Disciplinary sanctions for inmates</b>	
	Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process?	yes
<b>115.78 (b)</b>	<b>Disciplinary sanctions for inmates</b>	
	Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories?	yes
<b>115.78 (c)</b>	<b>Disciplinary sanctions for inmates</b>	
	When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior?	yes
<b>115.78 (d)</b>	<b>Disciplinary sanctions for inmates</b>	
	If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits?	yes
<b>115.78 (e)</b>	<b>Disciplinary sanctions for inmates</b>	
	Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact?	yes

<b>115.78 (f)</b>	<b>Disciplinary sanctions for inmates</b>	
	For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation?	yes
<b>115.78 (g)</b>	<b>Disciplinary sanctions for inmates</b>	
	If the agency prohibits all sexual activity between inmates, does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.)	yes
<b>115.81 (a)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison).	yes
<b>115.81 (b)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)	yes
<b>115.81 (c)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a jail).	yes
<b>115.81 (d)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?	yes
<b>115.81 (e)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	yes
<b>115.82 (a)</b>	<b>Access to emergency medical and mental health services</b>	
	Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?	yes
<b>115.82 (b)</b>	<b>Access to emergency medical and mental health services</b>	
	If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62?	yes
	Do security staff first responders immediately notify the appropriate medical and mental health practitioners?	yes

<b>115.82 (c)</b>	<b>Access to emergency medical and mental health services</b>	
	Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate?	yes
<b>115.82 (d)</b>	<b>Access to emergency medical and mental health services</b>	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
<b>115.83 (a)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?	yes
<b>115.83 (b)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody?	yes
<b>115.83 (c)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Does the facility provide such victims with medical and mental health services consistent with the community level of care?	yes
<b>115.83 (d)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	na
<b>115.83 (e)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	na
<b>115.83 (f)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes
<b>115.83 (g)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
<b>115.83 (h)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)	yes
<b>115.86 (a)</b>	<b>Sexual abuse incident reviews</b>	
	Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded?	yes

<b>115.86 (b)</b>	<b>Sexual abuse incident reviews</b>	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes
<b>115.86 (c)</b>	<b>Sexual abuse incident reviews</b>	
	Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?	yes
<b>115.86 (d)</b>	<b>Sexual abuse incident reviews</b>	
	Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?	yes
	Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility?	yes
	Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?	yes
	Does the review team: Assess the adequacy of staffing levels in that area during different shifts?	yes
	Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?	yes
	Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?	yes
<b>115.86 (e)</b>	<b>Sexual abuse incident reviews</b>	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes
<b>115.87 (a)</b>	<b>Data collection</b>	
	Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions?	yes
<b>115.87 (b)</b>	<b>Data collection</b>	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes
<b>115.87 (c)</b>	<b>Data collection</b>	
	Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice?	yes
<b>115.87 (d)</b>	<b>Data collection</b>	
	Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?	yes
<b>115.87 (e)</b>	<b>Data collection</b>	
	Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.)	yes
<b>115.87 (f)</b>	<b>Data collection</b>	
	Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)	yes

<b>115.88 (a)</b>	<b>Data review for corrective action</b>	
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole?	yes
<b>115.88 (b)</b>	<b>Data review for corrective action</b>	
	Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse?	yes
<b>115.88 (c)</b>	<b>Data review for corrective action</b>	
	Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means?	yes
<b>115.88 (d)</b>	<b>Data review for corrective action</b>	
	Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility?	yes
<b>115.89 (a)</b>	<b>Data storage, publication, and destruction</b>	
	Does the agency ensure that data collected pursuant to § 115.87 are securely retained?	yes
<b>115.89 (b)</b>	<b>Data storage, publication, and destruction</b>	
	Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means?	yes
<b>115.89 (c)</b>	<b>Data storage, publication, and destruction</b>	
	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes
<b>115.89 (d)</b>	<b>Data storage, publication, and destruction</b>	
	Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise?	yes
<b>115.401 (a)</b>	<b>Frequency and scope of audits</b>	
	During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.)	yes

<b>115.401 (b)</b>	<b>Frequency and scope of audits</b>	
	Is this the first year of the current audit cycle? (Note: a "no" response does not impact overall compliance with this standard.)	yes
	If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.)	yes
	If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)	yes
<b>115.401 (h)</b>	<b>Frequency and scope of audits</b>	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes
<b>115.401 (i)</b>	<b>Frequency and scope of audits</b>	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes
<b>115.401 (m)</b>	<b>Frequency and scope of audits</b>	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes
<b>115.401 (n)</b>	<b>Frequency and scope of audits</b>	
	Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes
<b>115.403 (f)</b>	<b>Audit contents and findings</b>	
	The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or, in the case of single facility agencies, there has never been a Final Audit Report issued.)	yes