

# PREA Facility Audit Report: Final

**Name of Facility:** Evans Correctional Institution

**Facility Type:** Prison / Jail

**Date Interim Report Submitted:** NA

**Date Final Report Submitted:** 11/03/2023

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input 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 type="checkbox"/>
<b>Auditor Full Name as Signed:</b> Adam T Barnett, Sr.	<b>Date of Signature:</b> 11/03/ 2023

AUDITOR INFORMATION	
<b>Auditor name:</b>	Barnett, Adam
<b>Email:</b>	adam30906@gmail.com
<b>Start Date of On-Site Audit:</b>	09/18/2023
<b>End Date of On-Site Audit:</b>	09/20/2023

FACILITY INFORMATION	
<b>Facility name:</b>	Evans Correctional Institution
<b>Facility physical address:</b>	610 SC-9, Bennettsville, South Carolina - 29512
<b>Facility mailing address:</b>	610 Highway 9west, Bennettsville, South Carolina - 29512

<b>Primary Contact</b>	
<b>Name:</b>	Frederick B. Hubbard
<b>Email Address:</b>	Hubbard.Frederick@doc.sc.gov
<b>Telephone Number:</b>	803-896-4919

<b>Warden/Jail Administrator/Sheriff/Director</b>	
<b>Name:</b>	Donald Stonebreaker
<b>Email Address:</b>	stonebreaker.donald@doc.sc.gov
<b>Telephone Number:</b>	803-896-4903

<b>Facility PREA Compliance Manager</b>	
<b>Name:</b>	Argie Graves
<b>Email Address:</b>	graves.argie@doc.sc.gov
<b>Telephone Number:</b>	

<b>Facility Health Service Administrator On-site</b>	
<b>Name:</b>	William Smith
<b>Email Address:</b>	smith.william@doc.sc.gov
<b>Telephone Number:</b>	803-869-4959

<b>Facility Characteristics</b>	
<b>Designed facility capacity:</b>	1382
<b>Current population of facility:</b>	1108
<b>Average daily population for the past 12 months:</b>	1120
<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>	19-70
<b>Facility security levels/inmate custody levels:</b>	level 2
<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>	157
<b>Number of individual contractors who have contact with inmates, currently authorized to enter the facility:</b>	32
<b>Number of volunteers who have contact with inmates, currently authorized to enter the facility:</b>	161

### 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
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## Facility AUDIT FINDINGS

### Summary of Audit Findings

The OAS automatically populates the number and list of Standards exceeded, the number of Standards met, and the number and list of Standards not met.

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

#### Number of standards exceeded:

4	<ul style="list-style-type: none"> <li>• 115.11 - Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</li> <li>• 115.33 - Inmate education</li> <li>• 115.51 - Inmate reporting</li> <li>• 115.86 - Sexual abuse incident reviews</li> </ul>
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#### Number of standards met:

41
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#### Number of standards not met:

0
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## POST-AUDIT REPORTING INFORMATION

### GENERAL AUDIT INFORMATION

#### On-site Audit Dates

1. Start date of the onsite portion of the audit:	2023-09-18
2. End date of the onsite portion of the audit:	2023-09-20

#### Outreach

10. Did you attempt to communicate with community-based organization(s) or victim advocates who provide services to this facility and/or who may have insight into relevant conditions in the facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Identify the community-based organization(s) or victim advocates with whom you communicated:	Just Detention International National Sexual Violence Resource Center

### AUDITED FACILITY INFORMATION

14. Designated facility capacity:	1382
15. Average daily population for the past 12 months:	798
16. Number of inmate/resident/detainee housing units:	6
17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Not Applicable for the facility type audited (i.e., Community Confinement Facility or Juvenile Facility)

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

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

<b>36. Enter the total number of inmates/residents/detainees in the facility as of the first day of onsite portion of the audit:</b>	1133
<b>38. Enter the total number of inmates/residents/detainees with a physical disability in the facility as of the first day of the onsite portion of the audit:</b>	11
<b>39. Enter the total number of inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) in the facility as of the first day of the onsite portion of the audit:</b>	0
<b>40. Enter the total number of inmates/residents/detainees who are Blind or have low vision (visually impaired) in the facility as of the first day of the onsite portion of the audit:</b>	1
<b>41. Enter the total number of inmates/residents/detainees who are Deaf or hard-of-hearing in the facility as of the first day of the onsite portion of the audit:</b>	1
<b>42. Enter the total number of inmates/residents/detainees who are Limited English Proficient (LEP) in the facility as of the first day of the onsite portion of the audit:</b>	7
<b>43. Enter the total number of inmates/residents/detainees who identify as lesbian, gay, or bisexual in the facility as of the first day of the onsite portion of the audit:</b>	35

<p><b>44. Enter the total number of inmates/residents/detainees who identify as transgender or intersex in the facility as of the first day of the onsite portion of the audit:</b></p>	<p>4</p>
<p><b>45. Enter the total number of inmates/residents/detainees who reported sexual abuse in the facility as of the first day of the onsite portion of the audit:</b></p>	<p>5</p>
<p><b>46. Enter the total number of inmates/residents/detainees who disclosed prior sexual victimization during risk screening in the facility as of the first day of the onsite portion of the audit:</b></p>	<p>12</p>
<p><b>47. Enter the total number of inmates/residents/detainees who were ever placed in segregated housing/isolation for risk of sexual victimization in the facility as of the first day of the onsite portion of the audit:</b></p>	<p>0</p>
<p><b>48. Provide any additional comments regarding the population characteristics of inmates/residents/detainees in the facility as of the first day of the onsite portion of the audit (e.g., groups not tracked, issues with identifying certain populations):</b></p>	<p>No text provided.</p>
<p><b>Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit</b></p>	
<p><b>49. Enter the total number of STAFF, including both full- and part-time staff, employed by the facility as of the first day of the onsite portion of the audit:</b></p>	<p>157</p>
<p><b>50. Enter the total number of VOLUNTEERS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:</b></p>	<p>25</p>

<p><b>51. Enter the total number of CONTRACTORS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:</b></p>	<p>6</p>
<p><b>52. Provide any additional comments regarding the population characteristics of staff, volunteers, and contractors who were in the facility as of the first day of the onsite portion of the audit:</b></p>	<p>No text provided.</p>
<p><b>INTERVIEWS</b></p>	
<p><b>Inmate/Resident/Detainee Interviews</b></p>	
<p><b>Random Inmate/Resident/Detainee Interviews</b></p>	
<p><b>53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:</b></p>	<p>24</p>
<p><b>54. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)</b></p>	<p> <input type="checkbox"/> Age  <input checked="" type="checkbox"/> Race  <input type="checkbox"/> Ethnicity (e.g., Hispanic, Non-Hispanic)  <input type="checkbox"/> Length of time in the facility  <input checked="" type="checkbox"/> Housing assignment  <input checked="" type="checkbox"/> Gender  <input type="checkbox"/> Other  <input type="checkbox"/> None </p>
<p><b>55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?</b></p>	<p>The auditor requested inmate roster with geographical data and discuss with staff.</p>
<p><b>56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?</b></p>	<p> <input checked="" type="radio"/> Yes  <input type="radio"/> No </p>



<b>57. Provide any additional comments regarding selecting or interviewing random inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</b>	No text provided.
<b>Targeted Inmate/Resident/Detainee Interviews</b>	
<b>58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:</b>	16
<p>As stated in the PREA Auditor Handbook, the breakdown of targeted interviews is intended to guide auditors in interviewing the appropriate cross-section of inmates/residents/detainees who are the most vulnerable to sexual abuse and sexual harassment. When completing questions regarding targeted inmate/resident/detainee interviews below, remember that an interview with one inmate/resident/detainee may satisfy multiple targeted interview requirements. These questions are asking about the number of interviews conducted using the targeted inmate/resident/detainee protocols. For example, if an auditor interviews an inmate who has a physical disability, is being held in segregated housing due to risk of sexual victimization, and disclosed prior sexual victimization, that interview would be included in the totals for each of those questions. Therefore, in most cases, the sum of all the following responses to the targeted inmate/resident/detainee interview categories will exceed the total number of targeted inmates/residents/detainees who were interviewed. If a particular targeted population is not applicable in the audited facility, enter "0".</p>	
<b>60. Enter the total number of interviews conducted with inmates/residents/detainees with a physical disability using the "Disabled and Limited English Proficient Inmates" protocol:</b>	3
<b>61. Enter the total number of interviews conducted with inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) using the "Disabled and Limited English Proficient Inmates" protocol:</b>	0

<p><b>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</b></p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p><b>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</b></p>	<p>The auditor requested onsite documentation, reviewed the PAQ and discussed with staff.</p>
<p><b>62. Enter the total number of interviews conducted with inmates/residents/detainees who are Blind or have low vision (i.e., visually impaired) using the "Disabled and Limited English Proficient Inmates" protocol:</b></p>	<p>1</p>
<p><b>63. Enter the total number of interviews conducted with inmates/residents/detainees who are Deaf or hard-of-hearing using the "Disabled and Limited English Proficient Inmates" protocol:</b></p>	<p>1</p>
<p><b>64. Enter the total number of interviews conducted with inmates/residents/detainees who are Limited English Proficient (LEP) using the "Disabled and Limited English Proficient Inmates" protocol:</b></p>	<p>1</p>
<p><b>65. Enter the total number of interviews conducted with inmates/residents/detainees who identify as lesbian, gay, or bisexual using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</b></p>	<p>3</p>

<p><b>66. Enter the total number of interviews conducted with inmates/residents/detainees who identify as transgender or intersex using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</b></p>	<p>3</p>
<p><b>67. Enter the total number of interviews conducted with inmates/residents/detainees who reported sexual abuse in this facility using the "Inmates who Reported a Sexual Abuse" protocol:</b></p>	<p>2</p>
<p><b>68. Enter the total number of interviews conducted with inmates/residents/detainees who disclosed prior sexual victimization during risk screening using the "Inmates who Disclosed Sexual Victimization during Risk Screening" protocol:</b></p>	<p>3</p>
<p><b>69. Enter the total number of interviews conducted with inmates/residents/detainees who are or were ever placed in segregated housing/isolation for risk of sexual victimization using the "Inmates Placed in Segregated Housing (for Risk of Sexual Victimization/Who Allege to have Suffered Sexual Abuse)" protocol:</b></p>	<p>0</p>
<p><b>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</b></p>	<p><input type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input checked="" type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p><b>70. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):</b></p>	<p>The auditor requested onsite documentation, reviewed the PAQ and discussed with staff.</p>

## Staff, Volunteer, and Contractor Interviews

### Random Staff Interviews

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

12

**72. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)**

- Length of tenure in the facility
- Shift assignment
- Work assignment
- Rank (or equivalent)
- Other (e.g., gender, race, ethnicity, languages spoken)
- None

**73. Were you able to conduct the minimum number of RANDOM STAFF interviews?**

- Yes
- No

**74. Provide any additional comments regarding selecting or interviewing random staff (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):**

No text provided.

### Specialized Staff, Volunteers, and Contractor Interviews

Staff in some facilities may be responsible for more than one of the specialized staff duties. Therefore, more than one interview protocol may apply to an interview with a single staff member and that information would satisfy multiple specialized staff interview requirements.

**75. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):**

14

**76. Were you able to interview the Agency Head?**

- Yes
- No

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

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

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

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

<b>83. Provide any additional comments regarding selecting or interviewing specialized staff.</b>	No text provided.
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**SITE REVIEW AND DOCUMENTATION SAMPLING**

**Site Review**

PREA Standard 115.401 (h) states, "The auditor shall have access to, and shall observe, all areas of the audited facilities." In order to meet the requirements in this Standard, the site review portion of the onsite audit must include a thorough examination of the entire facility. The site review is not a casual tour of the facility. It is an active, inquiring process that includes talking with staff and inmates to determine whether, and the extent to which, the audited facility's practices demonstrate compliance with the Standards. Note: As you are conducting the site review, you must document your tests of critical functions, important information gathered through observations, and any issues identified with facility practices. The information you collect through the site review is a crucial part of the evidence you will analyze as part of your compliance determinations and will be needed to complete your audit report, including the Post-Audit Reporting Information.

<b>84. Did you have access to all areas of the facility?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No
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**Was the site review an active, inquiring process that included the following:**

<b>85. Observations of all facility practices in accordance with the site review component of the audit instrument (e.g., signage, supervision practices, cross-gender viewing and searches)?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No
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<b>86. Tests of all critical functions in the facility in accordance with the site review component of the audit instrument (e.g., risk screening process, access to outside emotional support services, interpretation services)?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No
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<b>87. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No
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<p><b>88. Informal conversations with staff during the site review (encouraged, not required)?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
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<p><b>89. Provide any additional comments regarding the site review (e.g., access to areas in the facility, observations, tests of critical functions, or informal conversations).</b></p>	<p>No text provided.</p>
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**Documentation Sampling**

Where there is a collection of records to review-such as staff, contractor, and volunteer training records; background check records; supervisory rounds logs; risk screening and intake processing records; inmate education records; medical files; and investigative files-auditors must self-select for review a representative sample of each type of record.

<p><b>90. In addition to the proof documentation selected by the agency or facility and provided to you, did you also conduct an auditor-selected sampling of documentation?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
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<p><b>91. Provide any additional comments regarding selecting additional documentation (e.g., any documentation you oversampled, barriers to selecting additional documentation, etc.).</b></p>	<p>No text provided.</p>
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**SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS AND INVESTIGATIONS IN THIS FACILITY**

**Sexual Abuse and Sexual Harassment Allegations and Investigations Overview**

Remember the number of allegations should be based on a review of all sources of allegations (e.g., hotline, third-party, grievances) and should not be based solely on the number of investigations conducted. Note: For question brevity, we use the term “inmate” in the following questions. Auditors should provide information on inmate, resident, or detainee sexual abuse allegations and investigations, as applicable to the facility type being audited.

**92. Total number of SEXUAL ABUSE allegations and investigations overview during the 12 months preceding the audit, by incident type:**

	# of sexual abuse allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
<b>Inmate-on-inmate sexual abuse</b>	10	7	3	7
<b>Staff-on-inmate sexual abuse</b>	5	5	0	5
<b>Total</b>	15	12	3	12

**93. Total number of SEXUAL HARASSMENT allegations and investigations overview during the 12 months preceding the audit, by incident type:**

	# of sexual harassment allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
<b>Inmate-on-inmate sexual harassment</b>	3	0	3	0
<b>Staff-on-inmate sexual harassment</b>	2	0	2	0
<b>Total</b>	5	0	5	0

## Sexual Abuse and Sexual Harassment Investigation Outcomes

### Sexual Abuse Investigation Outcomes

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

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

	Ongoing	Referred for Prosecution	Indicted/ Court Case Filed	Convicted/ Adjudicated	Acquitted
<b>Inmate-on-inmate sexual abuse</b>	4	0	0	0	0
<b>Staff-on-inmate sexual abuse</b>	2	0	0	0	0
<b>Total</b>	6	0	0	0	0

#### 95. Administrative SEXUAL ABUSE investigation outcomes during the 12 months preceding the audit:

	Ongoing	Unfounded	Unsubstantiated	Substantiated
<b>Inmate-on-inmate sexual abuse</b>	0	0	1	0
<b>Staff-on-inmate sexual abuse</b>	1	0	1	0
<b>Total</b>	1	0	2	0

### Sexual Harassment Investigation Outcomes

Note: these counts should reflect where the investigation is currently. Do not double count. Additionally, for question brevity, we use the term “inmate” in the following questions. Auditors should provide information on inmate, resident, and detainee sexual harassment investigation files, as applicable to the facility type being audited.

**96. Criminal SEXUAL HARASSMENT investigation outcomes during the 12 months preceding the audit:**

	Ongoing	Referred for Prosecution	Indicted/ Court Case Filed	Convicted/ Adjudicated	Acquitted
<b>Inmate-on-inmate sexual harassment</b>	0	0	0	0	0
<b>Staff-on-inmate sexual harassment</b>	0	0	0	0	0
<b>Total</b>	0	0	0	0	0

**97. Administrative SEXUAL HARASSMENT investigation outcomes during the 12 months preceding the audit:**

	Ongoing	Unfounded	Unsubstantiated	Substantiated
<b>Inmate-on-inmate sexual harassment</b>	1	0	2	0
<b>Staff-on-inmate sexual harassment</b>	1	0	1	0
<b>Total</b>	2	0	3	0

**Sexual Abuse and Sexual Harassment Investigation Files Selected for Review**

**Sexual Abuse Investigation Files Selected for Review**

**98. Enter the total number of SEXUAL ABUSE investigation files reviewed/ sampled:**

15

<p><b>99. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual abuse investigation files)</p>
<p><b>Inmate-on-inmate sexual abuse investigation files</b></p>	
<p><b>100. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</b></p>	<p>10</p>
<p><b>101. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
<p><b>102. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
<p><b>Staff-on-inmate sexual abuse investigation files</b></p>	
<p><b>103. Enter the total number of STAFF-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</b></p>	<p>5</p>
<p><b>104. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>

<p><b>105. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>
<p><b>Sexual Harassment Investigation Files Selected for Review</b></p>	
<p><b>106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:</b></p>	<p>5</p>
<p><b>107. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual harassment investigation files)</p>
<p><b>Inmate-on-inmate sexual harassment investigation files</b></p>	
<p><b>108. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</b></p>	<p>3</p>
<p><b>109. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
<p><b>110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>

<b>Staff-on-inmate sexual harassment investigation files</b>	
<b>111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</b>	2
<b>112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)
<b>113. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)
<b>114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.</b>	No text provided.
<b>SUPPORT STAFF INFORMATION</b>	
<b>DOJ-certified PREA Auditors Support Staff</b>	
<b>115. Did you receive assistance from any DOJ-CERTIFIED PREA AUDITORS at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.</b>	<input type="radio"/> Yes <input checked="" type="radio"/> No

<b>Non-certified Support Staff</b>	
<p><b>116. Did you receive assistance from any NON-CERTIFIED SUPPORT STAFF at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.</b></p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p><b>a. Enter the TOTAL NUMBER OF NON-CERTIFIED SUPPORT who provided assistance at any point during this audit:</b></p>	<p>1</p>
<b>AUDITING ARRANGEMENTS AND COMPENSATION</b>	
<p><b>121. Who paid you to conduct this audit?</b></p>	<p><input type="radio"/> The audited facility or its parent agency</p> <p><input type="radio"/> My state/territory or county government employer (if you audit as part of a consortium or circular auditing arrangement, select this option)</p> <p><input checked="" type="radio"/> A third-party auditing entity (e.g., accreditation body, consulting firm)</p> <p><input type="radio"/> Other</p>
<p><b>Identify the name of the third-party auditing entity</b></p>	<p>Diversified Correctional Services, LLC</p>



<b>Standards</b>	
<b>Auditor Overall Determination Definitions</b>	
<ul style="list-style-type: none"> <li>• Exceeds Standard (Substantially exceeds requirement of standard)</li> <li>• Meets Standard (substantial compliance; complies in all material ways with the stand for the relevant review period)</li> <li>• Does Not Meet Standard (requires corrective actions)</li> </ul>	
<b>Auditor Discussion Instructions</b>	
<p>Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.</p>	

<b>115.11</b>	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>
	<b>Auditor Overall Determination:</b> Exceeds Standard
	<b>Auditor Discussion</b>
	<p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• Agency Organizational Chart</li> <li>• Facility Chart</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</li> <li>• Online PREA Audit: Pre-Audit Questionnaire for Prisons and Jails</li> <li>• Observations</li> </ul> <p><b>Interviews:</b></p> <ul style="list-style-type: none"> <li>• Warden</li> <li>• Agency PREA Coordinator</li> </ul>

- Facility PREA Compliance Manager

**Compliance Determination by Provisions and Corrective Action:**

**115.11 (a)**

An agency shall have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency's approach to preventing, detecting, and responding to such conduct.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility mandates a zero-tolerance policy toward all forms of sexual abuse and sexual harassment. It outlines the facility's approach to preventing, detecting, and responding to such conduct. The policy includes definitions of prohibited behaviors regarding sexual abuse and sexual harassment and includes sanctions for those found to have participated in prohibited behaviors.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 1.1: SCDC Policy GA 06.11 (formerly numbered SCDC Policy OP-21.12, Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment, establishes SCDC's zero tolerance for any form of sexual abuse and/or sexual harassment in all institutions operated by or operated under contract with SCDC.
- 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; 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.11 (b)**

An agency shall employ or designate an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all its facilities.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The evidence shows the agency has designated an upper-level position of agency PREA Coordinator as verified through the organizational chart; Policy; Review of the PREA Pre-audit Questionnaire; Interview with facility PREA compliance manager; and agency PREA coordinator. The agency PREA coordinator has demonstrated he has sufficient time and authority to accomplish his PREA-related responsibilities in

conjunction with his team.

- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 1.2: The Agency's PREA Coordinator has full authority for development, implementation, and oversight of the Agency's efforts to comply with the Federal PREA standards in all SCDC institutions and institutions operated under contract with SCDC.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The organization chart shows the PREA compliance manager reports to the Warden as confirmed by staff interviews. The interview with the PREA compliance manager and observations revealed she has the time and authority to perform her PREA duties.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 1.3: For each institution SCDC operates and contracts with, an institutional PREA Compliance Manager shall be designated and will have the authority to oversee the institution's day to day PREA compliance efforts and will serve as the institution's liaison on all matters concerning PREA within that institution.
- The Department of Corrections has twenty-one institutions. They are categorized into four distinct security levels: close security, medium security, minimum security, and community-based pre-release/work centers. The architectural design of the institution, type of housing, operational procedures, and the level of security staffing determine an institution's security level. Inmates are assigned to institutions to meet their specific security, programming, medical, educational, and work requirements.
- Agency PREA Coordinator: Question, how many facility PREA compliance managers are there throughout your agency? How, if at all, do you interact with them? There are 22 PREA compliance managers. Interactions are through email, text, phone calls, monthly meetings, and communication via Regional PREA compliance managers (either in person or virtual?)
- Facility Specialized Staff: The facility PREA compliance manager was asked: If you identify an issue with complying with a PREA standard, what actions or process do you undertake to work toward compliance with that standard? If an issue is identified in complying with a PREA standard the issue is brought to the attention of the Warden. The change will be made so the facility will follow the PREA policy and federal standard. When necessary, a meeting with the Regional PREA Manager and/or Agency PREA Coordinator will be held to discuss and devise a plan to become

compliant with the standard.

- Facility Specialized Staff: Warden Question, has the agency identified a PREA compliance manager with enough time to manage all PREA related responsibilities? Yes, the Associate Warden serves as the facility PREA compliance manager.
- Facility Specialized Staff: The facility PREA compliance manager was asked: “Do you feel that you have enough time to manage all of your PREA related responsibilities?” The PREA compliance manager indicated yes and confirmed that he has sufficient time and resources to coordinate 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**Overall Findings:**

Above and Beyond: This standard is rated excellent. Creation of the Agency PREA Coordinator Unit. The agency has gone above and beyond this standard by adding the following positions to create a unit. 1 Agency PREA Coordinator, 1 Assistant Agency PREA Coordinator, 1 PREA Office Manager, and 3 Regional PREA Managers to oversee and work with the twenty-one facilities and facility PREA managers.

The process: When the PCM receives a report of sexual abuse or sexual harassment, they send the initial documentation to the PREA coordinator’s office, the RPM reviews the documentation and determines if it will be investigated administratively or referred to the APC for review to be sent to OIG to review and open a criminal investigation or return it to the facility to investigate. The PREA Case Manager logs the report information into the database and monitors the status of the case. At the conclusion of the administrative investigation, the PCM sends the case file to the PC’s office for review by an RPM, once reviewed the case file is returned to the PCM for additional information, if needed, or as closed out. Once the OIG completes a criminal investigation the closing documents are sent to Division Directors, Regional Directors, Wardens, and the Agency PREA Coordinator’s Office where it is reviewed. After careful review, the PREA Coordinator’s Office corresponds with the Facility PREA Compliance Manager (PCM) and SCDC’s Office of General Counsel to schedule an Incident review. At the conclusion of all investigations the PCM notifies the victim of the findings by completing SCDC Form 19-165, “Disposition of PREA Report”, explaining the outcome, both the victim and the PCM sign the form and victim receives a copy of the form. The case file is sent to the PC’s office for final review by the RPM, closed out and the PREA Case Manager enters the information into the database.

During the investigations documentation review of 19 cases, 13 had a copy of the inmate notification “Disposition of PREA Report”.

The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.

<b>115.12</b>	<b>Contracting with other entities for the confinement of inmates</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p><b>Auditor Discussion</b></p> <hr/> <p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <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 2021 PREA Audit</li> <li>• Memo: PREA Compliance Monitoring</li> <li>• CoreCivic 2021 PREA Annual Report (Private Facility)</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</li> </ul> <p><b>Interviews:</b></p> <ul style="list-style-type: none"> <li>• Agency PREA Coordinator</li> <li>• Agency Contract Administrator</li> <li>• Facility PREA Compliance Manager</li> </ul> <p><b>Compliance Determination by Provisions and Corrective Actions:</b></p> <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>Compliance Determination: The facility has demonstrated compliance with this provision of the standard because:</p> <ul style="list-style-type: none"> <li>• The agency has contracts with other entities for the confinement of inmates that are adjudicated. The agency monitors these entities to ensure compliance with the National PREA Prison and Jail Standards on a yearly basis.</li> <li>• The South Carolina Department of Corrections has contracted for the confinement of inmate’s private entities. The PREA coordinator provided the auditor with a fully executed copy of the contract between SCDC and Core Civic. 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.</li> <li>• Agency Contract Administrator: Question, how do you monitor new and renewed</li> </ul>

contracts for confinement if the contractor complies with required PREA practices? The South Carolina Department of Corrections monitors contracts for confinement through the Agency’s PREA Coordinator and the Office of Legal and Compliance. The PREA Coordinator visits the contracted routinely and communicates with the institution via emails and phone calls. The Deputy Director of Legal and Compliance also participates in a monthly conference call with the contractor and discusses PREA issues, if any.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.12 (b)**

Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Agency Contract Administrator: Question, have PREA compliance results been completed for each contract entered within the past 12 months? Yes, PREA audits have been completed for the institutions that SCDC contracts with and are posted on website.
- Agency Contract Administrator: Question, have contract facilities completed and submitted PREA compliance results? Yes. The PREA audit reports are posted on the CORE Civic website.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**Overall Findings:**

The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.

<b>115.13</b>	<b>Supervision and monitoring</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<b>Evidence Relied Upon in Making the Compliance Determination:</b>
	<b>Documentation:</b>

- Unannounced Round Logs: 1 of 2 and 2 of 2
- Duty Warden's Checklist 1 of 2 and 2 of 2
- Unannounced Rounds: SCDC Form 19-164A "Unannounced Rounds Logs"
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.
- GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021
- SCDC Policy OP-22.48, Institutional Weekly Rounds
- SCDC Policy Number 22.24 Post Orders
- SCDC Policy ADM 11.12 Post/Shift Assignments
- SCDC Policy ADM-17.01 Employee Training Standards
- SCDC Policy GA-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria
- SCDC Policy OP-21.04 Inmate Classification Plan
- Guidance on Cross-Gender and Transgender Pat Searches
- PREA Training Curriculum
- Online PREA Audit: Pre-Audit Questionnaire

**Interviews:**

- Agency PREA Coordinator
- PREA Compliance Manager
- Warden
- Higher Level Staff Who Conducted Unannounced Rounds

**Compliance Determination by Provision and Corrective Actions:**

**115.13 (a)**

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:

- Generally accepted detention and correctional practices.
- Any judicial findings of inadequacy.
- Any finding of inadequacy from Federal investigative agencies.
- Any findings of inadequacy from internal or external oversight bodies.
- Any findings of inadequacy from internal or external oversight bodies.
- All components of the facility's physical plant (including "blind spots" or areas where staff or inmates may be isolated).
- The composition of the inmate population.
- The number and placement of supervisory staff.
- Institution programs occurring on a particular staff.
- Any applicable State, or local laws, regulations, or standards.
- The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- Any other relevant factors.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- A review of the staffing plan indicates that the facility calculating of adequate staffing levels and determine the need for video monitoring, accepted correctional practices, inmate populations, physical structure, and other relevant factors are considered.
- The agency 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.
- Physical Plant: The facility consists of areas accessible to inmates which are included in the chart. The facility has 6 of which 4 of them are capable in housing 252 inmates, 1 of them which is capable of housing 254 and 1 which is capable in housing 96 inmate. The facility currently houses inmates between the ages of 19 to 70 years old. The facility currently has 161 employees including security officers, social workers, qualified mental health professionals, psychologist, psychiatrists, medical personnel, classification case workers, and administration personnel.
- Housing/Living Units: Waxhaw-A, Waxhaw-B, Cheraw, Kiawah, Santee, Cherokee, RHU-MA, and RHU-MB.
- The staffing plan also includes Master Post Chart, Camera's location, Blind Spots, Staffing Patterns, Institution Diagram, Full time and Part time Post, Minimum Staffing, Programs, Policies, Deviation from Staffing Plan, and Staffing Plan Compliance Checklist.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 1.5: Each SCDC institution is required to develop and comply with a written and documented staffing plan. The staffing plan will be reviewed at least yearly in cooperation between the warden and the agency's PREA coordinator in accordance with the National PREA Prison and Jail Standards.
- Facility Specialized Staff: The PREA compliance manager was asked: when assessing adequate staffing levels and the need for video monitoring, please explain if and how the facility staffing plan considers standard requirements. The staffing plan considers all the components of the facility's physical plant to include blind spots. The composition of the resident population, the prevalence of substantiated and unsubstantiated incidents of sexual abuse and any other relevant factors.
- Facility Specialized Staff: The warden indicated that the facility has a staffing plan, and the plan is based on 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 staffing plan is documented and is provided and maintained by the PREA Compliance Manager and updated annually. Anytime it is updated it is sent to the wardens.



- Facility Specialized Staff: 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. The facility does not decrease the staffing level based on video cameras. They are an addition to the staff. A post chart of mandatory posts is reviewed yearly by Operations and provided as a part of the staffing plan.

Corrective Actions:

N/A. There are no corrective actions for this provision.

### **115.13 (b)**

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

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility PREA compliance manager ensures that in the event the staffing plan is unable to be maintained during exigent circumstances the reason (s) will be documented. These deviations from the staffing plan include, but are not limited to, reasons for the deviation, corrective action plan, and a determination on whether the change is permanent or temporary.
- The facility reports staff shortages with its security staff. However, the agency/facility has been working to recruit individuals to work at the facility. The facility and agency are recruiting daily by ads, signs outside of the facility, etc.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 1.5.1: Each institution will document all instances of non-compliance with the staffing plan, which will include written corrective actions plans. The Warden must document when the approved staffing plan is deviated from with a written justification for the deviation on SCDC Form 19-212, Deviation from Staffing Plan. All documentation of non-compliance will be provided to the institution's PREA Compliance Manager for filing purposes.
- Facility Specialized Staff: Warden question, how do you check for compliance with the staffing plan. The warden indicated that checks for compliance is completed through post assignments, routine unannounced rounds, staff/shift briefings, reviewing incident reports, calls outs, shift reports, post assignments, the sign-out of safety equipment (radios, keys, etc.), review of minutes attendance sheets, staff meetings and briefing.
- Facility Specialized Staff: The PREA compliance manager question, who reviews and follows up on deviations from the staffing plan? In situations in which a deviation is made from the staffing plan, written justification for such deviation is documented and sent to the Associate Warden and PREA compliance manager by the facility supervisors.
- Facility Specialized Staff: Warden Question, does the facility document all instances of non-compliance with the staffing plan? Yes, the facility does document all instances

of non-compliance with the staffing plan on SCDC form 19-212 and the Reason for Deviation is explained in the narrative. A written corrective action plan will be included. All documentation of non-compliance will be provided to the institution's PREA compliance manager for filing purposes.

- The facility provided "Deviation from Staffing Plan" documentation that gives the reasons for deviations.

### **115.13 (C)**

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

- The staffing plan was 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 ensure adherence to the staffing plan.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility has cameras located in and around the facility that are always monitored. The cameras in the facility cover the inside of the visiting room, rear, front, and administration building inside front lobby, recreation areas, etc. There are no cameras in general inmate's population rooms.
- The facility has identified blind spots within the institution that are accessible to inmates. To ensure the safety of the inmates in the areas of the blind spots, officers are directed to be observant of those areas and are not allowed to have one on one contact outside of the camera's view. Officers are briefed on the locations of all blind spots and those identified areas are checked during supervisory security checks and unannounced rounds.
- 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 to the finally approved staffing plan.
- Agency PREA Coordinator: Question, are you consulted regarding any assessments of, or adjustments to, the staffing plan for this facility? How often do these assessments happen? Yes, and yearly (annually). The facility has quarterly PREA meetings and at one of these meetings, the facility team reviews the staffing plan. Once agreed upon 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 with the PCM and the PC, then signed by the PC if the staffing plan

meets the requirements of the PREA standards.

- Facility Specialized Staff: PREA compliance manager question, if the staffing plan for the facility is reviewed at least once every year, are you consulted regarding any necessary adjustments? The staffing plan is reviewed annually. Yes, per protocol, the PREA compliance manager would be notified in advance if there were any adjustments made to the plan.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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 members that these supervisory rounds are occurring unless such announcement is related to the legitimate operational functions of the facility.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility 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. The practice is implemented for night shifts as well as day shifts.
- Agency/facility practices include staff not alerting other employees that supervisory rounds are occurring unless such an announcement is related to the legitimate operational function of the facility.
- Facility Specialized Staff: Higher-level staff who conducted unannounced rounds were asked, have you conducted unannounced rounds? Staff indicated yes that duty officer conduct rounds and the supervisors conduct PREA rounds. The staff also indicated that staff are prevented from alerting other staff because they do not tell or call staff ahead of time.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 1.6: In accordance with SCDC OP-22.48, Institutional Weekly Rounds, intermediate and higher-level supervisors will conduct and document all unannounced rounds/security checks. Unannounced rounds/security checks will be conducted at least weekly, on all shifts, and are prohibited from being announced or alerted to unless it is due to a legitimate operational function of the institution.
- 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

	<p>Population Housing Unit Unannounced Rounds Log”.</p> <ul style="list-style-type: none"> <li>• SCDC Policy OP-22.48 Institutional Weekly Rounds 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.</li> <li>• Staffing Plan: 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.</li> </ul> <p>Corrective Actions: N/A. There are no corrective actions for this provision:</p> <p><b>Overall Findings:</b> The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.14</b>	<b>Youthful inmates</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</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 GA-6.11) 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>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> </ul> <p><b>Interviews:</b></p> <ul style="list-style-type: none"> <li>• PREA Compliance Manager</li> </ul> <p><b>Compliance Determination by Provisions and Corrective Actions:</b></p>

**115.14 (a)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- On Site Inspection/Observations: Youthful offenders were not observed during the tour of the facility. Nor were youthful offenders among the randomly selected or special category inmates who were interviewed.
- Management staff were asked, if youthful offenders arrive at the facility for a few hours or day, what will be the facility process for handling the youthful offender? Staff indicated that the youthful inmate under the age of 18 will be separated for inmates 18 or older. Youthful inmates will remain out of sight and sound of other inmates until transferred. Staff decisions and documentation indicated that no youthful inmates were housed at this facility during the audit period.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 1.7: As per SCDC Policy OP-22.39, Young Offender Parole and Reentry Services (YOPRS), youthful offenders will not be placed in a housing unit in which the youthful offender will have sight, sound, or physical contact with any adult inmate through the shared dayroom or other common space, shower area, or sleeping quarters. In areas outside of housing units, institutions will ensure direct staff supervision between youthful offenders and adult offenders (18 years of age or older) offenders.
- Facility Specialized Staff: The PREA compliance manager question, "does this facility house youthful inmates?" If the facility housed youthful offenders, they will 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.14 (b)**

In areas outside of housing units, agencies shall either:

- Maintain sight and sound separation between youthful inmates and adult inmates, or
- Provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

	<ul style="list-style-type: none"> <li>• The facility does not house any inmates under the age of 18 years old (youthful inmate).</li> </ul> <p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>115.14 (c)</b></p> <p>Agencies should make their 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>Compliance Determination: The facility has demonstrated compliance with this provision of the standard because:</p> <ul style="list-style-type: none"> <li>• The facility does not house any inmates under the age of 18 years old (youthful inmate).</li> </ul> <p><b>Overall Findings:</b> The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.15</b>	<b>Limits to cross-gender viewing and searches</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• 2021 PREA PowerPoint Training</li> <li>• 2021 Training Video</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 22.19 Searches of Inmates</li> <li>• SCDC Policy OP-22.19, Search of Inmates</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</li> <li>• SCDC Policy ADM-17.01 Employee Training Standards</li> </ul>

- SCDC Policy GA-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria
- Guidance in Cross-Gender and Transgender Pat Searches (MOSS Group – February 2012)
- Online PREA Audit: Pre-Audit Questionnaire

**Interviews:**

- Random Sample Staff
- Random Sample Residents
- PREA Compliance Manager

**Compliance Determination by Provisions and Corrective Actions:**

**115.15 (a)**

The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- All staff reported that they are not allowed to conduct cross-gender pat down searches. When probed most of the interviewed staff could articulate that they are to search in a professional and respectful manner and that they receive training that is conducted in-service.
- Transgender and intersex inmates are allowed to indicate in writing which gender they feel most comfortable being searched by to include frisk (pat) searches. This preference is 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.
- PAQ: In the past 12 months, the number of cross-gender strip or cross-gender visual body cavity searches of inmates: 0
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 1.8: Pursuant to SCDC OP-22.19, Search of Inmates, SCDC does not conduct cross-gender strip searches or cross-gender visual body cavity searches, except in limited and documented exigent circumstances. All cross-gender searches will be documented on SCDC Form 19-29A.
- 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.

• **Random Sample of Staff:** Twelve (12) staff were randomly interviewed. The random staff representing staff from all shifts, males, and females. There were six (6) females and six (6) males, seven (7) Blacks, three (3) Whites, and two (2) Hispanics. They were asked: Have you received training on how to conduct cross-gender pat-down searches and searches of transgender and intersex inmates in a professional and respectful manner, consistent with security needs? All staff indicated yes. Interview with the Assistant Agency PREA coordinator confirmed that the agency has developed an additional training that includes the conducting searches of transgender and intersex.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.15 (b)**

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 to comply with this provision.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility documents all cross-gender strip searches and cross-gender visual body cavity searches.
- The facility only housed male inmates.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.15 (c)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility documents all cross-gender strip searches and cross-gender visual body cavity searches.
- 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 medical practitioners perform the search. Facilities shall document all cross-gender strip searches.

Corrective Actions:



N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Onsite Review/Observations: 1. During the site review, the auditor observed the facility critical function of cross-gender viewing. Areas where confined persons may be in a state of undress, showers, toilet, and changing of clothing. The areas observed were housing units, medical, intake cells/showers and recreation areas. 2. The auditor observed the facility critical function of cross-gender announcements. The auditor observes staff announcing their presence when entering housing unit/living areas of the opposite gender. The phrase most used by staff is "female or male in the unit". 3. The auditor observed the facility critical function of cross-gender viewing. The auditor viewed the placement and angle of electronic surveillance monitoring in the main control room. The cameras do not show people in confinement naked, using the showers or toilets on camera monitors. The auditor requested that the control room operator zoom in on randomly selected living units focusing on the showers and toilets. There were no inmates' midsections being viewed on monitors. 4. The auditor observed the facility critical function of the physical storage area of any information/documentation collected and maintained as hard copy. The hard copies of the PREA Screening are kept in the inmates' files and maintained in lock file cabinet and rooms. There was no confidential inmate information located in places where other inmates or staff can review.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 1.9: All SCDC institutions will develop and comply with a written and documented standard operating procedure which allows inmates to shower, perform bodily functions, and change clothing without being completely viewed by other inmates, non-medical staff, or staff of the opposite gender, except in limited and exigent circumstances, or in the line of one's official duties.
- 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 considered.

- Random Sample of Staff: Twelve (12) staff were randomly interviewed. The random staff representing staff from all shifts, males, and females. There were six (6) females and six (6) males, seven (7) Blacks, three (3) Whites, and two (2) Hispanics. They were asked: Are inmates able to dress, shower, and use the toilet without being viewed by staff of the opposite gender. One hundred percent of staff interviewed stated that inmates are allowed to dress, shower, use the toilet without being viewed by staff of the opposite gender.

- Random Sample of Staff: Twelve (12) staff were randomly interviewed. The random staff representing staff from all shifts, males, and females. There were six (6) females and six (6) males, seven (7) Blacks, three (3) Whites, and two (2) Hispanics. They were asked: “Do you or other officers announce your presence when entering a housing unit that houses residents of the opposite gender (from yourself)?” Twelve 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 dorm” or “female on the floor”.

- Resident Interviews: forty (40) inmates were interviewed. Twenty-four (24) random and Sixteen (16) targeted. Twenty (20) Black, Nineteen (19) White, and One (1) Hispanic. They were asked: Do female staff announce their presence when entering your housing area? Thirty-Three (33) reported that female staff announce their presence, by saying “something like “female staff on the floor or in the dorm”. Seven (7) said sometimes or they do not hear them.

- Resident Interviews: forty (40) inmates were interviewed. Twenty-four (24) random and Sixteen (16) targeted. Twenty (20) Black, Nineteen (19) White, and One (1) Hispanic. They were asked: Are you and other inmates ever naked in full view of female staff (not including medical staff such as doctors, nurses)? All inmates reported that they are never naked in full view of female staff while showering, dressing, or while using the restroom.

Corrective Actions:

N/A. There are no corrective actions for this provision.

### **115.15 (e)**

The facility shall not search or searching or physically examining 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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility prohibits 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 - 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.

- Random Sample of Staff: Twelve (12) staff were randomly interviewed. The random staff representing staff from all shifts, males, and females. There were six (6) females and six (6) males, seven (7) Blacks, three (3) Whites, and two (2) Hispanics. They were asked: "Are you aware of the policy prohibiting staff from searching or physically examining a transgender or intersex for the purpose of determining that inmate's genital status?" All staff reported yes that they were aware of the policy prohibiting staff from searching or physically examining a transgender or intersex for the purpose of determining the inmate's genital status. Some staff were able to further articulate that such a determination would be addressed to medical staff.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Facility security staff are trained in how to conduct cross-gender pat-down searches, and searches of transgender and intersex resident in a professional and respectful manner. If warranted the facility will make a case-by-case determination of the most appropriate staff member to conduct the search is necessary and take into consideration the gender expression of the resident.

- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 1.12: The Division of Training and Staff Development will ensure all security staff are trained in how to conduct cross-gender pat-down/frisk searches, searches of transgender and intersex inmates in a respectful manner, and consistent with security needs.

- Auditor's Review Notes from SCDC 2022 PREA Training Video Module. Slide #24

	<p>Types of Searches. 1. Frisk, Strip and Body Cavity. Transgender and intersex inmates shall not be searched or physically examined for the sole purpose of determining the inmate’s genital status, and they shall not be subject to more invasive searches than similarly situated inmates who are not transgender or intersex. 2. Slide #25 - Cross-gender frisk searches of female inmates are prohibited, except in exigent circumstances. 3. Slide #26 - Transgender inmates and inmates with gender dysphoria will be allowed to indicate in writing which gender they feel most comfortable being searched by that include frisk (pat) searches and strip searches. 4. Slide #34 - Transgender Inmate Searches. No Difference! If a transgender inmate identifies as male, the inmate will be searched the same way a male inmate is searched; if a transgender inmate identifies as female, the inmate will be searched the same way a female inmate is searched. 5. Slide #34 - No Excuse! You cannot refuse to strip search a transgender inmate. Being uncomfortable is not an exigent circumstance. 6. Slide #34 - No Partial Searches! You cannot only partially strip search a transgender inmate. Transgender inmates must be fully searched the same ways as a male or female inmate.</p> <ul style="list-style-type: none"> <li>• The facility also has a policy prohibiting cross-gender strip searches and cross-gender visual body cavity searches. Again, if an exigent circumstance occurs the facility will document the process.</li> <li>• Facility Specialized Staff: The facility PREA compliance manager question, do security staff receive training on how to conduct cross-gender pat down searches, and searches of transgender and intersex residents, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? Yes. When do they receive this training? During in-service training and/or online.</li> </ul> <p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>Overall Findings:</b> The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<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>
	<b>Evidence Relied Upon in Making the Compliance Determination:</b>  <b>Documentation:</b>

- PREA Poster English 1
- PREA Poster Spanish 2
- PREA Poster English 1
- PREA Poster Spanish 2
- Female and Male Brochure UEB Code 4 Braille Pages
- SC Braille Production Center
- Let us Talk About Safety PREA Brochure Female English
- Let's Talk About Safety PREA Brochure Male English
- Let's Talk About Safety PREA Brochure Female Spanish
- Let's Talk About Safety PREA Brochure Male English
- Inmate Orientation Manual (Handbook) - Tablet
- Braille Documentation (Central Office)
- School for the Deaf and the Blind Braille Production
- SCDC Policy GA-06.08, Inmates with Disabilities and the Americans with Disabilities Act (ADA)
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.
- GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021
- SCDC Policy OP-21.04, Inmate Classification Plan
- Language Translation Via Telephone Instructions
- Language-line Interpretative Services Contract (SCDA)
- Online PREA Audit: Pre-Audit Questionnaire

**Interviews:**

- Agency Head (Designee)
- Target Resident
- Random Sample of Staff

**Compliance Determination by Provisions and Correction:**

**115.16 (a)**

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.

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 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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility provided the auditor with a spreadsheet of target residents that includes the target residents names if they have the following targets: Inmates with Physical disabilities (i.e. wheelchairs); Inmates with Low Intellectual Disabilities; Inmates Blind or Low Vision; Inmates Deaf or Hard of Hearing; Inmates Limited English Proficient; Inmates Identify as Lesbian, Gay, Bisexual; Inmates Identify as Transgender or Intersex; Inmates reported Sexual Abuse; Inmates Disclosed Prior Sexual Victimization/Risk Screening; Inmates in Segregated Housing/Isolation; and Youthful Inmates.
- Resident Interviews: forty (40) inmates were interviewed. Twenty-four (24) random and Sixteen (16) targeted. Twenty (20) Black, Nineteen (19) White, and One (1) Hispanic. Of the sixteen (16) targeted, four (4) were Physical Disabilities, one (1) Limited English Proficient Inmate, three (3) Transgenders, three (3) Gay or Bisexual, three (3) Inmates who disclosed sexual victimization during risk screening, and two (2) Inmates who reported sexual abuse.
- A Literacy Remedial Teacher and staff are available to ensure that inmates with limited educational skills receive and understand how to access all the aspects of PREA, including prevention, detection, responding and reporting. Staff would read the PREA information to the inmate upon admission and additionally, PREA Education is provided through the PREA Video and orally to clarify any issues. Language Line is available for telephone interpretive services, video interpretive services and on-site services and for translation services.
- The auditor requested a list of inmate disabilities and LEP inmates at the facility. They provided the auditor with the requested information. The agency and the facility appear to be committed to ensuring inmates with disabilities, including inmates who are deaf/hard of hearing, blind or low vision, intellectually disabled, psychiatrically disabled or speech disabled have access to interpretive services that are provided expeditiously through professional interpretive services. They also appear to be committed to ensuring inmates with limited English proficiency have access to interpretive services. These interpretive services may be accessible through statewide contracts that can be accessed by the facility. Language Line Solutions, staff Bi-Lingual Staff, PREA Brochures in Spanish, and PREA Video are provided to ensure all inmates have access to and the ability to participate in the agency's efforts at prevention, detection, responding and reporting sexual abuse and sexual harassment.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 1.13: Consistent with SCDC Policy OP-21.04, Inmate Classification Plan, SCDC will make available an Americans with Disabilities Act (ADA) Coordinator who shall take appropriate steps to ensure inmates with disabilities and those who

are limited English proficient, have an equal opportunity to participate in or benefit from all aspects of the agency's PREA efforts.

- Policy: GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment 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.
- 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 helped/translations in their own language. Inmates with hearing impairments will be provided with sign language services and visually impaired inmates will receive verbal orientation. During the initial orientation, a brief overview of the entire reception process will be delivered.
- Agency Head (Designee): Question, has the agency established procedures to provide inmates with disabilities and inmates 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? The South Department of Corrections has established procedures to provide residents with disabilities and of limited English proficiency equal opportunity to participate in PREA efforts.
- Agency Head (Designee): Question, please describe such procedures. Inmates with limited English 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.
- Target Resident: Four (4) target residents were interviewed for Physical Disability. They were asked: Does the facility provide information about sexual abuse and sexual harassment that you are able to understand? These inmates were target residents because the auditor wants to ensure that these inmates can access the PREA information that is posted on the walls (the height of the information on the mid wall) and access to the kiosk system. They all indicated that they have access to the posted information and the kiosk system.
- Target Resident: One target resident was interviewed as Deaf. The inmate uses sign language to communicate. The associate and the auditor interview the inmate privately in the conference room using the facility tele-communication system. The person that translated was familiar with the inmate. The following questions from the random inmate questionnaire and the target resident questionnaire were asked, the following are from the target questions: Does the facility provide information about sexual abuse and sexual harassment that you are able to understand? The inmate said no. He did not receive any formal PREA education. He said that staff did not understand him to include medical and mental health. He said that he did communicate with another inmate that is deaf. But he said he understood PREA and knows what it is.

- Target Resident: One target resident was interviewed as Limited English Proficient. The auditor support staff use a facility staff as interpreter. The resident was asked, does the facility provide information about sexual abuse and sexual harassment that you can understand? The resident said yes, and the facility provided the resident with someone to help him.

Corrective Actions:

Concern: Target Resident: One target resident was interviewed as Deaf. The inmate uses sign language to communicate. The associate and the auditor interview the inmate privately in the conference room using the facility tele-communication system. The person that translated was familiar with the inmate. The following questions from the random inmate questionnaire and the target resident questionnaire were asked, the following are from the target questions: Does the facility provide information about sexual abuse and sexual harassment that you are able to understand? The inmate said no. He did not receive any formal PREA education. He said that staff did not understand him to include medical and mental health. He said that he did communicate with another inmate that is deaf. But he said he understood PREA and knows what it is.

Corrective Action: The facility will provide the resident with sign language to communicate all PREA education and medical and mental health concerns. The facility provided the auditor with evidence and documentation that Global Interpreting Network was contacted and will provide the requested services.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The inmate stated that he did receive sexual abuse and sexual harassment information from the facility when he arrived. The inmates also indicated that they received information from staff regarding their rights in this facility. Officers and counselors help with the understanding of facility rules.
- In addition to the education, 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 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 provides translation



services when needed.

- The following information is included on the Zero-Tolerance against Sexual Abuse/ Sexual Harassment Spanish and English Posters: “You have a right to be free from sexual abuse and sexual harassment. No inmate will be subjected to retaliation, reprisal, harassment, or disciplinary action for reporting allegations or knowledge of abuse. Ways To Report – Dial \*22, written report to any agency staff member, contractor, employee, volunteer, Police Services, or SLED (You can report anonymously to SLED as well at the following address (SLED, P.O. Box 21398, Columbia, South Carolina 29221). Inmates may contact their local Sexual Assault Center (SAC) for confidential support by dialing \*63. They may write their local SAC.”
- Quick Reference Guide: Through Global Interpreting Network the agency has provided facilities with quick reference guide instructions- to reach an interpreter. 1. Dial 833-769-1307 (Toll Free Number) 2. Enter your Pin number, followed by the pound (#) sign (The Pin for SCDC is --). 3. Say the language (or type-in the first three letters) you are requesting, and you will be connected to an interpreter for that language. 4. When prompted, please enter your Employee ID followed by pound (#) sign. 5. Note: To reach an operator, say “Operator” when the system prompts you for language at step 3.
- The agency provided each facility with PREA Brochure for Males in English and Spanish and for Females in English and Spanish. These brochures were developed with the assistance of Just Detention International. This project was supported by Grant No. 2013-RP-BX-0001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. The Brochure Title, Let’s Talk About Safety – SCDC has Zero-Tolerance for Sexual Abuse and Harassment. Topics included, Safety Talk, a Week Later; Staff, Contractors, Volunteers, and Inmates cannot...; How Can I Get Help? Support and Additional Information; You Have the Right to...; Things to Remember.
- 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 receive PREA information and use as inmate PREA refresher.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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 is 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.

Compliance Determination:

	<p>The facility has demonstrated compliance with this provision of the standard because:</p> <ul style="list-style-type: none"> <li>• The facility does not rely 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 or the investigation of the inmates’ allegations. Interviewed staff indicated that they would document the limited circumstances in individual cases where inmate interpreters, readers, or other types of inmate assistance are used.</li> <li>• Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 1.14: SCDC will not rely on inmate interpreters, inmate readers, or any other type of inmate assistance in obtaining information regarding investigations that may compromise the safety of the inmate.</li> <li>• Random Sample of Staff: Twelve (12) staff were randomly interviewed. The random staff representing staff from all shifts, males, and females. There were six (6) females and six (6) males, seven (7) Blacks, three (3) Whites, and two (2) Hispanics. They were asked: Does the agency ever allow the use of inmate interpreters, inmate readers, or other types of inmate assistants to assist inmates with disabilities who are limited English proficient when making an allegation of sexual abuse or sexual harassment? All staff reported that inmate interpreters are not allowed; nor have inmate interpreters, inmate readers, or other type of inmate assistance been used in relation to allegations of sexual abuse or sexual harassment.</li> </ul> <p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>Overall Findings:</b> The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.17</b>	<b>Hiring and promotion decisions</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• Active Employee NCIC Documentation Background Checks</li> <li>• Contract Employees NCIC Documentation Background Checks</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment:</li> </ul>

Dated November 23, 2021.

- GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021
- 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
- ADM-11-17. Employee Conduct
- SCDC Policy ADM-11.28 Applicant Selection Process
- SCDC Policy ADM-11.34 Employee Inmate Relations
- SCDC Policy ADM-11.39 Staff Sexual Misconduct with Inmates
- SCDC Policy ADM-17.01 Employee Training Standards
- Online PREA Audit: Pre-Audit Questionnaire

**Interviews:**

- Agency HR Staff
- Agency PREA Coordinator

**Compliance Determination by Provisions and Corrective Actions:**

**115.17 (a)**

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:

- 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)
- 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 to have engaged in the activity described in paragraph a-2 of this section.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency requires the facility not to hire or promote anyone who may have contact with inmates and does not enlist the services of any contractor who may have contact with inmates as listed in this standard to include the above provisions.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 1.15: Consistent with SCDC Policy ADM-11-28, Applicant Selection Process, SCDC will conduct criminal background records checks before hiring employees, and will not hire or promote anyone who have engaged in sexual abuse of any kind. Individuals who have engaged in sexual harassment will be considered on a

case-by-case basis. SCDC shall conduct criminal background records checks at least every five (5) years for current employees and contractors who may have contact with residents or have in place a system for otherwise capturing such information for current employees.

- Agency HR Staff: Question, 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 inmates and all employees, who may have contact with inmates, who are considered for promotions? Do you do this for any contractor who may have contact with inmates as well? Yes. The agency runs checks through the National Crime Information Center (NCIC) as well as requiring applicants to complete criminal history background questions during the application process, to consider pertinent information for quality candidates. This includes all third-party contractors, prior to giving access to facilities. The agency considers pertinent information that includes civil and administrative adjudications.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility indicated any incidents of sexual harassment by a staff member will be taken into consideration if the staff member is eligible for promotion. The interview with the HR staff was in alignment with the standard. The interview questions for employment also address previous misconduct. The facility indicated the facility considers any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist these services of any contractor, who may have contact with inmates. Based on the review of the documents provided during the pre-audit, and interview with the HR staff, the facility follows the provisions.
- The facility provided the auditor with a spreadsheet of contract employees assigned to the facility Which includes Name, Employee Number, Title, Hire Date, Location, National Crime Information Center (NCIC) Date, Sex and Race.
- The facility provided the auditor with a spreadsheet of volunteers assigned to the facility includes Name, DL Number, Approval Date, National Crime Information Center (NCIC) Date, Sex and Race.
- Agency HR Staff: Question, 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? Yes. This information is used to determine whether a person is a quality candidate or not. Prior

incidents of sexual harassment that is documented and provided to the agency is reviewed and hiring is determined on a case-by-case basis. Each promotion requires an application and background check completed before an offer is made to any promotions. This is covered in the agency policy.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The policy requires background checks to occur prior to inmates receiving services from contractors and volunteers and confirmed by staff. Additionally, best efforts are made to contact all prior facility employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
- The facility provided the auditor with a spreadsheet of hired employees in the past 12 months assigned to the facility that includes: Name, Employees in the past 12 months, Hire Date, State Title, SCDC Title, National Crime Information Center (NCIC) Date and Location.
- Active Employees NCIC Documentation Background Check Reviewed: Documents for 159 employees were reviewed (spreadsheet), 0 missing NCIC check dates, and 14 received a "Hit" meaning that there was information on the background check, however, it was not severe to the point that it would stop agency from hiring the employee.
- Staff 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.
- Policy Number: ADM-11.28 section 9.12, requires all successful candidates to 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.
- 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 through the National Criminal Information Center (NCIC) before an official offer of employment is extended.

- Agency HR Staff: Question, what system does the facility presently have in place to conduct criminal record background checks of current employees and contractors who may have contact with inmates? Are these background checks conducted at least once every five years? Prior to employment and access to any facility, a potential employee or third-party contractor must be fingerprinted and pass an NCIC criminal history background check. No, SCDC has an active criminal history check under an agreement with the SC Law Enforcement Division. The active system monitors all employees and contractors for arrests. For an individual who is arrested the agency is notified within days of the arrest.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.17 (d)**

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

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The policy requires background checks to occur prior to inmates receiving services from contractors and volunteers and confirmed by staff. Additionally, best efforts are made to contact all prior facility employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
- The facility provided the auditor with a spreadsheet of contract employees assigned to the facility includes Name, Employee Number, Title, Hire Date, Location, National Crime Information Center (NCIC) Date, Sex and Race.
- Contact Employees NCIC Documentation Background Check Review: Documents for 32 contract employees were reviewed, 3 missing NCIC check date, and 26 received a "Hit" meaning that there was information on the background check, however, it was not severe to the point that it would stop agency from hiring the employee.
- Staff 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.
- Staff also indicated that all third-party contractors have a background check run, or proven criminal history cleared, prior to authority to report inside one of the facilities.

- Agency HR Staff: Question, does the facility ask all applicants and employees who may have contact with inmates about previous misconduct described in section (a) in written applications for hiring or promotions, and in any interviews or written self-evaluation conducted as part of reviews of current employees? Yes, all applicants are asked the required PREA questions under (28 CFR 115) prior to being hired.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The policy is aligned with the requirements of the provisions of the standard and provides background checks occur prior to employment and every five years thereafter. Initial background checks and five-year checks were reviewed. This was confirmed by staff interviews.
- Agency PREA Coordinator: The agency PREA coordinator provided the following for facilities five (5) year background checks. "For your information, the South Carolina Department of Corrections uses, through an agreement with the SC Law Enforcement Division (SLED), an active monitoring system for employees. This system allows SCDC to submit all employee electronic fingerprints to SLED which actively monitors those employees for arrests and convictions and notifies the agency within 24 business hours. SLED does this for multiple agencies. There is not any documentation of this process as it is a State of SC internal process that SLED does for agencies under the State. All employees do have an initial NCIC background check.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- According to policy, all applicants are asked about any prior misconduct involving any sexual activity. In addition, the facility will not hire or promote anyone who has been civilly or administratively adjudicated to have been convicted of engaging in or attempted to engage in sexual activity by any means.
- 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).
- Agency HR Staff: Question, does the facility impose upon employees a continuing affirmative duty to disclose any such previous misconduct? Yes, it is a requirement of SCDC policy and training during orientation and basic training for all new employees. The facility leadership reminds staff of the stiff penalties for doing something detrimental to the safety of the agency mission and the offenders who are in the agency's care.

Corrective Action:

N/A. There are no corrective actions for this provision.

### **115.17 (g)**

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

Compliance Determination:

This facility has demonstrated compliance with provision of the standard because:

- The facility policy states 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 an offer of employment would have been extended if the agency had been given accurate information initially. Intentional deception will automatically disqualify an applicant.

Corrective Actions:

N/A. There are no corrective actions for this provision.

### **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.



	<p><b>Compliance Determination:</b> The facility has demonstrated compliance with this provision of the standard because:</p> <ul style="list-style-type: none"> <li>• Staff interview confirmed the facility would provide the above information if requested to do so. Policy indicates the information would be provided when requested unless it is prohibited by law to provide the information.</li> <li>• Agency HR Staff: Question, 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? Yes, the agency follows the employment verification process and policy. The agency also submits a PREA Questionnaire if a potential employee has prior work history in Corrections/Law Enforcement.</li> </ul> <p><b>Corrective Actions:</b> N/A. There are no corrective actions for this provision.</p> <p><b>Overall Findings:</b> The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.18</b>	<b>Upgrades to facilities and technologies</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• SCDC Policy OP-22.47 Prison Management Expectations</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</li> <li>• SCDC Policy ADM-12-01, Procurement of Supplies and Services</li> <li>• Online PREA Audit: Pre-Audit Questionnaire</li> </ul> <p><b>Interviews:</b></p> <ul style="list-style-type: none"> <li>• Agency Head (Designee)</li> <li>• Warden</li> <li>• PREA Compliance Manager</li> </ul> <p><b>Compliance Determination by Provisions and Corrective Actions:</b></p>

**115.18 (a)**

When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the agency shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The staff interview revealed that the agency/facility has not acquired any new facilities since the last PREA audit.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 1.16: When determining additions or considering new construction, SCDC will consider the effects of the design or modification upon the institution's ability to monitor and protect the inmates from sexual abuse.
- Agency Head (Designee): Question, when designing, acquiring, or planning substantial modifications to facilities, how does the agency consider the effects of such changes on its ability to protect inmates from sexual abuse? The agency PREA coordinator meets frequently with warden's institutional PREA compliance managers, the agency Head, 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. He also consults, as needed, with the Director of Compliance Standards and Inspections to ensure that renovations to institutions comply with state and national standards.
- Facility Specialized Staff: Warden question, 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? When installing or updating a video monitoring system, electronic surveillance system, or other technology, the agency considers how such technology may enhance the agency/facility's ability to protect residents from sexual abuse. The warden indicated additional cameras have been installed in the last several years. There is a plan to add additional cameras over the next several years.
- Facility Specialized Staff: The PREA compliance manager question, "when designing, acquiring, or planning substantial modifications to facilities, how the agency considers the effects of such changes on its ability to protect inmates from sexual abuse?" If new modifications are being added to the facility, the team will consider inmate sexual safety. The team considers blind spots, building structure, placement of video monitoring, and bathroom and showers designed for non-gender viewing.

Corrective Actions:

N/A. There are no corrective actions:

**115.18 (b)**

When installing or updating a video monitoring system, electronic surveillance

system, or other monitoring technology, the agency shall consider how such technology may enhance the agency’s ability to protect inmates from sexual abuse.

**Compliance Determination:**

The facility has demonstrated compliance with this provision of the standard because:

- The staff interview revealed that the agency/facility has not had any major updated surveillance technology since the last PREA audit.
- The cameras in the Institution cover the main sections of the building to include Housing Unit Wings, Visitation, RHU, and Recreation Areas. The outside cameras cover the surrounding areas, exits, and entrances to the Institution.
- Agency Head (Designee): Question, how does the agency use monitoring technology (either newly installed or updated) to enhance the protection of inmates from incidents of sexual abuse? 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 has 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 a valuable tool when investigating PREA allegations.
- Facility Specialized Staff: Warden question, how does the agency use monitoring technology to enhance the protection of residents from incidents of sexual abuse? The facility utilizes its aggregated PREA data to assess the need for cameras throughout the facility. The facility installed additional cameras in the last few years through PREA because of complaints and the need to monitor.
- Facility Specialized Staff: The PREA compliance manager question, “how does the agency use monitoring technology to enhance the protection of inmates from incidents of sexual abuse?” If new modifications are being added to the facility, the team will consider inmate sexual safety. The team considers blind spots, building structure, placement of video monitoring, and bathroom and showers designed for non-gender viewing.

**Corrective Actions:**

N/A. There are no corrective actions for this provision.

**Overall Findings:**

The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.

<b>115.21</b>	<b>Evidence protocol and forensic medical examinations</b>
	<b>Auditor Overall Determination:</b> Meets Standard

## **Auditor Discussion**

### **Evidence Relied Upon in Making the Compliance Determination:**

#### **Documentation:**

- SAFEs or SANEs Documentation (Past 12 Months)
- PREA Coordinated Response Protocol
- SC Victim Assistance Network (SCVAN)
- SCDCVASA Member Organization and Services to Incarcerated Victims
- MOU for Outside Services
- SC Code of Laws Unannotated - Title 17 - Criminal Procedures
- Statewide Partnerships with Sexual Assault Centers
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.
- GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021
- ADM-11-27, Post Assault Information Resource Assistance (PAIR)
- Critical Incident Stress Management (CISM)
- HS-18-02, Emergency Care
- HS-18-05, Sick Call and Dental Health
- HS-18-12, Informed Consent
- HS-18-15, Levels of Care
- List of SC Sane Program Locations
- Victim Services
- SCDC Policy OP-21.04 Inmate Classification Plan
- SCDC Policy OIG - 23.01 Investigation
- SCDC Policy/Procedure, GA-05.01 Investigations
- SCDC Policy OIC -23.38 Evidence Protocol
- MOU Between South Carolina Law Enforcement Division (SCLED) and South Carolina Department of Correction (SCDOC)
- Online PREA Audit: Pre-Audit Questionnaire

#### **Interviews:**

- Random Sample of Staff
- PREA Compliance Manager
- Agency PREA Coordinator

### **Compliance Determination by Provisions and Corrective Actions:**

#### **115.21 (a)**

To the extent the agency is responsible for investigating allegations of sexual abuse, the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility is responsible for investigating allegations of sexual abuse. Administrative and/or criminal investigations are completed for all allegations of sexual abuse or sexual harassment. The facility utilizes the internal and external offices to conduct investigations regarding all felony related crimes to include alleged sexual violence that occurred at the facility. Both the facility and the external office follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 2.1: SCDC's Office of Inspector General (OIG) is responsible for investigating all allegation of sexual abuse, consistent with DCDC Policy OIG-23.01, Investigations. Evidence collection efforts will be collaborative with the local hospital of agreement and the South Carolina Law Enforcement Division, depending on the severity of the event, who is involved (inmate or staff), and availability of evidence.
- Random Sample of Staff: Twelve (12) staff were randomly interviewed. The random staff representing staff from all shifts, males, and females. There were six (6) females and six (6) males, seven (7) Blacks, three (3) Whites, and two (2) Hispanics. They were asked: Do you know and understand the agency's protocol for obtaining unusable physical evidence if an inmate alleges sexual abuse?" During the on-site audit, 12 random staff were interviewed. All 12 staff could clearly articulate 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, bathe, brush teeth, 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.21 (b)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The protocol is appropriate and is adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office of Violence Against Women publication, or similar comprehensive and authoritative protocols developed after 2011. The facility does not house youth inmates.

- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 2.2: SCDC's OIG will ensure that a uniform evidence protocol that is developmentally appropriate for youthful offenders (when applicable), and is documented and used based on the most current law enforcement practices.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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 provide SAFEs or SANEs.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- MOU between Pee Dee Coalition Against Domestic and Sexual Assault. Pee Dee Coalition agrees to 1. Respond to sexual assault victim's request for support by either telephone or US mail communication. 2. Maintain confidentiality as outlined in the Pee Dee Coalition informed consent form. 3. Communicate any questions or concerns to SCDC PREA Coordinator, and/or PREA Compliance Manager at Evans Correctional Institution.
- 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. The services are provided without cost.
- During the site review, the auditor observed the facility signage regarding how to report sexual abuse and/or sexual harassment (external and internal reporting) posted in persons confined in the facility housing/living units, programming areas and visitation area. The information is provided in English and Spanish and is legible.
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment 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.
- Target Resident: Two (2) residents were interviewed who reported Sexual Abuse. They were asked: When you reported a sexual abuse, did the facility allow you to contact anyone? One said yes, and said no.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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. To 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 if 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.

**Compliance Determination:**

The facility has demonstrated compliance with this provision of the standard because:

- The facility makes available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the facility makes available (for emotional support) a qualified staff member from a community-based organization, or a qualified facility staff member. The facility shows documentation.
- National Sexual Violence Resource Center (NSVRC) response: On August 7, 2023, NSVRC email states that they provide information and tools to prevent and respond to sexual violence. While they are happy to have our organization listed as a resource for people who are incarcerated, they do not receive reports or provide services in any capacity. They also are not able to disclose if anyone from the facility reached out for resources.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 2.7: The Agency's PREA Coordinator will attempt to make available written Memorandum of Understanding/Agreement's with local/regional Rape Crisis Centers to provide emotional support services. Such attempts will be documented through written memorandums and retained for monitoring purposes.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 2.6: In the event of sexual assault, the SCDC Mental Health Practitioners will ensure that the victim (s) are offered the services of an outside agency victim advocate consistent with SCDC Policy GA-06.11, Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment.
- 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 uses 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 can uphold the high standards set for the program. Participation in 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.

- 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 Specialized Staff: The PREA compliance manager question, in what ways does the agency or facility attempt to make available a victim advocate from a rape crisis center? The Agency's PREA Coordinator establish a written memorandum of Understanding / Agreement's with local / regional Rape Crisis Centers to provide emotional support services.

Corrective Actions:

N/A. There are no corrective actions for this provision.

### **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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility offers all victims of sexual abuse access to forensic medical examinations at an outside facility, the local hospital without financial cost. The local hospital provides a Sexual Assault Forensic examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs). If one is not available, the examination is performed by a qualified medical staff.
- Facility Specialized Staff: The PREA compliance manager question, "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?" Yes, SCDC policy states, its Mental Health practitioners will ensure that the victims are offered the services of an outside agency victim advocate.

Corrective Actions:



N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- When a PREA allegation is investigated by an outside agency, the facility requests that the investigator follow the PREA requirements. The preponderance of evidence is defined as proof by evidence that, compared with evidence opposing it, leads to the conclusions that the fact at issue is more probably true than not.
- 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 Office of Inspector General (OIG) 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.
- 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

	<p>The facility has demonstrated compliance with this provision of the standard because:</p> <ul style="list-style-type: none"> <li>• When a PREA allegation is investigated by an outside agency, the facility requests that the investigator follow the PREA requirements. The preponderance of evidence is defined as proof by evidence that, compared with evidence opposing it, leads to the conclusions that the fact at issues is more probably true than not.</li> <li>• Agency PREA Coordinator: The agency PREA coordinator was asked, is SLED required to use the same protocols as the investigators for SCDC? Yes, and referred the auditor to the MOU with SLED.</li> </ul> <p><b>115.21 (h)</b></p> <p>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.</p> <p>Compliance Determination: The facility has demonstrated compliance with this provision of the standard because:</p> <ul style="list-style-type: none"> <li>• The facility offers all victims of sexual abuse access to forensic medical examinations at an outside facility, the local hospital without financial cost. The local hospital provides a Sexual Assault Forensic examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs). If one is not available, the examination is performed by a qualified medical staff. Staff may serve as emotional support if requested by inmates.</li> </ul> <p><b>Overall Findings:</b></p> <p>The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.22</b>	<p><b>Policies to ensure referrals of allegations for investigations</b></p> <p><b>Auditor Overall Determination:</b> Meets Standard</p> <p><b>Auditor Discussion</b></p> <p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• Cases 1 through 20</li> <li>• Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23,</li> </ul>
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2021

- SCDC Policy OIG-23.01 Investigation
- MOU Between South Carolina Law Enforcement Division (SCLED) and South Carolina Department of Correction (SCDOC)
- Investigator Training List
- List of SC Sane Program Locations
- Online PREA Audit: Pre-Audit Questionnaire

**Interviews:**

- Agency Head (Designee)
- Regional Investigator
- Agency PREA Coordinator

**Compliance Determination by Provision and Corrective Actions:**

**115.22 (a)**

The agency shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- According to staff, the agency PREA coordinator, facility compliance manager, and the facility and/or regional investigator, ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment reported on inmate-on-inmate or staff-on-inmate misconduct.
- The initial investigation begins immediately by the facility. The facility uses a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
- 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: 1. PREA Tips - SCDC public website page that the public can use to report an allegation of sexual abuse/sexual harassment. 2. \*22 Hotline Call. 3. Warden-to-warden PREA Notification. 4. Grievance. 5. Request to Staff Member (RTSM) or Automated Request to Staff Member (ARTSM); 6. Note, Letter, or Verbally.
- Total number of sexual abuse and sexual harassment investigations for the past 12 months = 20; Total number of investigations reviewed by auditor = 19; Total number of sexual abuses classified by investigations = 15; Total number of sexual harassments classified by investigations = 5; Total number of on-going cases = 6; and total number of referrals for prosecution = 0.
- Agency Head (Designee): Question, does the agency ensure that an administrative

or criminal investigation is completed for all allegations of sexual abuse or sexual harassment? The South Carolina Department of Corrections has a formal process in place to ensure administrative and criminal investigations are completed of sexual abuse and sexual harassment.

- Agency Head (Designee): Question, please describe how an administrative or criminal investigation is completed for allegations of sexual abuse or harassment. All PREA allegations are reported to the institutional PREA Compliance Manager. 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 PCM for administrative review. The PCM investigates all inmate-on-inmate sexual harassment allegations. The agency Office of Inspector General investigate 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 results of the investigation. Allegations that result in substantiated and unsubstantiated deposition 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.

- Random Sample of Staff: Twelve (12) staff were randomly interviewed. The random staff representing staff from all shifts, males, and females. There were six (6) females and six (6) males, seven (7) Blacks, three (3) Whites, and two (2) Hispanics. They were asked: "do you know who is responsible for conducting sexual abuse investigations?" During the on-site audit, staff answers varied from the Associate Warden, Supervisor, Facility PREA Compliance Manager or PREA Coordinator.

Corrective Actions:

N/A. There are no corrective actions for this provision.

### **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 a 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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility's website provides the information and related policies for reporting allegations of sexual abuse. A third-party reporting process is also on the site. Reporting information is also posted in various areas of the facility including but not limited to the housing units. The posted information is accessible to inmates, staff, contractors, and visitors. The policy and interviews confirmed allegations of sexual abuse and sexual harassment are investigated.

- 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 forwarded to OIG to initiate a criminal investigation. Criminal investigations are documented in the Case Management System. Incidents not determined to be criminal in nature are referred to the facility for completion of an administrative investigation. Administrative investigations are documented in investigative files at the facility and maintained by the PREA Compliance Manager.
- SCDC OIG has full state authority to conduct investigations and make arrests. SCDC OIG also has an MOU with SC Law Enforcement Division (SLED) that allows for SLED to be the lead investigative agency if necessary.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.22 (c)**

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

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- 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 OIG Case Management System. Facility administrative investigations are maintained in files at the facility and secured by the PREA compliance manager.
- Agency PREA Coordinator: 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: GA-06.11: Prevention, Detection and Response to Sexual Abuse/Sexual Harassment is published on the agency's website at <http://doc.sc.gov/preaweb/>

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

	<ul style="list-style-type: none"> <li>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 <a href="http://doc.sc.gov/preaweb/">http://doc.sc.gov/preaweb/</a></li> </ul> <p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>115.22 (e)</b></p> <p>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.</p> <p>Compliance Determination: The facility has demonstrated compliance with this provision of the standard because:</p> <ul style="list-style-type: none"> <li>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.</li> <li>Staff indicated that any department of Justice component responsible for conducting administrative or criminal investigation of sexual abuse or sexual harassment in this facility will use the same policies governing the conduct of agency investigations. The Department of Justice has not conducted any PREA investigations regarding sexual abuse or sexual harassment.</li> </ul> <p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>Overall Findings:</b> The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.31</b>	<b>Employee training</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<b>Evidence Relied Upon in Making the Compliance Determination:</b>
	<p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>Employee Spreadsheets</li> </ul>

- List of Signed in Employees
- PREA Coordinated Response Protocol
- 2021 PREA PowerPoint Curriculum
- PREA Curriculum
- Guidance in Cross-Gender and Transgender Pat Searches
- Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (GA-06.11)
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.
- GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021
- Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended.
- SCDC Policy ADM-17.01 Employee Training Standards
- SCDC Policy PS-10.08 Inmate Correspondence Privileges
- Critical Incident Stress Management (CISM)
- Cross-Gender and Transgender Pat Searches Video
- Online PREA Audit: Pre-Audit Questionnaire

**Interviews:**

- Random Sample of Staff
- Facility Staff

**Compliance Determination by Provisions and Corrective Actions:**

**115.31 (a)**

The agency shall train all employees who may have contact with inmates on:

- Its zero-tolerance policy for sexual abuse and sexual harassment.
- How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.
- Inmates' right to be free from sexual abuse and sexual harassment.
- The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment.
- The dynamics of sexual abuse and sexual harassment in confinement.
- The common reactions of sexual abuse and sexual harassment victims.
- How to detect and respond to signs threatened and actual sexual abuse.
- How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
- How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility policy addresses PREA related training for staff. Interviewed staff members were familiar with the PREA information regarding general topics of

preventing, detecting, and responding to sexual abuse and sexual harassment. PREA training is provided to staff, as indicated by a review of policy and training documents.

- The facility provided the auditor with a spreadsheet of hired employees in the past 12 months assigned to the facility that includes: Name, Employees in the past 12 months, Hire Date, State Title, SCDC Title, National Crime Information Center (NCIC) Date and Location.

- The facility provided the auditor with a spreadsheet of active employees assigned to the facility that includes Name, Hire Date, State Title, SCDC Title, National Crime Information Center (NCIC) Date and Location.

- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 3.1: All employees, inmates, contractors, interns, and volunteers, to include contracted institutions, will receive training on SCDC Policy GA-06.11, which establishes the Agency's zero tolerance for sexual abuse and sexual harassment of inmates, SCDC Form 17-13, PREA New Employee Onboarding, or SCDC Policy PS-10.04, Volunteer Services Programs. SCDC will provide employees a refresher training regarding these standards ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. Certificates of completion, SCDC Form 19-181, NIC Training Log for Investigations and Medical/Mental Health, SCDC Form 1-9, Volunteer Services Agreement, and SCDC Form 17-13, PREA New Employee Onboarding, or other documents showing completion of this training will be placed in the employee file.

- SCDC provided a great deal of training for all employees who work in the facilities. Staff received PREA training thru: 1. New Employee Orientation - one day (8 hours) which includes information regarding PREA. 2. Attending basic training at the Training Academy in Columbia, S.C. The training varies in length depending upon the position that the employee is in. All position training includes PREA Training.

- A review of the PREA curriculum included but not limited to: Its zero-tolerance policy for sexual abuse and sexual harassment. Slides #28 thru 38: These slides discuss GA-06.11: Zero Tolerance Prevention, Detection and Response to Sexual Abuse and Sexual Harassment; Definitions of Sexual Abuse; Sexual Abuse of Inmate, Detainee or Resident by Staff, Contractor, or Volunteer to include acts with or without consent of the Inmate, Detainee or Resident. Sexual Harassment Definition includes Inmate, Detainee, or Resident; Staff Member, Contractor, or Volunteers; Consensual Sexual Contact among inmates is prohibited.

- How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures. Slides #39 through 40: These slides discuss Preventions - Staff Education. All employees (temporary and grant), volunteers, interns and contractors will be provided with general training on PREA and the Agency 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. Preventions: Specialized Education



- 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.

- Inmates' right to be free from sexual abuse and sexual harassment. Slides #48 through 49: These slides discuss Detection - Inmate Reporting. Slide #46: This slide discusses Preventions - Supervision and Monitoring. Slides #26 through 27: these slides discuss Barriers to Report (Inmates) and Barriers to Reporting (Staff).

- The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment. Slide #46: This slide discusses Preventions - Supervision and Monitoring. Slides #48 through 54: These slides discuss Detention - Inmate Reporting. Slides #59: This slide discusses Retaliation.

- The dynamics of sexual abuse and sexual harassment in confinement. Slides #14 thru 17: These slides discuss Continuum of Sexual Coercion; The Perpetrator (Male Inmate); The Victim (Male Inmate), Video.

- How to detect and respond to signs threatened and actual sexual abuse. Slides #21 thru 23: These slides discuss Female Inmates (Family); Female Inmates (One-on-One Relationship); Female Inmates (Attachments).

- How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates.

- Supervision of Offenders Lesson Plan included but not limited to: Discuss Cross-Gender Supervision, Announce the Presence of Opposite Sex; Transgender and Gender Dysphoria; Young Offender Sentence Types; Supervise Special Need Offenders and Staff Positioning.

- Random Sample of Staff: Twelve (12) staff were randomly interviewed. The random staff representing staff from all shifts, males, and females. There were six (6) females and six (6) males, seven (7) Blacks, three (3) Whites, and two (2) Hispanics. They were asked: "Have you received PREA training? And what are some of the topics?" Twelve staff indicated yes, they received PREA training. Staff were aware of the Zero Tolerance Policy, employee and inmate rights, signs, and symptoms of sexual abuse, reporting and responding. One hundred percent of staff were knowledgeable of the topics they had been trained in. When probed, 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 as supportive services available to Inmates. Staff indicated they have received training on working with vulnerable populations (LGBTQI, prior history of sexual victimization). The staff reported receiving training in person and online.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility houses male inmates and the training consider the needs of the population as determined by a review of training curricula and interviews with random staff.
- Facility Staff: Indicated that they receive gender training as a part of the pre-service or individual training from the shift briefings.

Corrective Actions:

N/A. There are no corrective actions for this provision.

### **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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- All current employees have received PREA training.
- Facility Staff: Indicated that they also received monthly refresher training through staff briefing and meetings where they are reminded of PREA issues.

Corrective Actions:

N/A. There are no corrective actions for this provision.

### **115.31 (d)**

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

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility trains all employees who may have contact with residents on PREA training topics. Employees receive this training prior to having contact with residents. The agency/facility provides the PREA training as a part of pre-service/ orientation. Training is also reinforced and enhanced by on-the-job training, shift

	<p>briefings, staff meetings and management meetings where experienced and knowledgeable staff members work with new hires to educate them further about PREA practices. The PREA training is documented through rosters (staff signatures or electronic verification), meeting minutes, shift briefing notes.</p> <ul style="list-style-type: none"> <li>• Refresher training occurs every year when the certified PREA audit is not conducted. This is provided for staff meetings, shift briefing, and management meetings.</li> <li>• During documentation review, the auditor reviewed staff training rosters, staff sign-in sheets, acknowledgement statements and some electronic verifications.</li> <li>• The auditor reviewed the New Employee On-Boarding (NEO) acknowledgement signed statements. The signed statements include but are not limited to 1. Sexual Abuse Definitions, 2. Sexual Harassment Definitions, 3. Prohibited Consensual Relations Between Staff and Inmates, 4. Sexual Abuse Is Considered Cruel and Unusual Punishment under the 8th Amendment. 5. Sexual Misconduct, 6. Staff Reporting Procedures. 7. Additional PREA Information.</li> <li>• The auditor reviewed the Prevention, Detection, and Response to Sexual Abuse/ Sexual Harassment (GA-06.11) acknowledgement signed statements. The statements include but are not limited to 1. Zero Tolerance Policy (OP-21-12), 2. Sexual Abuse Definitions, 3. Sexual Harassment Definitions, 4. Reporting Inappropriate Employment/Inmate Relations, 5. Corrective Actions, 6. Retaliation.</li> <li>• The auditor reviewed the Agency Orientation Checklist (Live Stream PREA sections include Report Writing, Sexual Harassment, Employee-Inmate Relations, and Prison Rape Elimination Act (PREA).</li> </ul> <p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>Overall Findings:</b> The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.32</b>	<b>Volunteer and contractor training</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<b>Evidence Relied Upon in Making the Compliance Determination:</b>  <b>Documentation:</b>

- Volunteer Spreadsheet
- Volunteer Services Agreement / SCDC Form PS-10.04
- Contractor Spreadsheet
- Contractor Training Records
- Volunteer Information
- Volunteers Orientation Training Power Point Training
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.
- GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021
- SCDC Policy PS-10.04 Volunteer Services Programs
- Online PREA Audit: Pre-Audit Questionnaire

**Interviews:**

- Facility Specialized Staff

**Compliance Determination by Provisions and Corrective Actions:**

**115.32 (a)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Volunteers and contractors are provided with PREA training and education relative to their duties and responsibilities.
- Medical contractor 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: Detecting, Assessing, and Responding to Sexual Abuse and Harassment, Sexual Abuse in Confinement Settings, The Dynamics and Effects of Sexual Abuse, Your Role in Responding to Sexual Abuse Incidents, Preserving Physical Evidence of Sexual Abuse, Reporting Allegations and Suspicions, High-Risk Inmates, Effects of Sexual Abuse, Trauma and the Brain, Rape Trauma Syndrome, SART, Medical Screening, 115.21 Evidence protocol and forensic medical examinations, 115.35 Special training: Medical and mental health care, 115.61 Staff and agency reporting duties., 115.65 Mandates a Coordinated Response to Sexual Abuse Incidents, 115.81 Medical and mental health screenings; 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.
- Facility Specialized Staff: The auditor randomly interviewed a contractor. The contractor was asked, have you received PREA training on your responsibilities regarding sexual abuse and sexual harassment prevention, detection, and response,

per agency policy and procedures? The contract staff indicated yes and being a part of the contract medical staff. The contractor medical staff who have contact with inmates have been trained in their responsibilities.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.32 (b)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Interviews and documentation indicated that the level and type of training provided to volunteers and contractors is based on the services they provide and the contact they have with inmates. All volunteers and contractors are notified of the facility's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report alleged incidents.
- The SCDC Division of Inmates Services Volunteer Orientation provided the Agency/ Topics to be covered as follows: SCDC Mission, SCDC Inmate Profile, Types of Volunteer Services, Volunteer Conduct, Employee-Inmate Relations, 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.32 (c)**

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

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility maintains documentation confirming that volunteers and contractors understand the training they received. The facility documents volunteer and contractor training using the acknowledgement statement and rosters, which requires the volunteer and contractors and instructor signature to verify the training.
- The auditor reviewed the volunteer services agreement acknowledgement form.

	<p>The statements include but are not limited to 1. 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.” 2. 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.</p> <p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>Overall Findings:</b> The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.33</b>	<b>Inmate education</b>
	<b>Auditor Overall Determination:</b> Exceeds Standard
	<b>Auditor Discussion</b>
	<p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Data Spreadsheet and on-sit Upload.</li> <li>• Resident Roster</li> <li>• Resident Certification of PREA Education 1 of 2 and 2 of 2</li> <li>• SCDC Form 18-18 Certification of Prison Rape Elimination Act</li> <li>• SCDC Form 18-69 Certificate of Inmate Orientation</li> <li>• PREA Poster English 1</li> <li>• PREA Poster Spanish 2</li> <li>• PREA Poster English 1</li> <li>• PREA Poster Spanish 2</li> <li>• Female and Male Brochure UEB Code 4 Braille Pages</li> <li>• SC Braille Production Center</li> <li>• Let’s Talk About Safety PREA Brochure Female English</li> <li>• Let’s Talk About Safety PREA Brochure Male English</li> <li>• Let’s Talk About Safety PREA Brochure Female Spanish</li> <li>• Let’s Talk About Safety PREA Brochure Male English</li> <li>• Inmate Orientation Manual (Handbook) – Tablet</li> </ul>

- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.
- GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021
- SCDC Policy GA-01.12 Inmate Grievance System
- SCDC Policy OP-21.04 Inmate Classification Plan
- SCDC Policy OP-22.14 Inmate Disciplinary System
- SCDC Policy PS-10.08 Inmate Correspondence Privileges
- Online PREA Audit: Pre-Audit Questionnaire

**Interviews:**

- Agency PREA Coordinator
- Facility Specialized Staff/Intake
- PREA Compliance Manager
- Random Sample of Residents

Compliance Determination by Provisions and Corrective Action:

**15.33 (a)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- PREA information, which are provided during the intake process within twenty-four hours of the inmate's arrival, and include an explanation of the agency/facility zero-tolerance policy toward sexual abuse and sexual harassment, and how to report incidents or suspicious of sexual abuse or sexual harassment; and
- Comprehensive education is provided within two (2) weeks of the inmate's arrival. PREA training will include but is not limited to 1. Review of PREA policy and other 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. 2. Inmates' rights to be free from sexual abuse, sexual harassment, and retaliation for reporting. 3. Prevention of sexual abuse and sexual harassment. 4. Tips for staying safe from sexual abuse and sexual harassment. 5. How to report incidents or suspicions of sexual abuse or sexual harassment. 6. Availability of medical and mental health treatment and counseling for victimized inmates. 7. Disciplinary actions for participating in sexual abuse, sexual harassment, or making false allegations.
- Resident Documentation Review: Documents for 100 randomly selected residents were reviewed (spreadsheet) and uploaded into the PREA audit system. 1. PREA Orientation/Education - 0 missing dates; 2. PREA Acknowledgements - 0 missing dates; 3. Initial PREA Screening - 0; and PREA Reassessments - 0 missing dates.

- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 3.2: Consistent with SCDC Policy GA-06.11, Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment, each SCDC institution will ensure that all inmates receive education on the Agency's zero tolerance policy and their rights and responsibilities on how to be free from sexual abuse, sexual harassment, and retaliation for reporting. Such education will be provided to all inmates within 30 days of intake. Documentation of provided education will be described and signed on SCDC Form 18-78, Certification of Prison Rape Elimination Act (PREA) Orientation and placed in the inmate's permanent file.
- South Carolina Department of Corrections Policy Number: GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment indicated that all inmates will be provided training on PREA during the initial intake process at the Reception and Evaluation (R&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:
  - On Site Inspection/Observation: During the facility tour, formal and informal discussions with residents and staff indicated that during the intake process, inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment. Staff ensure that key information is continuously and readily available or visible to inmates through posters and PREA information on the kiosk system.
  - Facility Specialized Staff: The PREA compliance manager's question: what type of PREA education is provided to the residents? The facility provides PREA videos, audio, and written formats in both English and Spanish.
  - Facility Specialized Staff: 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.
  - Resident Interviews: forty (40) inmates were interviewed. Twenty-four (24) random and Sixteen (16) targeted. Twenty (20) Black, Nineteen (19) White, and One (1) Hispanic. They were asked: When you first came here, did you get information about the facility's rules against sexual abuse and harassment? Thirty-one reported they were given information about the facility's rules against sexual abuse and harassment at admission. Nine said no.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Documentation showing dates and indicating inmates' participation in PREA education sessions confirmed the PREA education sessions occurred.
- South Carolina Department of Corrections Policy Number: GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment, 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 is provided within two weeks of the inmate's arrival at R&E include: 1. SCDC Policy GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment Inmates' right to be free from sexual abuse and sexual harassment as well as retaliation for reporting such incidents. 2. Prevention. 3. Tips for staying safe. 4. How to report incidents or suspicions of sexual abuse or sexual harassment. 5. SCDC's Policies and procedure for responding to sexual abuse and sexual harassment, including the availability of treatment and counseling for victimized inmates; and 6. Disciplinary actions for intentionally making a false allegation.
- The facility provided the following inmate educational methods. 1. English PREA Poster, 2. Spanish PREA Poster, 3. Inmate Handbook with PREA information, 4. Let's Talk About Safety" Brochure, 5. Inmate Kiosk and the tablet System (Inmates are required to view PREA information before they can further utilize the Kiosks). 6. 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: 1. File a grievance. 2. File a report to investigations using a facility kiosk or tablet. 3. Request to visit medical and ask for help. 4. Ask a lawyer, a friend, or family member to request help. 5. Dial \*22 from any inmate phone located in each living unit. 6. Dial \* 63 for emotional support.
- Resident Interviews: forty (40) inmates were interviewed. Twenty-four (24) random and Sixteen (16) targeted. Twenty (20) Black, Nineteen (19) White, and One (1) Hispanic. They were asked: When you came here, were you told about: 1. Your right to not be sexually abused or sexually harassed? Thirty-five reported they had been made aware of their rights. 2. How to report sexual abuse or sexual harassment? Thirty-two reported they had been made aware of their rights. 3. Your right not to be punished for reporting sexual abuse or sexual harassment? Thirty-two reported they had been made aware of their rights. 4. About how long after coming here did you get the PREA information above? When asked this question, there were a wide variety of answers.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- All inmates at this facility have completed the required PREA education.
- Facility Specialized 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Staff indicated that during each inmate orientation and training session, inmate education materials are 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.
- Resident Interviews: forty (40) inmates were interviewed. Twenty (24) random and Sixteen (16) targeted. Twenty (20) Black, Nineteen (19) White, and One (1) Hispanic. The sixteen (16) were four (4) Physical Disabilities, one (1) Limited English Proficient Inmate, three (3) Transgenders, three (3) Gay or Bisexual, three (3) Inmates who disclosed sexual victimization during risk screening, and two (2) Inmates who reported sexual abuse.
- During the facility tours, the auditor observed PREA posters in English and Spanish, additional PREA information in the facility handbook are in English and Spanish.
- Policy GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.33 (e)**

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

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility maintains documentation of inmate participation in PREA orientation and education by signing orientation checklist or PREA acknowledgement statement.
- SCDC Policy GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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 posters, inmate handbooks, or other written formats.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Onsite review (Observations) and Testing of Critical Functions/Internal Reporting Methods: 1. During the site review, the auditor observed the facility signage regarding the PREA Audit Notices which were posted throughout the facility and were visible to staff, persons confined in the facility, and visitors. The notice was posted in the living units, common areas, facility entrance and visitation areas, and staff break areas. The information is provided in English and Spanish and is legible. 2. The auditor observed the facility signage regarding how to report sexual abuse and/or sexual harassment (external and internal reporting) posted in persons confined in the facility housing/living units, programming areas and visitation area. This information is posted near the phones and in hallways. The information is provided in English and Spanish and is legible. 3. The auditor tested the facility systems by which persons confined in the facility can report sexual abuse and/or sexual harassment electronically via kiosk, tablet, phones, and internal grievance process or written format. The auditor requested that an inmate demo the steps of reporting by kiosk, tablet, and phones. It was also discussed where and who received the reports. 4. The facility has critical information continuously available to residents through posters,

	<p>PREA handouts and meetings/sessions with case managers or counselors and handbooks.</p> <ul style="list-style-type: none"> <li>• Policy GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment 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.</li> </ul> <p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>Overall Findings:</b> The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.34</b>	<b>Specialized training: Investigations</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p>
	<p><b>Auditor Discussion</b></p>
	<p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview:</li> <li>• NIC Online Specialized Investigation Training (e-learning Course)</li> <li>• MOU with SC Law Enforcement Division</li> <li>• NIC Online Investigations Specialized Training Curriculum</li> <li>• List of Agency Investigators (Spread Sheet) NIC Training Dates</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</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 OIG-23.01 Investigation</li> <li>• SCDC Policy OIG-23.12 Case File Requirements</li> <li>• Online PREA Audit: Pre-Audit Questionnaire</li> </ul> <p><b>Interviews:</b></p>

- Investigator

**Compliance Determination by Provisions and Corrective Actions:**

**115.34 (a)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- In addition to the general PREA provided for all employees, the agency ensures that its facility and regional investigators have received training in conducting investigations in confinement settings. The investigators who handle sexual abuse incidents are required to receive specialized training. Investigators are responsible for gathering and preserving evidence in the case; interviewing all parties to include victims, perpetrators, witnesses, etc.; and reviewing prior complaints and reports of sexual abuse involving the suspected perpetrator.
- 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: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 3.3: In addition to general training provided to all employees and training provided by the SC Criminal Justice Academy, SCDC's OIG will ensure that its investigators who investigate allegations of sexual abuse have specialized training as prescribed in PREA Standard 115.34. Such training will be renewed at least every two (2) years with certificates of completion or SCDC Form 19-181. Training Log for Investigations and Medical/Mental Health, placed in the employee's file.
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment 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 at 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."
- Office of Inspector General (OIG) Investigator: Question, did you receive training specific to conducting sexual abuse investigations in confinement settings? Yes, all SCDC OIG'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 (Online).

• Total number of sexual abuse and sexual harassment investigations for the past 12 months = 20; Total number of investigations reviewed by auditor = 19; Total number of sexual abuses classified by investigations = 15; Total number of sexual harassments classified by investigations = 5; Total number of on-going cases = 6; and total number of referrals for prosecution = 0.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.34 (b)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

• Investigators are required to complete the National Institute of Corrections (NIC) online training "PREA: Investigating Sexual Abuse in a Confinement Setting" includes the following topics: Initial Response, Investigation, Determination of the findings, A Coordinated Response, Sexual Assault Response Team, A Systemic Approach, How Sexual Abuse Investigations Are Different, How Investigations in Confinement Settings Are Different, Criteria for Administrative Action, Criteria for Criminal Prosecution, Report Writing Requirements of an Administrative Report, Requirements for an Administrative Report, Requirements for a Criminal Report, The Importance of Accurate Reporting, Miranda and Garrity Requirement, Miranda Warning Considerations, Garrity Warning Considerations, The Importance of Miranda and Garrity Warnings, Medical and Mental Health Practitioner's Role in Investigations, PREA Standards for Forensic Medical Examinations.

• Office of Inspector General (OIG) Investigator: can you describe the training. Online course provided by the National Institute of Corrections (NIC) - NIC.Learn.com. All criminal investigators take the "PREA": Investigating Sexual Abuse in a Confinement Setting", and "PREA: Investigating Sexual Abuse in a Confinement Setting: Advanced Investigations" courses. The training goes through the methodology of conducting sexual abuse/sexual harassment investigations, evidence collection methods and requirements, interview techniques, and provides examples of different investigations within prisons.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.34 (c)**

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

Compliance Determination:

	<p>The facility has demonstrated compliance with this provision of the standard because:</p> <ul style="list-style-type: none"> <li>• The agency provided a list of investigators that are responsible for investigating PREA at this facility. NIC verification of completion was provided.</li> <li>• The number of facility investigators currently employed who have completed the required training: 2.</li> </ul> <p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>115.34 (d)</b></p> <p>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.</p> <p>Compliance Determination: The facility has demonstrated compliance with this provision of the standard because:</p> <ul style="list-style-type: none"> <li>• The agency indicated that the facility has not had any entity or Department of Justice component that conducted investigations. The auditor is not required to audit this provision.</li> </ul> <p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>Overall Findings:</b> The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.35</b>	<p><b>Specialized training: Medical and mental health care</b></p> <p><b>Auditor Overall Determination:</b> Meets Standard</p> <p><b>Auditor Discussion</b></p> <p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• NIC Online Investigations Specialized Training Curriculum</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</li> </ul>
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- Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended.
- SCDC Policy ADM-17.01 Employee Training Standards
- SCDC Policy GA-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria
- Online PREA Audit: Pre-Audit Questionnaire

**Interviews:**

- Facility Specialized Staff/Medical
- PREA Compliance Manager

**Compliance Determination by Provisions and Corrective Actions:**

**115.35 (a)**

The agency shall ensure that all full and part time medical and mental health care practitioners who work regularly in its facilities have been trained in:

- How to detect and assess signs of sexual abuse and sexual harassment.
- How to preserve physical evidence of sexual abuse.
- How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
- How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Medical and mental health staff full and part-time completes the National Institute of Corrections (NIC) online training Specialized training: Medical and mental health care includes the following topics: Detecting, Assessing, and Responding to Sexual Abuse and Harassment, Sexual Abuse in Confinement Settings, The Dynamics and Effects of Sexual Abuse, Your Role in Responding to Sexual Abuse Incidents, Preserving Physical Evidence of Sexual Abuse, Reporting Allegations and Suspicions, High-Risk Inmates, Effects of Sexual Abuse, Trauma and the Brain, Rape Trauma Syndrome, SART, Medical Screening, 115.21 Evidence protocol and forensic medical examinations, 115.35 Special training: Medical and mental health care, 115.61 Staff and agency reporting duties, 115.65 Mandates a Coordinated Response to Sexual Abuse Incidents, 115.81 Medical and mental health screenings; 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.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 3.5: Consistent with PREA Standard 115.35, all full-time and part-time medical and mental health (social workers, psychologist, etc.) personnel will receive specialized training on the identified items prescribed in standard 115.35 (a through d). Such training will be renewed at least every two (2) years with documentation placed in the employee's file.



- Facility Specialized Staff: Staff who provide medical services, were asked: have you received any other specialized training regarding sexual abuse and sexual harassment? SCDC medical staff do not conduct forensic exams. The victim is sent out to the local hospital and their SANE/SAFE personnel conduct forensic exams.

Corrective Actions:

N/A. There are no corrective actions for this provision.

### **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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The local hospital conducts forensic examinations.
- Facility Specialized 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 Specialized Staff: Staff who provide medical services, were asked: "if you conduct forensic examinations, are you qualified, and have you received the appropriate training in conducting forensic examinations?" Staff indicated that medical staff at the facility do not conduct forensic examinations. The Rape Crisis Center or the local hospital perform these services.

Corrective Actions:

N/A. There are no corrective actions for this provision.

### **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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The training documents, including training certificates and the interviews with medical and mental health staff confirmed receipt of the required training.

Corrective Actions:

N/A. There are no corrective actions for this provision.

### **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.

	<p>Compliance Determination: The facility has demonstrated compliance with this provision of the standard because:</p> <ul style="list-style-type: none"> <li>• Medical and mental health staff completed the general PREA training that is provided for all staff members.</li> <li>• Facility Specialized Staff: medical staff response to, 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” and yearly updated training by the agency.</li> </ul> <p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>Overall Findings:</b> The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.41</b>	<b>Screening for risk of victimization and abusiveness</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Data Sheet/Documentation Review and On-Upload</li> <li>• Initial Assessments and Reassessment - 1 of 3, 2 of 3 and 3 of 3.</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</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>• SCDC Form 18-79 PREA Screening Checklist</li> <li>• Guidance in Cross-Gender and Transgender Pat Searches (MOSS Group - February 2012)</li> <li>• Online PREA Audit: Pre-Audit Questionnaire</li> </ul> <p><b>Interviews:</b></p> <ul style="list-style-type: none"> <li>• Facility Specialized Staff/Staff who perform PREA Screenings</li> </ul>

- Random Sample of Residents
- Agency PREA Coordinator
- PREA Compliance Manager

**Compliance Determination by Provisions and Corrective Actions:**

**115.41 (a)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility assesses all inmates during intake screening to include inmates that transfer from other prisons for risk of being sexually abused.
- The facility has a policy governing the practice and procedures for screening residents. The screening process occurs in a setting that ensures privacy as possible given the potentially sensitive information that is discussed. The screening location has adequate space, privacy, and time to conduct a quality screening of the resident for the desired information.
- The South Carolina Department of Corrections Policy Number GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment 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).
- The South Carolina Department of Corrections PREA Risk Screening is a computerized system. The system is designed for staff to complete the initial assessment when entering the facility within 72 hours of entry and then, receive a reassessment within 30 days (for a total of two assessments). Medical conducts the first screening and classification conducts the reassessments. According to the screening manual once the offender is sent to their receiving institution, that receiving institution must also do an initial assessment within 72 hours of arrival, and then a reassessment within 30 days. Each time an offender is moved to a different institution, the receiving institution must do an initial assessment within 72 hours of arrival and then a reassessment must be completed within 30 days of arrival.
- A review of the PREA Risk Screening User Guide gives the following reason options listed: 1. Intake (Initial): Use when completing the initial assessment within 72 hours on an offender's arrival to the intake facility. 2. Transfer (Initial): Use when completing the initial assessment as the receiving institution (Not the intake facility). 3. New Information (Reassessment): Select when there is new information that has not been updated (i.e., if an inmate later states he/she is transgender, or if he/she tells you of a past sexual abuse that he/she may not have mentioned during prior assessments.) 4. 30 Days (Reassessment): Select to complete the assessment that must take place

within 30 days after the arrival of the offender at any facility. 5. Recorded Perpetration (Reassessment): Select any time a PREA allegation case has an outcome of substantiated for sexual abuse, the offender victim and the offender perpetrator must have a reassessment completed to update this information. This reason was added to differentiate and separate these reassessments from the normal "30 day (Reassessment)." 6. Reported Victim (Reassessment): Please see definition for recorded perpetrator.

- The PREA Risk Screening Guide gives instructions on scoring. The score results are displayed at the bottom right, indicating the offender's level of risk. The types of score results are: 1. Elevated Risk (Red) - an offender is either a high vulnerability for victimization or high propensity for perpetrator. An inmate with red vulnerability for victimization is not housed with an inmate with red risk for perpetrator. 2. Case by case Determination (Yellow) - Although there is no past information indicating sexual abuse, the inmate requires special consideration when housing due to other factors, i.e., slight of build (don't put him in a cell with a large inmate) the inmate may have physical impairments that would make him/her vulnerable, etc. 3. Little to No Elevated Risk (Green) - There are no indicators that would require special consideration for the inmates. 4. Orange plus next to Transgender.

- Facility Specialized Staff: Staff who perform screening for risk of victimization and abusiveness were asked: "do you screen inmates upon admission to your facility or transfer from another facility for risk of sexual abuse victimization or sexual abusiveness toward other inmates?" Yes, all inmates are assessed during intake screening and upon transfer to another facility for their risk of being sexually abused by other inmate or sexually abusive toward other inmates. Staff use the PREA Screening Application.

- Resident Interviews: forty (40) inmates were interviewed. Twenty-four (24) random and Sixteen (16) targeted. Twenty (20) Black, Nineteen (19) White, and One (1) Hispanic. They were asked: When you first came here, do you remember whether you were asked any questions like whether you had been in jail or prison before, whether you have ever been sexually abused, whether you identify with being gay, lesbian, or bisexual, and whether you think you might be in danger of sexual abuse here? Thirty-Eight inmates said yes to the questions. Inmates that said they were asked the PREA related questions answers varied from the same day, within a few weeks. Of those who recalled being asked the questions, they also stated the questions were asked in private by staff.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.41 (b)**

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

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Interviews and documentation revealed that intake screenings are taking place within 72 hours at the facility. Also, during intake screening, staff review available documentation (judgement and sentence, commitment orders, criminal records) for any indication that an inmate has a history of sexually aggressive behavior.
- The South Carolina Department of Corrections Policy Number GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment 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).
- Facility Specialized Staff: Staff who perform screening for risk of victimization and abusiveness were asked: "do you screen inmates for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of their intake?" Staff indicated that most PREA screenings are completed within 24 hours of the inmate arriving at the facility, but all within 72 hours in accordance with SCDC policy, intake screening is conducted utilizing the automated PREA Screening Application Tool.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.41 (c)**

Such assessments shall be conducted using an objective screening instrument.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility uses an objective screening instrument to determine proper housing, bed, assignment, work assignment, education, and other program assignments, with the goal of keeping inmates at a substantial risk of being sexually abused or sexually harassed separate from those inmates who are a substantial risk of being sexually abused. The residents are reassessed when warranted by incident of sexual abuse, receipt of and new or relevant information.
- The PREA Risk Screening has added features such as a "List Menu" with dropdown categories added to include: 1. "Initial Assessment List", 2. "Reassessment List", 3. Location Search that provides staff with information regarding a certain dorm and if a certain category of resident is housed there. 4. "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. 5. A search tool that lets staff know where vulnerable residents are currently housed to include dorm, room, and bunk information.
- Each inmate will receive two scores: one for risk of sexual victimization and one for risk of sexual perpetration. It is possible for an inmate to be at elevated risk for victimization and perpetration.
- Classification case managers are responsible for reviewing inmate housing assignments to ensure that someone at medium to high risk of victimization is not

housed with someone at medium to high risk of perpetration.

- It is strongly recommended that someone at medium to high risk of sexual victimization not be housed with someone at medium to high risk of sexual perpetration. If current housing assignments have inmates with opposing risk levels house together, classification case managers must review the individual responses from the risk screening and determine whether to continue to house them together, documenting the rationale if so.

- Female Inmates: Victimization (Max Score: 56; Low Risk Score Range: 0-3 (Green); Medium Risk Score Range: 4-9 (Yellow) Individualized Assessments; High Risk Score Range: 10+ (Red) Vulnerable).

- Perpetration (Max Score: 27; Low Risk Score Range: 0-3 (Green); Medium Risk Score Range: 4-9 (Yellow) Case-By-Case Determination; High Risk Score Range: 10+ (Red) Risk as Perpetrator). Male Inmates: Victimization (Max Score: 66; Low Risk Score Range: 0-3 (Green); Medium Risk Score Range: 4-9 (Yellow) Individualized Assessment; High Risk Score Range: 10+ (Red) Vulnerable).

- Perpetration (Max Score: 27; Low Risk Score Range: 0-3 (Green); Medium Risk Score Range: 4-9 (Yellow) Case-By-Case Determination; High Risk Score Range: 10+ (Red)).

- These features further enhance the commitment to provide safe housing, bed, and programming/educational assignments to the Residents at each institution. The auditor requested that the agency PREA coordinator give a demonstration of these functions. The request was honored. This is a good system.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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?

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The auditor reviewed the Vulnerability Assessment: Risk of Victimization and/or Sexual Aggression screening instrument and determined all factors required by this provision of the standard are included. Staff confirmed they are aware of the elements of the risk screening instrument.
- Facility Specialized Staff: Staff who perform screening for risk of victimization and abusiveness were asked what the initial risk screening considers? Staff indicated that the PREA screening covers all the requirements listed in 115.41 (b). Staff did list the requirements except for missing one or two that are captured in another area.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility screening considers all criteria listed in the standard and more. The facility instrument considers prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse if known to the facility or agency.
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.41 (f)**

Within a set time, 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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Inmates are rescreened within 30 days of their arrival at the facility. Inmates are also reassessed when warranted by the circumstances where additional information may be presented. This information may be about new referrals, incident reports, safety of the residents, or any relevant information.

- Policy: 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.
- Facility PREA Compliance Manager: Indicated that inmates stay around 45 days at the R&E Center. 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.
- Facility Specialized Staff: Staff who perform screening for risk of victimization and abusiveness were asked if they reassess an inmate's risk level as needed due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness? Staff indicated reassessments are required within 30 days for inmate's risk level as needed due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness. How, there were reassessments completed after the required 30 days.

Corrective Actions:

N/A. There are no corrective actions for this provision.

#### **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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Inmates are rescreened within 30 days of their arrival at the facility. Inmates are also reassessed when warranted by the circumstances where additional information may be presented. This information may be about new referrals, incident reports, safety of the residents, or any relevant information.
- Facility Specialized Staff: Staff who perform screening for risk of victimization and abusiveness response to, how long after arrival are inmates' risk levels reassessed? We followed policy and reassessed within 30 days of arrival using the same initial PREA screening questions.

Corrective Actions:

N/A. There are no corrective actions for this provision.

#### **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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Inmates are not required to answer questions that they are not ready to disclose or share information on. The residents are not disciplined for not answering any of the sensitive questions.
- Facility Specialized Staff: Staff who perform screening for risk of victimization and abusiveness were asked if inmates are disciplined in any way for refusing to respond to or for not disclosing complete information related to the PREA risk screening? Staff indicated no, saying inmates are not disciplined in any way for refusing to respond to or for not disclosing complete information related to the PREA risk screening. If staff receive additional information regarding the PREA screening, they will place a note in inmate file.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.41 (i)**

The agency shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The sensitive information from the screening information is protected. The information is controlled and is disseminated to key staff and any additional staff on a case-by-case basis.
- Agency PREA Coordinator: Question, has the agency outlined who should have access to an inmate's risk assessment within the facility to protect sensitive information from exploitation? Yes, Medical, Mental Health, Operations, Classification, PREA Compliance Managers/Assistant PCM's and the PREA Coordinator's Office.
- Facility Specialized Staff: The PREA compliance manager question, has the agency outlined who should have access to an residents' risk assessment within the facility to protect sensitive information from exploitation? Staff are instructed through PREA training that any information obtained is limited to a need-to-know basis for staff, and only for the purpose of treatment, security, and management decisions, information as housing, work, education, and programming assignments. Information is not to be indiscriminately discussed. The administration will monitor and take immediate action if any sensitive information is exploited.

	<ul style="list-style-type: none"> <li>• Facility Specialized Staff: Staff who perform screening for risk of victimization and abusiveness were asked: “has the agency outlined who can have access to an inmate’s risk assessment within the facility in order to protect sensitive information from exploitations?” Staff indicated that the facility has outlined those who have access to risk assessment. This includes the warden, associate wardens, majors, captain, counselors, medical, investigators and a need-to-know bases.</li> </ul> <p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>Overall Findings:</b> The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.42</b>	<b>Use of screening information</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</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>• SCDC Form 18-79 PREA Screening Checklist</li> <li>• Guidance in Cross-Gender and Transgender Pat Searches (MOSS Group - February 2012)</li> <li>• Online PREA Audit: Pre-Audit Questionnaire</li> </ul> <p><b>Interviews:</b></p> <ul style="list-style-type: none"> <li>• Facility Specialized Staff/Staff who Perform PREA Screenings</li> <li>• Target Residents</li> <li>• PREA Compliance Manager</li> <li>• Agency PREA Coordinator</li> </ul> <p><b>Compliance Determination by Provision and Corrective Actions:</b></p>

**115.42 (a)**

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.

**Compliance Determination:**

The facility has demonstrated compliance with this provision of the standard because:

- The facility uses PREA information to make determinations for all residents regarding housing, bed, work, education, and program assignments. The information is used to maintain separation between residents at risk of being sexually victimized and residents likely to commit sexual abuse.
- The facility physical layout also considers in the determinations of housing assignments.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 4.2: Each institution's classification personnel will use the information obtained from the screening tool for vulnerability/abusiveness to help determine each inmates housing, bed, program, education, and work assignment. Determinations for housing of inmates will be documented. Within thirty (30) days of the initial intake screening, a reassessment screening will be conducted by the institution's classification personnel as described in SCDC Policy OP-21.04, Inmate Classification Plan.
- The South Carolina Department of Corrections Policy Number OP-21.04 Inmate Classification Plan 5 Initial Medical Assessment, Orientation, Intake, Assessment, and Referral's. The inmates PREA status are 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.
- Facility Specialized Staff: 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 uses 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.
- Facility Specialized Staff: Staff who perform screening for risk of victimization and abusiveness response to, how does agency/facility use information from the risk screening during intake to keep inmates safe from being sexually victimized or from being sexually abusive? It is up to the management and classification team to do work, program, and housing assignments.

**Corrective Actions:**

N/A. There are no corrective actions for this provision.

**115.42 (b)**

The agency shall make individualized determinations about how to ensure the safety of each inmate.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- 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.
- Resident Interviews: forty (40) inmates were interviewed. Twenty-four (24) random and Sixteen (16) targeted. Twenty (20) Black, Nineteen (19) White, and One (1) Hispanic. The sixteen (16) were four (4) Physical Disabilities, one (1) Limited English Proficient Inmate, three (3) Transgenders, three (3) Gay or Bisexual, three (3) Inmates who disclosed sexual victimization during risk screening, and two (2) Inmates who reported sexual abuse.
- Facility Specialized Staff: Staff who perform screening for risk of victimization and abusiveness were asked: "how does the agency/facility use information from the risk screening during intake to keep inmates safe from being sexual victimized or from being sexually abusive? Staff indicated that the initial PREA screen is entered into automated PREA Screening Application Tool. This tool processes the ratings which determine which housing the inmates will be assigned or programming, education, and work area.
- Target Residents: Three (3) Transgender were interviewed. They were asked: Did staff here ask you questions about your safety? The residents said yes.

Corrective Actions:

N/A. There are no corrective actions for this provision:

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Policy requires the use of a screening instrument to determine proper housing, 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 based on their identification unless placed for the purpose of protecting the inmate.
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment 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.
- 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 considered.
- 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: 1. The inmates' views with respect to safety. 2. The inmates expressed gender identity. 3. The inmates' current gender expression. 4. The inmates' vulnerability to victimization. 5. The likelihood that the inmate will perpetrate abuse. 6. Facility considerations such as staffing patterns layout, and inmate population. 7. Length of sentence.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.42 (e)**

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

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Staff discussion indicated that a transgender or intersex inmates' views concerning his or her safety would be given serious consideration.
- Resident Interviews: forty (40) inmates were interviewed. Twenty-four (24) random and Sixteen (16) targeted. Twenty (20) Black, Nineteen (19) White, and One (1) Hispanic. The sixteen (16) were four (4) Physical Disabilities, one (1) Limited English Proficient Inmate, three (3) Transgenders, three (3) Gay or Bisexual, three (3) Inmates who disclosed sexual victimization during risk screening, and two (2) Inmates who reported sexual abuse.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 4.6: Inmates who identify as transgender or intersex during confinement will have their own perceptions of safety and housing documented and considered on a case-by-case basis.
- Facility Specialized Staff: The PREA compliance manager question, are transgender and intersex residents' views with respect to his or her own safety given serious consideration in placement and programming assignments? When the facility receives a transgender or intersex inmate, the facility would meet with each transgender or intersex coming into the facility and the inmate would be asked if they felt vulnerable and if so, what the facility might do to make them feel safer. Staff indicated the inmate's views for their own safety would be given serious consideration. They also stated if the inmate requested to shower separately because of safety and personal issues, the facility would strive to arrange that. Housing assignments for each transgender and intersex inmates would be made, according to staff, based on the PREA assessment and the inmate's feelings regarding safety.
- Facility Specialized Staff: Staff who perform screening for risk of victimization and abusiveness were asked, "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?" According to staff, when the facility receives a transgender or intersex inmate, the facility would meet with each transgender or intersex at least quarterly to review any threats to safety experienced by the inmate and document in the automated PREA Screening Application Tool.
- Facility Specialized 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.42 (f)**

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

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility has procedures that address transgenders and intersex residents that give them the opportunity to disrobe, shower, and dress apart from other residents. Transgenders and intersex residents can request to shower after the shower is closed to all residents or use another part of the facility.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 4.8: Transgender and intersex inmates will be given the opportunity to shower separately from other inmates.
- Facility Specialized Staff: Staff who perform screening for risk of victimization and abusiveness were asked if transgender and intersex inmates are given the opportunity to shower separately from other inmates? According to staff, if the facility receives a transgender or intersex inmate, the facility will meet with each transgender or intersex coming into the facility and the inmate would be asked if they felt vulnerable and if so, what the facility might do to make them feel safer. Staff indicated the inmate's views for their own safety would be given serious consideration. They also stated if the inmate requested to shower separately because of safety and personal issues, the facility would strive to arrange that. Housing assignments for each transgender and intersex inmates would be made, according to staff, based on the PREA assessment and the inmate's feelings regarding safety.
- Target Residents: One Transgender were interviewed. They were asked: Are you allowed to shower without other inmates? All residents indicated yes. The showers were individual stalls.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.42 (g)**

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

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The auditor requested any consent decree, legal settlement, or legal judgement requiring the facility to establish a dedicated facility, unit, or wing for LGBTI residents, and any documentation of housing if there were a consent decree, legal settlement, or legal judgement. The facility reported none.

- The agency does not place lesbian, gay, bisexual, transgender, or intersex residents in dedicated facilities, units, or wings solely based on identification or status.
- 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 based on such identification unless placed for the purpose of protecting the inmate.
- Target Residents Three (3) Transgenders were interviewed. They were asked: Have you been put in a housing area only for transgender or intersex inmates? All residents said no.
- Target Residents: Three (3) Transgenders were interviewed. They were asked: Do you have any reason to believe that you were strip-searched for the sole purpose of determining your genital status? All residents indicated no.
- Target Residents: Three gay and/or bisexual residents were interviewed. They were asked: Have you been put in a housing area only for gay, lesbian, bisexual, transgender, or intersex inmates? All interviewed residents indicated no.
- Agency PREA Coordinator: Question, how does the agency ensure against placing lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units or wings solely based on their sexual orientation, genital status, or gender identity? SCDC has a Multidisciplinary Management and Treatment Team (MMTT) which make recommendations; however, classification on which facilities would be most appropriate for placement of inmates that identify as transgender, Inmates suffering from Gender Dysphoria, and intersex inmates. Agency policy and classification system ensures against placement of LGBT inmates in dedicated facilities, unit, or wings, solely based on their sexual orientation.
- Facility Specialized Staff: The PREA compliance manager question, if the facility is 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? Staff indicated that the facility is not subject to any 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**Overall Findings:**

The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.



<b>115.43</b>	<b>Protective Custody</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• SCDC Policy Number: OP 22.23 Statewide Protective Custody</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: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</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> </ul> <p><b>Interviews:</b></p> <ul style="list-style-type: none"> <li>• PREA Compliance Manager</li> <li>• Agency PREA Coordinator</li> </ul> <p><b>Compliance Determination by Provisions and Corrective Actions:</b></p> <p><b>115.43 (a)</b></p> <p>Inmates at considerable 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 form 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>Compliance Determination: The facility has demonstrated compliance with this provision of the standard because:</p> <ul style="list-style-type: none"> <li>• Inmates at high risk for sexual victimization will 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 no available alternative means of separation from likely abusers. If an assessment cannot be conducted immediately, the inmate may be held in involuntary segregation for less than 24 hours while completing the assessment.</li> <li>• Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 4.3: Consistent with SCDC Policy OP-21.04, Inmate Classification</li> </ul>

Plan, inmates at risk for possible abuse may be placed in isolation only as a last resort, when less restrictive measures of protection are not available and then only until an alternative means of keeping all inmates safe can be arranged.

- PAQ: The number of inmates at risk of sexual victimization who were held in involuntary segregated housing in the past 12 months for one to 24 hours awaiting completion of assessment: 0.
- PAQ: In the past 12 months, the number of inmates at risk of sexual victimization who were assigned to involuntary segregated housing for longer than 30 days while awaiting alternative placement: 0.
- PAQ: From a review of cases files of inmates at risk of sexual victimization who were held in involuntary segregated housing in the past 12 months, the number of cases files that include both (a) a statement of the basis for facility's concern for the inmates' safety, and (b) the reason or reasons why alternative means of separation could not be arranged: 0

Corrective Actions:

N/A. There are no corrective Actions for this provision.

#### **115.43 (b)**

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:

- The opportunities that have been limited.
- The duration of the limitation; and
- The reasons for such limitations.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Inmates placed in segregated housing for this purpose have access to 1. Daily Inmate Evaluations – responsible for conducting daily cell inspections. 2. Programs – allowed access to meaningful programs and services. 3. Religious Programming – requests to see a Chaplain will receive prompt response. 4. Medical Care – Qualified healthcare personnel will be required to visit. 5. Mental Health. 6. Access to Legal Materials. 7. Recreation. 8. Visitation 9. Correspondence Privileges 10. Personal Telephone Calls 11. Legal Telephone Calls, 12. Canteen Purchases.

Corrective Actions:

N/A. There are no corrective actions for this provision.

#### **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.

Compliance Determination:

The facility has demonstrated compliance with this provision for the standard because:

- If an involuntary segregated housing assignment is made, incident report is completed clearly documenting the following information: the basis for concern for the inmate's safety and the reason (s) why no alternative means of separation can be arranged. A review is conducted every 30 days to determine the continuing need for separation from the general population.
- Policy Discussion: 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 for the inmate's request to be considered valid.
- Facility Specialized Staff: The PREA compliance manager question, every 30 days, does the facility review each resident in involuntary segregated housing to determine whether there is a continuing need for separation from the general population? Yes, if the facility has a PREA issue with an inmate and the inmate receive involuntary segregated housing, every 30 days the facility will afford the inmate a review to determine whether there is a continuing need for separation from the general population.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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 is no alternative means of separation can be arranged.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- If an involuntary segregated housing assignment is made, incident report is completed clearly documenting the following information: the basis for concern for the inmate's safety and the reason (s) why no alternative means of separation can be arranged. A review is conducted every 30 days to determine the continuing need for separation from the general population.
- Agency PREA Coordinator: 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).

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.43 (e)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility provides that a review will be conducted every 30 days to determine the 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.

Corrective Actions

N/A. There are no corrective actions for this provision.

**Overall Findings:**

The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.

<b>115.51</b>	<b>Inmate reporting</b>
	<b>Auditor Overall Determination:</b> Exceeds Standard
	<b>Auditor Discussion</b>
	<b>Evidence Relied Upon in Making the Compliance Determination:</b>  <b>Documentation:</b> <ul style="list-style-type: none"><li>• Facility Documentation of Consular Notification</li><li>• MOU for Outside Services</li><li>• ADM -15-02, Telephone Use</li><li>• Agency Language Translation Instructions</li><li>• Consular Notification and Access Manual</li><li>• GA-01-03, Inmate Access to the Courts</li><li>• GA-01-12, Inmate Grievance System</li><li>• Inmate Mail</li></ul>

- Inmate Visitation
- PREA Poster English 1
- PREA Poster Spanish 2
- PREA Poster English 1
- PREA Poster Spanish 2
- Let's Talk About Safety PREA Brochure Female English
- Let's Talk About Safety PREA Brochure Male English
- Let's Talk About Safety PREA Brochure Female Spanish
- Let's Talk About Safety PREA Brochure Male English
- Inmate Orientation Manual (Handbook) - Tablet
- OP-22-53, Inmate Tablets and Kiosks
- MOU Between SC Law Enforcement Division (SCLED) and SCDC
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.
- GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021
- Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended.
- SC Title 4 Social Services Elderly Abuse
- SCDC Policy Number: GA 01.07 Access to the General Counsel
- SC Victim Assistance Network
- SCCAVASA Member Services to Incarcerated Victims
- Statewide Partnerships with Sexual Assault Centers
- Online PREA Audit: Pre-Audit Questionnaire

**Interviews:**

- Random Sample of Staff
- Random Sample of Residents

**Compliance Determination by Provisions and Corrective Actions:**

**115.51 (a)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility has multiple internal ways of residents to privately report sexual abuse, sexual harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and staff violated their responsibilities that may have contributed to the sexual abuse. Internal ways to report: Use the PREA hotline, file a grievance, file a report for medical request and ask for help, with inmate lawyer, a friend or family member to request help. Report to a volunteer or contractor. Writing an anonymous note.

• Onsite Review/Observations: 1. During the site review, the auditor observed the facility signage regarding the PREA Audit Notices which were posted throughout the facility and were visible to staff, persons confined in the facility, and visitors. The notice was posted in the living units, common areas, facility entrance and visitation areas, and staff break areas. The information is provided in English and Spanish and is legible. 2. The auditor observed the facility signage regarding access to outside confidential (emotional support services) information were posted in all areas frequented by persons confined in the facility, including housing/living units. This information is posted near the phones. The information is provided in English and Spanish and is legible. 3. The auditor observed the facility signage regarding how to report sexual abuse and/or sexual harassment (external and internal reporting) posted in persons confined in the facility housing/living units, programming areas and visitation area. The information is provided in English and Spanish and is legible. 4. The auditor observed the facility provides persons confined access to writing instruments, paper, and forms to report with. 5. The auditor observed how mail moves from person of confinement to the facility mailroom. It starts with the person in confinement placing the mail in a locked drop box, which was located where inmates have access. The drop box is only accessible by designated staff. 6. The auditor evaluated the facility systems by which persons confined in the facility can report sexual abuse and/or sexual harassment electronically via kiosk, tablet, phones, and internal grievance process or written format. The auditor requested that an inmate demo the steps of reporting by kiosk, tablet, and phones. It was also discussed where and who received the reports.

• Total number of sexual abuse and sexual harassment investigations for the past 12 months = 20; Total number of investigations reviewed by auditor = 19; Total number of sexual abuses classified by investigations = 15; Total number of sexual harassments classified by investigations = 5; Total number of on-going cases = 6; and total number of referrals for prosecution = 0.

• Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 5.1: Inmate Reporting: 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 to the South Carolina Law Enforcement Division (SLED) 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 <http://www.doc.sc.gov/preaweb/>.

• The agency provided each facility with PREA Brochure for Males in English and Spanish and for Females in English and Spanish. These brochures were developed with the assistance of Just Detention International. This project was supported by Grant No. 2013-RP-BX-0001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. The Brochure Title, Let's Talk About Safety - SCDC has Zero-Tolerance for Sexual Abuse and Harassment. Topics included, Safety Talk, a Week Later; Staff, Contractors,

Volunteers, and Inmates Cannot...; How Can I Get Help? Support and Additional Information; You Have the Right to...; Things to Remember.

- Random Sample of Staff: Twelve (12) staff were randomly interviewed. The random staff representing staff from all shifts, males, and females. There were six (6) females and six (6) males, seven (7) Blacks, three (3) Whites, and two (2) Hispanics. They were asked: "How can inmates privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, or staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment?" Staff reported that the inmates can privately report by using the hotline number, their tablets, notify staff, family, or friends. The reports can be made verbally or in writing. All interviewed staff reported that if an inmate makes a report verbally or in writing, regarding sexual abuse or harassment, the allegations are responded to immediately and they would immediately document the allegation.

- Resident Interviews: forty (40) inmates were interviewed. Twenty-four (24) random and Sixteen (16) targeted. Twenty (20) Black, Nineteen (19) White, and One (1) Hispanic. They were asked: How would you report any sexual abuse or sexual harassment that happened to you or someone else? They were all asked is there someone who does not work at this facility who you could report to about sexual abuse or sexual harassment? All inmates could describe more than one way they could report sexual abuse, sexual harassment, or retaliation if they needed to. The ways were: inmates reported filing a grievance, using the facility kiosk, reporting thru their tablet, request to visit medical and ask for help, tell their lawyer, a friend, or family member for help, 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. Call Sexual Assault Hotline or Dial \*63 for emotional support.

Corrective Actions:

N/A. There are no corrective actions for this provision.

### **115.51 (b)**

The agency shall also provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and 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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The following are ways inmate can report sexual abuse or sexual harassment to public or private entity. Use the PREA hotline to outside entities, report to inmate lawyer, a friend or family member to request help. The inmates can report to any outside third-party.

- MOU between Pee Dee Coalition Against Domestic and Sexual Assault. Pee Dee Coalition agrees to 1. Respond to sexual assault victim's request for support by either telephone or US mail communication. 2. Maintain confidentiality as outlined in the Pee Dee Coalition informed consent form. 3. Communicate any questions or concerns to SCDC PREA Coordinator, and/or PREA Compliance Manager at Evans Correctional Institution.
- Inmates detailed solely for civil immigration purposes are provided contact information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security.
- 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: Pathways to Healing.
- 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 the website, you can just click on the link and enter the 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).
- Resident Interviews: forty (40) inmates were interviewed. Twenty (24) random and Sixteen (16) targeted. Twenty (20) Black, Nineteen (19) White, and One (1) Hispanic. They were asked: Do you know if you are allowed to make a report without having to give your name? All reported they knew they could make an anonymous report.
- Resident Interviews: forty (40) inmates were interviewed. Twenty (24) random and Sixteen (16) targeted. Twenty (20) Black, Nineteen (19) White, and One (1) Hispanic. They were asked: "Is there someone who does not work at this facility who you could report to about sexual abuse or sexual harassment?" The inmates reported that they could make a report to someone who does not work at the facility by telling other family members, like mother, father, brother, sister, telling a friend, a lawyer, or call the hotline.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.51 (c)**

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

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The mandates that staff accept reports of sexual assault and sexual harassment made verbally, in writing, anonymously, and from third parties. Staff is required to



document verbal reports immediately, but always before leaving the shift. Staff can report sexual abuse and sexual harassments privately and the agency informs staff through shift briefing, management meetings and PREA training.

- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 5.2: Consistent with SCDC policy, all employees, contractors, and volunteers are mandated to report any knowledge of alleged, communicated, or suspected abuse of an inmate immediately as per SCDC policy GA-06-11, Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment, SCDC Policy ADM-11.34, Employee- Inmate Relations; SCDC Policy ADM-11-39, Staff Sexual Misconduct with Inmates; and the SC Employee Code of Ethics.
- Random Sample of Staff: Twelve (12) staff were randomly interviewed. The random staff representing staff from all shifts, males, and females. There were six (6) females and six (6) males, seven (7) Blacks, three (3) Whites, and two (2) Hispanics. They were asked: When an inmate alleges sexual abuse or sexual harassment, can he or she do so verbally, in writing, anonymously, and from third parties? Staff indicated that inmates could report verbally, in writing, anonymously, and from third parties. All the interviewed staff reported that if an inmate makes a report verbally or in writing to them, they will immediately respond to the allegations, contact supervisor, and complete an incident report.
- Resident Interviews: forty (40) inmates were interviewed. Twenty-four (24) random and Sixteen (16) targeted. Twenty (20) Black, Nineteen (19) White, and One (1) Hispanic. They were asked: Can you make reports of sexual abuse or sexual harassment either in person or in writing? They were also asked if a friend or relative could make a report for them so they could remain anonymous. All inmates could make reports of sexual abuse in person to staff and in writing. Some indicated they have family they could report to so they could remain anonymous if they needed to.
- Resident Interviews: forty (40) inmates were interviewed. Twenty-four (24) random and Sixteen (16) targeted. Twenty (20) Black, Nineteen (19) White, and One (1) Hispanic. They were asked: Have you ever reported to the authorities, either in person or in writing, that you were sexually abused or sexually harassed while in this facility? Thirty-eight inmates reported they have never reported that they were sexual abused or sexually harassed while in this facility. Two reported that they have reported sexual abuse and or sexual harassment at this facility.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.51 (d)**

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

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Staff can privately report sexual abuse and sexual harassment by use the PREA

hotline or using a third-party.

- Random Sample of Staff: Twelve (12) staff were randomly interviewed. The random staff representing staff from all shifts, males, and females. There were six (6) females and six (6) males, seven (7) Blacks, three (3) Whites, and two (2) Hispanics. They were asked: "How can staff privately report sexual abuse and sexual harassment of inmates?" Staff reported that they can privately report by using the hotline number, notifying supervisor, the warden, the facility PREA Compliance Manager or notifying the Agency PREA Coordinator. All the interviewed staff could also articulate at least one method in which staff could make a private report. Most staff reported they would notify their supervisor. Privacy would occur by discussing away from others.

- Random Sample of Staff: "When an inmate alleges sexual abuse or sexual harassment, can he or she do so verbally, in writing, anonymously, and from third parties?" Staff indicated that inmates could report verbally, in writing, anonymously, and from third parties. All the interviewed staff reported that if an inmate makes a report verbally or in writing to them, they will immediately respond to the allegations, contact supervisor, and complete an incident report.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**Overall Findings:**

Above and Beyond: This standard is rated excellent. To meet exceed, SCDC provides the following ways to report sexual abuse and 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 pages on the agency's public website. The inmates can file a written report without giving his/her name or the name of the abusers. The inmates can also report to: Office of Inspector General, Legal Counsel, Attorney Visits, Legal Correspondences, and the grievance Process (mail outside).

The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.

<b>115.52</b>	<b>Exhaustion of administrative remedies</b>
	<b>Auditor Overall Determination:</b> Meets Standard

## **Auditor Discussion**

### **Evidence Relied Upon in Making the Compliance Determination:**

#### **Documentation:**

- Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview:
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.
- GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021
- Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended.
- SCDC Policy GA-01.12 Inmate Grievance System
- Online PREA Audit: Pre-Audit Questionnaire

#### **Interviews:**

- Agency PREA Coordinator
- PREA Compliance Manager

### **Compliance Determination by Provisions and Corrective Actions:**

#### **115.52 (a)**

An agency shall be exempt from this standard if it does not have administrative procedures to address inmate grievances regarding sexual abuse.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility has an administrative process to address inmate grievances regarding sexual abuse.
- During the investigation's documentation review of 19 cases, 2 had a copy of the inmate grievance filed.
- 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.
- Agency PREA Coordinator: The agency PREA coordinator provided the auditor with copies of the PREA Compliance Manager Management Training Minutes. One of the agenda topics: Grievance transferal Memo/Grievance Routing Slip. SCDC Form 19-190, Grievance Transferal Memo: This is the form that the institutional Grievance Coordinator will forward to the PCM (along with the actual grievance) that is a PREA-related grievance. The Grievance Office cannot investigate PREA related grievances, and the PCM must interview the inmate, and provide PREA Coordinator@doc.sc.gov

with documentation. All allegations must come to the PCM so that a case can be opened and will follow all the same protocols as every other allegation.

- Facility Specialized Staff: The PREA compliance manager question, what happens to and resident grievance regarding sexual abuse and sexual harassment? Any grievance submitted through the grievance process is picked up by the grievance staff and is immediately sent to PREA investigations for actions. This ends the grievance process and begins the PREA investigation process.
- Facility Specialized Staff: The facility PREA compliance manager indicated if an inmate files an alleged PREA allegation through the Inmate Grievance System the grievance coordinator immediately forwards the grievance to the facility PREA Investigator.
- Total number of sexual abuse and sexual harassment investigations for the past 12 months = 20; Total number of investigations reviewed by auditor = 19; Total number of sexual abuses classified by investigations = 15; Total number of sexual harassments classified by investigations = 5; Total number of on-going cases = 6; and total number of referrals for prosecution = 0.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.52 (b)**

- The agency shall not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.
- The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.
- 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.
- Nothing in this section shall restrict the agency's ability to defend against an inmate lawsuit on the grounds that applicable status of limitations has expired.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility does not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse. An inmate can submit a grievance any time regardless of when the incident is alleged to have occurred. According to staff interviews, the facility does not require an inmate to use any informal grievance process as it relates to PREA, or to attempt to resolve the issue with staff, for an alleged incident of sexual abuse.
- 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.

- 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.52 (c)**

The agency shall ensure that:

- 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
- Such a grievance does not refer to a staff member who is the subject of the complaint.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- 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.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 5.5: Consistent with SCDC Policy GA-01.12, Inmate Grievance System, the Grievance Branch will ensure that grievance receptacles are available and secure in all institutions. Inmates will not be required to give a grievance to any staff member who is subject to the complaint. Inmates may also file grievances through an available kiosk or provided mobile device.
- 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.
- Facility Specialized Staff: The facility PREA compliance manager indicated that the inmates turn their grievance in using the grievance box at each facility.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Inmate who reports a sexual abuse or sexual harassment through the grievance process, the grievance coordinator immediately forwards the grievance to the facility PREA Investigator to be investigated. This process ends the grievance process and begins the investigation process. All grievance timeframes are met.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 5.6: The Institutional PREA Compliance Manager (PCM) will notify the inmate of the process of the investigation when provided the information from the assigned investigator, consistent with SCDC Policy OIG-23.01, Investigations. The investigator assigned to the allegation will ensure that the PCM is notified of the investigation after receiving the allegation.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- If a third-party reports 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.
- If the inmate declines to have the request processed on his or her behalf, the agency will 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.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 5.7: Anyone who has knowledge of the alleged event may also assist the inmate with filing a grievance, file a report on behalf of the alleged victim, or file a report themselves.
- Facility Specialized Staff: The facility PREA compliance manager 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.
- PAQ: The number of grievances alleging sexual abuse filed by inmates in the past 12 months in which the inmate declined third-party assistance, containing documentation of the inmates' decision to decline: 0.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Inmate who reports a sexual abuse or sexual harassment through the grievance process, the grievance coordinator immediately forwards the grievance to the facility PREA Investigator to be investigated. This process ends the grievance process and begins the investigation process. All grievance timeframes are met.
- After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the agency will 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.
- 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.
- PAQ: The number of emergency grievances alleging substantial risk of imminent sexual abuse that were filed in the past 12 months: 0.
- PAQ: The number of those grievances in 115.52 (e)-3 that had an initial response within 48 hours: 0.
- PAQ: The number of grievances alleging substantial risk of imminent sexual abuse filed in the past 12 months reached final decisions within 5 days: 0.
- Facility Specialized Staff: The facility PREA compliance manager indicated 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

	<p>The facility has demonstrated compliance with this provision of the standard because:</p> <ul style="list-style-type: none"> <li>• Staff indicated that the facility may discipline an inmate for filing a grievance related to alleged sexual abuse when the inmate filed the grievance in bad faith.</li> <li>• Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 5.8: Anyone who willingly files a false statement may be subject to administrative or criminal investigation and discipline consistent with SCDC Policy OIG-23.01 Investigations.</li> <li>• Facility Specialized Staff: The PREA compliance manager question, has the facility within the past 12 months disciplined an inmate for filing a grievance related to alleged sexual abuse only where the facility demonstrates that the inmate filed the grievance in bad faith? Staff indicated that the inmate will not be disciplined.</li> <li>• PAQ: In the past 12 months, the number of inmate grievances alleging sexual abuse resulted in disciplinary action by the agency against the inmate for having filed the grievance in bad faith: 0.</li> <li>• Policy Number: GA-01.12 Inmate Grievance System states that the agency may discipline an inmate for filing a grievance related to the alleged sexual abuse if there is evidence that the inmate filed the grievance in bad faith.</li> </ul> <p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>Overall Findings:</b> The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.53</b>	<b>Inmate access to outside confidential support services</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview:</li> <li>• MOU for Outside Services</li> <li>• ADM -15-02, Telephone Use</li> <li>• Agency Language Translation Instructions</li> <li>• Consular Notification and Access Manual</li> <li>• GA-01-03, Inmate Access to the Courts</li> </ul>



- GA-01-12, Inmate Grievance System
- Inmate Mail
- Inmate Visitation
- PREA Poster English 1
- PREA Poster Spanish 2
- PREA Poster English 1
- PREA Poster Spanish 2
- Let's Talk About Safety PREA Brochure Female English
- Let's Talk About Safety PREA Brochure Male English
- Let's Talk About Safety PREA Brochure Female Spanish
- Let's Talk About Safety PREA Brochure Male English
- Inmate Orientation Manual (Handbook) - Tablet
- OP-22-53, Inmate Tablets and Kiosks
- List of SC Sane Program Locations
- SCDC Statewide Partnerships with Sexual Assault Centers
- US Department of State Consular Notification and Access
- MOU with SC Law Enforcement Division
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.
- GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021
- SCDC Policy PS-10.08 Inmate Correspondence Privileges
- Online PREA Audit: Pre-Audit Questionnaire

**Interviews:**

- Agency PREA Coordinator
- Random Sample of Residents

**Compliance Determination by Provisions and Corrective Actions:**

**115.53 (a)**

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.

Compliance Determination:

The facility demonstrated compliance with this provision of the standard because:

- The agency/facility provides inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates the mailing address to the local rape crisis center, posting the outside phone numbers in the living units and in the inmate's handbook.

- During the facility tour, inmates that were pulled to the side for an informal interview, stated that outside sexual abuse and sexual harassment information is on the PREA brochure and posters, however, they never had to use it, so they did not know the process.
- Onsite review (Observations): 1. During the site review, the auditor observed the facility signage regarding the PREA Audit Notices which were posted throughout the facility and were visible to staff, persons confined in the facility, and visitors. The notice was posted in the living units, common areas, facility entrance and visitation areas, and staff break areas. The information is provided in English and Spanish and is legible. 2. The auditor observed the facility signage regarding access to outside confidential (emotional support services) information were posted in all areas frequented by persons confined in the facility, including housing/living units. This information is posted near the phones. The information is provided in English and Spanish and is legible. 3. The auditor observed the facility signage regarding how to report sexual abuse and/or sexual harassment (external and internal reporting) posted in persons confined in the facility housing/living units, programming areas and visitation area. This information is posted near the phones. The information is provided in English and Spanish and is legible. 4. The auditor observed the facility provides persons confined access to writing instruments, paper, and forms to report with. 5. The auditor observed how mail moves from person of confinement to the facility mailroom. It starts with the person in confinement placing the mail in a lock drop box which was located where inmates have access. The drop box is only accessible by designated staff. 6. The auditor tested the facility systems by which persons confined in the facility can report sexual abuse and/or sexual harassment electronically via kiosk, tablet, phones, and internal grievance process or written format. The auditor requested that an inmate demo the steps of reporting by kiosk, tablet, and phones. It was also discussed where and who received the reports.
- The facility does not house residents solely for civil immigration purposes. However, if they did, the facility would notify any persons detained solely for civil immigration purposes about how they can access immigrant services agencies and provide mailing addresses and regular and toll-free telephone numbers.
- MOU between Pee Dee Coalition Against Domestic and Sexual Assault. Pee Dee Coalition agrees to 1. Respond to sexual assault victim's request for support by either telephone or US mail communication. 2. Maintain confidentiality as outlined in the Pee Dee Coalition informed consent form. 3. Communicate any questions or concerns to SCDC PREA Coordinator, and/or PREA Compliance Manager at Evans Correctional Institution.
- National Sexual Violence Resource Center (NSVRC) response: On August 7, 2023, NSVRC email states that they provide information and tools to prevent and respond to sexual violence. While they are happy to have our organization listed as a resource for people who are incarcerated, they do not receive reports or provide services in any capacity. They also are not able to disclose if anyone from the facility reached out for resources.

- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 5.9: Inmates will have access to available outside victim advocates for emotional support. Information for advocacy centers will be provided throughout all SCDC institutions and as a part of the inmate orientation program in all correctional institutions.

- Central Office Staff: Interview with the agency PREA coordinator revealed that Pathways to Healing (PTH), formally Sexual Trauma Services of the Midlands (STSM), under a memorandum of agreement, works with the South Carolina Department of Corrections to provide emotional support services (Standard 115.21, 115.53) and include hospital accompaniment during forensic exams. Pathways to Healing is a Rape Crisis Center which serves survivors of sexual abuse and domestic violence. To further enhance access for inmates, SCDC has provided Pathways to Healing office space within the Correctional Institution and full access to inmates.

- Resident Interviews: forty (40) inmates were interviewed. Twenty-four (24) random and Sixteen (16) targeted. Twenty (20) Black, Nineteen (19) White, and One (1) Hispanic. They were asked: Does the facility give you mailing addresses and telephone numbers for these outside services? All inmates stated that they receive the mailing address and phone number in the PREA package, and it is posted on the walls.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility informs inmates prior to communicating with outside organizations that phone calls may be monitored and that reports of sexual abuse or sexual violence will be forwarded to authorities by mandatory reporting laws. Inmates receive this information in the packages.

- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 5.10: Any monitored communications of inmates, recording or live listening of conversations with advocacy centers, will be expressed to inmates and/or others prior to authorization for use.

- Facility Specialized Staff: The facility PREA compliance manager 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.

- Resident Interviews: forty (40) inmates were interviewed. Twenty-four (24) random and Sixteen (16) targeted. Twenty (20) Black, Nineteen (19) White, and One (1) Hispanic. They were asked: Does the facility give you mailing addresses and telephone numbers for these outside services? Interviewed inmates reported that there are numbers and mailing addresses posted in the facility. Most of the inmates said they don't know the details of the services but feel they could confidentially communicate with the services if needed.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency facility maintains a memorandum of understanding (MOU) or other agreements with community service providers that can provide inmates with emotional support services related to sexual abuse. Interviews with the facility PREA compliance manager confirmed the availability of this service for inmates. The agreement is documented as required and a copy of the agreement is maintained in the PREA compliance manager's office.
- 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.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 2.7: The Agency's PREA Coordinator will attempt to make available written Memorandum of Understanding/Agreement's with local/regional Rape Crisis Centers to provide emotional support services. Such attempts will be documented through written memorandums and retained for monitoring purposes.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**Overall Findings:**

The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online

	<p>PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.54</b>	<b>Third-party reporting</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p>
	<p><b>Auditor Discussion</b></p>
	<p><b>Evidence Relied upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview:</li> <li>• MOU for Outside Services</li> <li>• MOU between SCDC and Statewide Partnership for Victim Services</li> <li>• MOU with SC Law Enforcement Division</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 PREA Tip Line - Anonymous</li> <li>• SCDC Official Website (Third-Party Reporting)</li> <li>• Report Sexual Abuse or Sexual Harassment of an Inmate by (Clicking Here) Website</li> <li>• Online PREA Audit: Pre-Audit Questionnaire</li> </ul> <p><b>Interviews:</b></p> <p><b>Compliance Determination by Provision and Corrective Actions:</b></p> <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>Documentation: The facility has demonstrated compliance with this provision of the standard because:</p> <ul style="list-style-type: none"> <li>• The agency/facility has established a method for receiving reports of sexual abuse and sexual harassment from third parties and ensure that the reports are handle the same way as other reports of sexual abuse or sexual harassment, including ensuring that any identified or potential victims are safe and receive necessary support services, and that reports are thoroughly investigated.</li> <li>• Interviews with staff confirmed they have been trained to take all allegations and reports seriously and to report them immediately, including those reported by third parties. The verbal reports are to be followed up with a written report before the end of the shift.</li> <li>• Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive</li> </ul>

	<p>Planning Section 5.12: Consistent with SCDC Policies PS-10.08, Inmate Correspondence Privileges, and SCDC Policy OP-22.09, Inmate Visitation, inmates will be allowed confidential access to their attorneys or other legal representation.</p> <ul style="list-style-type: none"> <li>• 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 the website, they can just click on the link and enter required information.</li> <li>• Tip line allows third-party reporters to indicate the date of the incident, location of the incident, type of incident and describe in detail the incident the third-party is reporting.</li> <li>• SCDC has established a reporting line that is housed at Headquarters of the Office of Inspector General. This is a system in which an individual can leave a message, either by name or anonymously.</li> <li>• The agency/facility publicizes information on third-party reporting, through website; by posting in public areas of the facility lobby or visitation area and pamphlets.</li> </ul> <p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>Overall Findings:</b> The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.61</b>	<b>Staff and agency reporting duties</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• PREA Brochure</li> <li>• PREA Posters</li> <li>• Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview:</li> <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: Dated November 23, 2021.</li> </ul>

- GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021
- Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended.
- SCDC Policy ADM-17.01 Employee Training Standards
- SCDC Policy OIG-23.01 Investigation
- MOU Between South Carolina Law Enforcement Division (SCLED) and South Carolina Department of Correction (SCDOC)
- Online PREA Audit: Pre-Audit Questionnaire

**Interviews:**

- Facility Specialized Staff/Medical
- Random Sample of Staff
- Agency PREA Coordinator
- Warden

**Compliance Determination by Provisions and Corrective Actions:**

**115.61 (a)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The policies collectively address provisions of the standard including providing all staff immediately report any knowledge, suspicion, information, or receipt of information regarding an incident or allegation of sexual abuse, sexual harassment, or incidents of retaliation and according to mandatory reporting laws.
- Staff consistently described a process for reporting any information related to sexual abuse incidents as: reporting immediately, taking the inmate to medical, isolate the inmate from other inmates, don't allow the inmate to bathe, shower, or brush teeth, preserve evidence; and report to someone else for the investigation.
- Policy Discussion: GA-06.11 Prevention, Detection, and Response to Sexual Abuse/ Sexual Harassment 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.

- Facility Specialized Staff: Staff who conducts medical services were asked: “Are you required to report any knowledge, suspicion, or sexual harassment to a designated supervisor or official immediately upon learning?” Yes, in accordance with SCDC policy, all employees must report incidents immediately to one of the following: Institutional Investigator, Warden, PREA Compliance Manager, appropriate member of the Director’s staff, Division Director of Human Resources or the PREA Coordinator.
- Random Sample of Staff: Twelve (12) staff were randomly interviewed. The random staff representing staff from all shifts, males, and females. There were six (6) females and six (6) males, seven (7) Blacks, three (3) Whites, and two (2) Hispanics. They were asked: “Does the agency require all staff 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 or retaliation?” Twelve (12) random staff 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.
- Facility Specialized Staff: Are all allegations of sexual abuse and sexual harassment (including those from third-party and anonymous sources) reported directly to designated facility investigators? The Facility PREA compliance manager indicated that all incidents are reported to the facility PREA compliance manager, associate Warden for investigation and tracking.
- Facility Specialized Staff: The facility medical staff indicated that they are required to report any knowledge suspicion, or information regarding an incident off sexual abuse or sexual harassment to a designated supervisor or official immediately upon learning of it.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Reporting according to mandatory reporting laws and the facility policy was evident through document review regarding disclosures by inmates of allegations that did not occur in the facility or an institutional setting. A review of documentation



demonstrates information reported to staff is reported to the appropriate authorities. Staff members are instructed to immediately report all allegations of sexual abuse or sexual harassment to a supervisor or the PREA compliance manager.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Staff supports that after allegations have been appropriately reported, staff will not be permitted to give out any other information relating to what was reported except when necessary to obtain treatment for the inmate, aid in the investigation, or help retain the security of the facility. Staff are expected to continue to abide by the confidentiality requirements of the facility. Staff interviews indicated their knowledge of the prohibition of revealing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigations, and other security and management decisions.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 6.2: All employees are obligated to inform inmates of their duty to report sexual abuse and harassment as well as their limits of confidentiality.
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment 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."

Correction Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person statute, the agency is required to report the allegation to the designated State or local services agency under applicable mandatory reporting laws. The facility does not house youthful inmates.

- Agency PREA Coordinator: Question, 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? When an allegation is received, the alleged victim and the alleged perpetrator are immediately separated. Security supervisors and the Institutional PREA compliance manager are notified, so that the proper procedures, documentation, and notifications are completed. For individuals under the age of 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. The juvenile is provided an opportunity to call and work with the local rape crisis center (RCC) and/or Qualified Mental Health Professional within the institution.

- Facility Specialized Staff: Warden question, "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?" There are no inmates under the age of 18 at this facility, but if there was, the facility would ensure the sexual abuse or sexual harassment for inmate under the age of 18 is investigated and reported to State Children Services. The facility is aware of the South Carolina Code of Laws Unannotated Title - 43 - Social Services (Vulnerable Adults) and Title 20 Juveniles.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Policies collectively provide for all allegations to be reported to the PREA compliance manager, including third-party and anonymous reports as also verified by staff interviews.

- The agency/facility has a reporting policy. The policy requires staff members, including medical and mental health staff to immediately report any knowledge, suspicion, or information of any incident in any facility, even in a facility that is not a part of the agency.

- Interviews with staff confirmed they have been trained to take all allegations and reports seriously and to report them immediately, including those reported by third

	<p>parties. The verbal reports are to be followed up with a written report before the end of the shift.</p> <ul style="list-style-type: none"> <li>• Total number of sexual abuse and sexual harassment investigations for the past 12 months = 20; Total number of investigations reviewed by auditor = 19; Total number of sexual abuses classified by investigations = 15; Total number of sexual harassments classified by investigations = 5; Total number of on-going cases = 6; and total number of referrals for prosecution = 0.</li> </ul> <p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>Overall Findings:</b> The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.62</b>	<b>Agency protection duties</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p><b>Auditor Discussion</b></p> <hr/> <p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</li> <li>• OP-22-38, Restrictive Housing Unit</li> <li>• SCDC, Policy, OP-22.23, Statewide Protective Custody</li> <li>• SCDC Policy OP-21.04 Inmate Classification Plan</li> <li>• Online PREA Audit: Pre-Audit Questionnaire</li> </ul> <p><b>Interviews:</b></p> <ul style="list-style-type: none"> <li>• Agency Head (Designee)</li> <li>• Random Sample of Staff</li> </ul> <p><b>Compliance Determination by Provisions and Corrective Actions:</b></p> <p><b>115.62 (a)</b></p> <p>When an agency learns that an inmate is subject to a substantial risk of imminent</p>

sexual abuse, it shall take immediate action to protect the inmate.

**Compliance Determination:**

The facility has demonstrated compliance with this provision of the standard because:

- The facility requires staff to protect the inmates through implementing protective measures. Administration of the PREA Assessment provides information that assists and guide staff in keeping inmates safe through housing and program assignments. The interviews of the random staff and the PREA compliance manager revealed protective measures include but are not limited to alerting supervisors and management staff and separating the inmates including moving to a different housing unit. The PREA compliance manager and random staff indicated the expectation is that any action to protect an inmate would be taken immediately.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 6.3: SCDC will take immediate action to protect an inmate who is at a substantial risk of imminent sexual abuse consistent with SCDC Policy OP-22.23, Statewide Protective Custody.
- PAQ: In the past 12 months, the number of times the agency or facility determined that an inmate was subject to a substantial risk of imminent sexual abuse: 12.
- Agency Head (Designee): Question, when you learn that an inmate is subject to a substantial risk of imminent sexual abuse, what protective action does the agency take? 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 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 abusers identified.
- Random Sample of Staff: Twelve (12) staff were randomly interviewed. The random staff representing staff from all shifts, males, and females. There were six (6) females and six (6) males, seven (7) Blacks, three (3) Whites, and two (2) Hispanics. They were asked: If you learn an inmate is at risk of imminent sexual abuse, what actions do you take to protect the inmate? One hundred percent of the staff could articulate immediate notification to the supervisor, separate the inmates, monitor the inmate until supervisor arrives. Staff indicated that these actions would be taken immediately.

**Corrective Actions:**

N/A. There are no corrective actions for this provision.

**Overall Findings:**

The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.

<b>115.63</b>	<b>Reporting to other confinement facilities</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• MOU with SC Law Enforcement Division</li> <li>• Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview:</li> <li>• SCDC Form 19.184, Warden-to-Warden PREA Notification (Past 12 Months) Received</li> <li>• SCDC Form 19.184, Warden-to-Warden PREA Notification (Past 12 Months) Send</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</li> <li>• Online PREA Audit: Pre-Audit Questionnaire</li> </ul> <p><b>Interviews:</b></p> <ul style="list-style-type: none"> <li>• Agency Head (Designee)</li> <li>• Warden</li> </ul> <p><b>Compliance Determination by Provisions and Corrective Actions:</b></p> <p><b>115.63 (a)</b></p> <p>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>Compliance Determination: The facility has demonstrated compliance with this provision of the standard because:</p> <ul style="list-style-type: none"> <li>• The facility provides that upon receiving an allegation that an inmate was sexually abused while confined at another facility, the Director/designee notify the head of the facility or appropriate office of the agency where the alleged abuse occurred and the appropriate investigative agency.</li> <li>• During the investigations documentation review of 19 cases, 2 had a copy of the Warden-to-Warden PREA Notification.</li> <li>• Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 6.4: Any reports or allegations of sexual abuse that occurred while an inmate was housed at an institution outside the authority of SCDC will be reported to the Warden within seventy-two (72) hours of receiving the allegation and will be documented utilizing SCDC Form 19.184, Warden-to-Warden PREA Notification.</li> <li>• PAQ: In the past 12 months, the number of allegations the facility received that an</li> </ul>

inmate was abused while confined at another facility: 1.

- Agency Head (Designee): Question, if another agency or a 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? Allegations received from another agency or facility are referred to the agency PREA coordinator as the central point of contact as well as the facility investigator.
- Agency Head (Designee): Question, what happens when your agency (or a facility within your agency) receives such allegations? The PREA coordinator reviews the allegation and refers it to the institutional PREA compliance manager for documentation that might exist and for administrative investigation if the allegation warrants an administrative investigation or the Office of Inspector General if a criminal investigation is necessary.
- Agency Head (Designee): Question, are there examples of such allegations being reported from another facility or agency? This is specific to the institution, so the answer is determined by the institution if there was an allegation from one or another.
- Facility Specialized Staff: Warden question, “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?” Upon notification of an allegation of sexual abuse that occurred while an inmate was housed at another facility, the facility warden or designee will contact the institution head of the facility where the alleged abuse occurred and will notify investigations. This notification will be provided within seventy-two (72) hours of receiving the report and will be documented and provided to the facility’s PREA compliance manager and PREA coordinator. The PCM will investigate and provide the outside facility or agency with the results. Examples can be found in the investigation’s files.
- Facility Specialized Staff: Warden question, “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?” Notification must be provided as soon as possible but not later than 72 hours after receiving the allegation. Notification is documented. The warden/ designee or Department office receiving the notification is required to ensure that the allegation is investigated in accordance with the PREA Standards. The PCM will investigate and provide the outside facility or agency with the results. Examples can be found in the investigation’s files.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.63 (b)**

Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Notification is made as soon as possible but no longer than 72 hours after receiving the information. The facility head/designee documents the notification as required. It is the responsibility of the receiving agency to ensure an investigation is completed.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.63 (c)**

The agency shall document that it has provided such notification.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Notification is made as soon as possible but no longer than 72 hours after receiving the information. The facility head/designee documents the notification as required. It is the responsibility of the receiving agency to ensure an investigation is completed.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility provides that upon receiving an allegation that an inmate was sexually abused while confined at another facility, the Director/designee notify the head of the facility or appropriate office of the agency where the alleged abuse occurred and the appropriate investigative agency.

- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 6.5: Upon notification of an allegation of sexual abuse that occurred while an inmate was housed at an institution outside the authority of SCDC, the SCDC institutional Warden will contact the institution head of the institution where the alleged abuse occurred and will notify SCDC OIG. This notification will be provided within seventy-two (72) hours of receiving the report and will be documented and provided to the institution's PREA Compliance Manager and the Agency's PREA Coordinator.

- Agency Head (Designee): Question, what happens when your agency (or a facility within your agency) receives such allegations? The PREA coordinator reviews the allegation and refers it to the institutional PREA compliance manager for documentation that might exist and for administrative investigation if the allegation warrants an administrative investigation or the Office of Inspector General if a criminal investigation is necessary.

Corrective Actions:

	<p>N/A. There are no corrective actions for this provision.</p> <p><b>Overall Findings:</b>  The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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115.64	Staff first responder duties
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p><b>Auditor Discussion</b></p> <hr/> <p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview:</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</li> <li>• SCDC Form Sexual Abuse Response Protocol</li> <li>• SCDC Policy ADM-17.01 Employee Training Standards</li> <li>• MOU with SC Law Enforcement Division</li> <li>• Online PREA Audit: Pre-Audit Questionnaire</li> </ul> <p><b>Interviews:</b></p> <ul style="list-style-type: none"> <li>• Random Sample of Staff</li> <li>• Facility Non-Security Staff</li> </ul> <p><b>Compliance Determination by Provisions and Corrective Actions:</b></p> <p><b>115.64 (a)</b></p> <p>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 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 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 that still allows for the collection of physical</li> </ul>



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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The policy provides that upon learning of an allegation that an inmate was sexually abused, the staff member to respond to the report are required to: 1. Separate the alleged victim and abuser. 2. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence. 3. If the abuse occurred within a time that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence. 4. If the abuse occurred within a time that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence.
- 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: Identify and separate the alleged perpetrator and alleged victim. Immediately take the alleged victim to Medical. Escort alleged inmate perpetrator (s) to an isolated area, preferably in a dry cell with restricted access to a toilet or water. Notify the shift supervisor, PREA Compliance Manager, and Warden as well as OIG. Identify and isolate any witness. Secure the crime scene. Document all incidents promptly on SCDC Form 19-29A, "Incident Report"; and only share information related to the incident with those people who need to know to ensure the alleged victim's safety, conduct the investigation, or provide treatment to the alleged victim or alleged perpetrator.
- Random Sample of Staff: Twelve (12) staff were randomly interviewed. The random staff representing staff from all shifts, males, and females. There were six (6) females and six (6) males, seven (7) Blacks, three (3) Whites, and two (2) Hispanics. They were asked: "If you are the first person to be alerted that an inmate has allegedly been the victim of sexual abuse, what is your responsibility in that situation?" To clarify, the auditor gives an example. If an inmate came to you and said, "I was rape?" What would be your responsibilities as a first responder? All random staff reported being aware of the agency procedure of the first responder duties. They would seek to have the inmate moved into another area, separate involved inmates, secure evidence, and immediately call the supervisor and medical. When probed on protecting the DNA evidence, staff indicated they would not let the inmates brush their teeth, use the bathroom, eat, or drink. Additional probing of staff on whom they would not share the information with, they would only share with immediate supervisor or higher ups, and that they would not share with other staff or inmates. Four said they did not know.
- Target Resident: Two (2) residents were interviewed who reported Sexual Abuse. They were asked: How soon after you were sexually abused did a staff person come

to help you? Two said immediately. Did you tell someone at the facility about the abuse or did they find out about the abuse in another way? Two said they told staff.

- Target Resident: Two (2) residents were interviewed who reported Sexual Abuse. They were asked: Do you feel that the staff who first got to the scene after you had been sexually abused responded quickly? Two said yes.

- Target Resident: Two (2) residents were interviewed who reported Sexual Abuse. They were asked: What did the staff do when they first got to you? One said they took him to the medical, separated us; one said they took a report and removed the abuser.

Corrective Actions:

N/A. There are no corrective actions for this provision.

### **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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility through training distinguishes the roles of non-security first responders. First responders do not conduct any part of the investigation and their role is to protect the victim, separate the victim and alleged abuser until a security staff arrives.

- Policy Number: GA-06.11 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 for the duties of the security and non-security staff.

- Facility Non-Security Staff: During the facility tour a non-security staff was asked: If you are the first person to be alerted that an inmate has allegedly been the victim of sexual abuse, what is your responsibility in that situation?" To clarify, the auditor gives an example. If an inmate came to you and said, "I was raped?" What would be your responsibilities as a first responder? They would immediately contact security (nearest) and report, staying with the inmate until security arrived. They would not let the inmate use the bathroom, drink water, or change clothing.

Corrective Actions:

N/A. There are no corrective actions for this provision.

### **Overall Findings:**

The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the

	facility is compliant with all provisions in this standard.
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<b>115.65</b>	<b>Coordinated response</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Compliance Determination:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</li> <li>• Online PREA Audit: Pre-Audit Questionnaire</li> </ul> <p><b>Interviews:</b></p> <ul style="list-style-type: none"> <li>• Warden</li> </ul> <p><b>Compliance Determination by Provisions and Corrective Actions:</b></p> <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>Compliance Determination: The facility has demonstrated compliance with this provision of the standard because:</p> <ul style="list-style-type: none"> <li>• The facility has developed a Coordinated Response plan which is aligned with the detailed information in the policy regarding the response to an allegation or incident of sexual abuse. The plan outlines the actions of the identified staff members such as the first responder; supervisors; medical; mental health; and management.</li> <li>• Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 6.7: All SCDC institutions will develop a written institutional sexual abuse coordinated response plan that is in accordance with SCDC Policy GA-06.11, Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment, and the National PREA Prison and Jail Standard 115.65, Coordinated Response. Each SCDC Warden will ensure the members of their institution’s Sexual Assault Response Team (SART) are aware of their roles and are active participants in the institution’s response to allegations of sexual abuse. All staff assigned to each institution in any capacity will be informed and/or trained on the institution’s coordinated response plan within thirty (30) calendar days from the date of its publication or update.</li> </ul>

	<ul style="list-style-type: none"> <li>• Facility Specialized Staff: Warden question, 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? Yes. The facility has a coordinated response plan that has been reviewed by the institutional leadership team and the Agency PREA Coordinator’s Office. The plan has been shared with the institutional teams.</li> </ul> <p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>Overall Findings:</b> The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.66</b>	<b>Preservation of ability to protect inmates from contact with abusers</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• Copy of any Collective Bargaining Agreements - None</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</li> <li>• SC Code Title 41 Labor and Employment Right to Work Law</li> <li>• Online PREA Audit: Pre-Audit Questionnaire</li> </ul> <p><b>Interviews:</b></p> <ul style="list-style-type: none"> <li>• Agency Head (Designee)</li> <li>• Warden</li> </ul> <p><b>Compliance Determination by Provisions and Corrective Actions:</b></p> <p><b>115.66 (a)</b></p> <p>Neither the agency nor any other governmental entity responsible for collective bargaining on the agency’s behalf shall enter or renew any collective bargaining agreement or other agreement that limits the agency’s ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an</p>

investigation or of a determination of whether and to what extent discipline is warranted.

**Compliance Determination:**

The facility has demonstrated compliance with this provision of the standard because:

- 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.
- Agency Head (Designee): Question, has your agency, or any governmental entity responsible for collective bargaining on your behalf, entered or renewed any collective bargaining agreements or other agreements since August 20, 2012? The agency does not have a collective bargaining agreement.
- Facility Specialized Staff: Warden question, "has your agency, or any governmental entity responsible for collective bargaining on your behalf, entered into or renewed any collective bargaining agreements or other agreements since August 20, 2012?" Staff affirmed the facility is not involved in any form of collective bargaining and can remove and separate from contact any staff as a part of an investigation.

**Corrective Actions:**

N/A. There are no corrective actions for this provision.

**115.66 (b)**

Nothing in this standard shall restrict the entering into or renewal of agreement that govern:

- The conduct of the disciplinary process, if such agreements are not inconsistent with the provisions of standards 115.72 and 115.76; or
- 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.

**Compliance Determination:**

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility is not involved in any form of collective bargaining and can remove any staff alleged to have violated an agency sexual abuse or sexual harassment policy.

**Overall Findings:**

The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.

<b>115.67</b>	<b>Agency protection against retaliation</b>
	<p data-bbox="256 188 959 221"><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p data-bbox="256 266 544 300"><b>Auditor Discussion</b></p> <hr/> <p data-bbox="256 344 1275 378"><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p data-bbox="256 412 512 445"><b>Documentation:</b></p> <ul data-bbox="256 456 1474 904" style="list-style-type: none"> <li>• SCDC Form 19-182, Sexual Abuse Retaliation Monitoring (Past 12 Months)</li> <li>• Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview:</li> <li>• SCDC PREA Tip Line Anonymous</li> <li>• PREA Training Section 1800 Curriculum - Retaliation</li> <li>• SCDC Policy Number: ADM 115.15 South Carolina Whistleblower Act Section, Retaliation Against an Employee for Filing a Report</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</li> <li>• Online PREA Audit: Pre-Audit Questionnaire</li> </ul> <p data-bbox="256 949 437 983"><b>Interviews:</b></p> <ul data-bbox="256 1016 1171 1128" style="list-style-type: none"> <li>• Facility Specialized Staff/Charge with Monitoring for Retaliation</li> <li>• Agency Head (Designee)</li> <li>• Warden</li> </ul> <p data-bbox="256 1173 1286 1207"><b>Compliance Determination by Provisions and Corrective Actions:</b></p> <p data-bbox="256 1240 421 1274"><b>115.67 (a)</b></p> <p data-bbox="256 1319 1458 1476">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 data-bbox="256 1509 647 1543">Compliance Determination:</p> <p data-bbox="256 1554 1474 1588">The facility has demonstrated compliance with this provision of the standard because:</p> <ul data-bbox="256 1621 1474 2058" style="list-style-type: none"> <li>• The facility prohibits retaliatory behavior by inmates or staff regarding the reporting of sexual abuse, sexual harassment, or cooperation with investigators as it relates to PREA related incidents and allegations. The facility PREA compliance manager is responsible for monitoring retaliation along with upper management staff.</li> <li>• During the investigation's documentation review of 19 cases, 6 had a copy of the Sexual Abuse Retaliation Monitoring.</li> <li>• Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 6.8: In accordance with SCDC Policy GA-06.11, Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment, all Wardens will ensure</li> </ul>

that all inmates, staff, witnesses, and reporters be monitored and protected against retaliation for a minimum of ninety (90) days while maintained within the same institution. Monitoring will be documented on SCDC Form 19-182, Sexual Abuse Retaliation Monitoring, and filed for auditing purposes.

- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment 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.
- 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.
- Auditor's Review Notes from SCDC 2022 PREA Training Module Slide #17. Sexual Abuse Retaliation Monitoring process. Monitoring staff were training on things you should ask an inmate.... How are you doing? Do you feel safe? Do you feel you are being retaliated against for reporting the allegation? Then relay the answers to the PCM who will complete SCDC Form 19-182, Sexual Abuse Retaliation Monitoring Form.
- Facility Specialized Staff: The auditor interviewed the designated staff member charged with monitoring retaliation and asked: What role do you play in preventing retaliation against inmates' staff who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations? The facility PREA compliance manager serves as one of the Retaliation Monitors for the facility. An interview with the retaliation monitor indicated he understands and is knowledgeable of the prevention measures the facility might take in each situation to prevent retaliation in the first place. They indicated following and allegation, the monitor will initiate contact with the inmate and make him aware that he can contact the retaliation monitor if he is having any issues.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.67 (b)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Facility Specialized Staff: The staff designated to monitor retaliation was asked, can

you describe the different measures you take to protect those inmates as staff from retaliation? Prevention measures, identified by the retaliation monitor include the following: transfer abusers or victims, remove staff from contact with the victim, provide emotional support services, and monitor changes.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.67 (c)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Policy Discussion: GA-06.11 Prevention, Detection, and Response to Sexual Abuse/ Sexual Harassment indicated that wardens would 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.

- Agency Head (Designee): Question, how do you protect inmates and staff from retaliation for sexual abuse or sexual harassment allegations? The perpetrator is removed from areas that might allow 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. The victim is also offered mental health counseling.

- PAQ: The number of times an incident of retaliation occurred in the past 12 months: 0.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.67 (d)**

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

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:



- The facility PREA compliance manager and upper management Team monitors for retaliation through periodic checks on daily inspections and randomly speaking with inmates and staff.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.67 (e)**

If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall respond appropriately to protect that individual against retaliation.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility has several protection and reporting measures for inmates. They can utilize the grievance process to document retaliatory acts or other PREA related concerns and issues. The process is over-seen by the facility PREA compliance manager who works in concert with the facility management team to ensure privacy and policy 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.
- The South Carolina Department of Corrections Policy Number: GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment 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.
- Agency Head (Designee): Question, if an individual who cooperates with an investigation expresses a fear of retaliation, how does the agency take measures to protect that individual against retaliation? The same steps as outlined above are taken regarding individuals cooperating with an investigation.
- Facility Specialized Staff: Warden question, "If an individual who cooperates with an investigation expresses a fear of retaliation, how does the agency take measures to protect that individual against retaliation"? The facility PREA Compliance Manager monitors the alleged victims, witnesses, and staff for up to 90 days and documents their interactions. Additionally, the alleged abuser and alleged victim are separated until the completion of the investigation. For substantiated and unsubstantiated cases, the alleged victim and alleged perpetrator are given a separation order and are placed in separate housing units or institutions.
- Facility Specialized Staff: Warden question, what measures do you take when you suspect retaliation? The alleged retaliation is investigated. In the case of inmate retaliation this can be addressed through a new housing assignment or institutional

	<p>transfer. Allegations of staff retaliation are referred to the Office of the Inspector General (OIG).</p> <p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>115.67 (f)</b></p> <p>An agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.</p> <p>Compliance Determination: The facility has demonstrated compliance with this provision of the standard because:</p> <ul style="list-style-type: none"> <li>• The auditor is not required to audit this provision.</li> <li>• The agency/facility PREA coordinator/facility compliance manager serves as the PREA monitor. The monitoring lasts for at least 90 days.</li> <li>• Facility Specialized Staff: The designated staff member charged with monitoring retaliation was asked, how long do you monitor the conduct and treatment of inmates and staff who report the sexual abuse of an inmate or were reported to have suffered sexual abuse? The retaliation monitor indicated monitoring would continue for increments. However, when conducting facility inspections inmates will be pulled to the side just to make sure they are not having problems.</li> </ul> <p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>Overall Findings:</b> The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.68</b>	<b>Post-allegation protective custody</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• SCDC Form 19-182, Sexual Abuse Retaliation Monitoring (Past 12 Months)</li> <li>• Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview:</li> <li>• SCDC PREA Tip Line Anonymous</li> </ul>

- PREA Training Section 1800 Curriculum - Retaliation
- SCDC Policy Number: ADM 115.15 South Carolina Whistleblower Act Section, Retaliation Against an Employee for Filing a Report
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.
- GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021
- Online PREA Audit: Pre-Audit Questionnaire

**Interviews:**

- Facility Special Staff/Supervise Inmates in Segregated Housing
- PREA Compliance Manager

**Compliance Determination by Provisions and Corrective Actions:**

**115.68 (a)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility may designate housing that is safer for inmates who are at risk of sexual abuse. If there was no place to safely house a potential or actual victim, the victim will be temporarily housed in the administrative segregation area but would be expeditiously transferred to another facility where he could feel safe.
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment 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.
- PAQ: The number of inmates who alleged to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 months for one to 24 hours awaiting completion of assessment: 0.
- PAQ: The number of inmates who alleged to have suffered sexual abuse who were assigned to involuntary segregated housing in the past 12 months for longer than 30 days while awaiting alternative placement: 0.
- For a review of case files of inmates who allege to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 months, the number of case files that include both (a) a statement of the basis for facility's concern for the inmate's safety, and (b) the reason or reason (s) why alternative means of separation could not be arranged: 0.

- Facility Specialized Staff: Warden question, “are inmates at high risk for sexual victimization or who have alleged sexual abuse placed in involuntary segregated housing only until an alternative means of separation from the likely abusers can be arranged?” Yes, inmates are assessed by the institutional team and placed in housing based on what is determined to be the safest place for the inmate. They are not placed in segregated housing and would not be placed there unless there were no other options for safely housing the detainee/resident.
- Facility Special Staff: Staff who supervise inmates in segregated housing were asked: Are inmates placed in involuntary segregated housing only until an alternative means of separation from likely abusers? Staff indicated yes.
- Facility Special Staff: Staff who supervise inmates in segregated housing was asked: when inmates are placed in segregated housing for protection from sexual abuse or after having alleged sexual abuse, do they still have access to programs, privileges, education, and work opportunities? Staff indicated that if an inmate is placed in segregation for a PREA related issue they would still have access to facility programs, privileges, and education and work opportunities. They are not in segregation for punishment.
- Inmates in involuntary protective custody would have access to the following: Programs (Education- the teacher would bring the materials to the inmate cell to complete); Counselor (Programmatic information to work on); Access to the phone, store, showers, exercise, and visitation.
- Facility Special Staff: 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.
- Facility Specialized Staff: 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**Overall Findings:**

The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.

**Auditor Overall Determination:** Meets Standard

**Auditor Discussion**

**Evidence Relied Upon in Making the Compliance Determination:**

**Documentation:**

- NIC Investigation Specialized Training
- Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview:
- Investigator Training List
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.
- GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021
- SCDC Policy GA 05.01 Investigations and Procedures
- SCDC Policy OIG-23.01 Investigation
- MOU Between South Carolina Law Enforcement Division (SCLED) and South Carolina Department of Correction (SCDOC)
- Online PREA Audit: Pre-Audit Questionnaire

**Interviews:**

- Regional Investigator
- Agency PREA Coordinator

**Compliance Determination by Provisions and Corrective Actions:**

**115.71 (a)**

When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Policy requires that investigations into all allegations of sexual abuse and sexual harassment will be done so promptly, thoroughly, and objectively, for all allegations, including those reported third-party and an anonymously and a preponderance of evidence will be imposed or a lower standard of proof for determining whether allegations of sexual abuse or sexual harassment are substantiated.
- Policy Discussion: GA-06.11 Prevention, Detection, and Response to Sexual Abuse/ Sexual Harassment, 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: PREA Tips – SCDC public website page that the public can use to report an allegation of sexual abuse/ sexual harassment; \*22 Hotline Call; Warden-to-warden PREA Notification; Grievance; Request to Staff Member (RTSM) or Automated Request to Staff Member (ARTSM); Note, Letter, or Verbally.

- All allegations of sexual abuse and sexual harassment, including threats and attempts, will be immediately and aggressively investigated. The Office of Inspector General (OIG) 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.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 7.7: Employees who are under investigation for sexual abuse/sexual harassment of an inmate will not be permitted to resign from SCDC until clearance or removal from the investigation. Employees who submit documentation of resignation will be coded as terminated if employment ends due to the investigation or during the investigation. All notifications/documentation of resignation will be submitted to both SCDC OIG and/or by Human Resources to ensure the resigning employees' clearance of investigations.
- Office of Inspector General (OIG) Investigator: Question, how long does it take to initiate an investigation following an allegation of sexual abuse or sexual harassment? An investigation is initiated as soon as the allegation is received and reviewed by OIG. Time from incident date to referral to OIG does vary depending on circumstances out of OIG control (institutional processing, means by which the allegation is made, etc.).
- Office of Inspector General (OIG) Investigator: Question, what would be the first steps in initiating an investigation and how long would they take? 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 OIG are notified immediately. Agents often respond to the hospital to conduct the initial interview.
- Office of Inspector General (OIG) Investigator: Question, how do you handle anonymous or third-party reports of sexual abuse or sexual harassment? Are they investigated differently? If there is enough information provided in the allegation, it is handled in the same as other allegations.
- Total number of sexual abuse and sexual harassment investigations for the past 12 months = 20; Total number of investigations reviewed by auditor = 19; Total number of sexual abuses classified by investigations = 15; Total number of sexual harassments classified by investigations = 5; Total number of on-going cases = 6; and total number of referrals for prosecution = 0.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The investigators are required to complete the NIC online PREA Specialized Investigations training. The NIC online training includes techniques for interviewing sexual abuse victims, 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.
- Facility Investigator: Question, can you describe the training. Online course provided by the National Institute of Corrections (NIC) - NIC.Learn.com. All criminal investigators take the "PREA": Investigating Sexual Abuse in a Confinement Setting", and "PREA: Investigating Sexual Abuse in a Confinement Setting: Advanced Investigations" courses. The training goes through the methodology of conducting sexual abuse/sexual harassment investigations, evidence collection methods and requirements, interview techniques, and provides examples of different investigations within prisons.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- 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: 1. 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. 2. Items shall not be cleaned or removed. 3. Photos shall be taken of the suspected crime scene and any evidence. 4. Allow only authorized personnel to enter the area. 5. If the incident occurred within the last 5 days, requested 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. 6. Ensure that any alleged staff, volunteer, or contractor perpetrators are immediately separated from contact with inmates.
- Policy: OIG-23.28 Evidence Protocol - Purpose: The purpose of this policy is to establish guidelines for maintaining the integrity of the evidence collected or received by the SCDC Office of Inspector General (OIG).

- Policy: OIC-23.28 Evidence Protocol section 1.2 – The impounding agent shall effectively manage, mark, and package all evidence, and transport and log-in all physical evidence to the evidence room, or other authorized secure location, prior to the end of the officer’s tour of duty or as soon as practical thereafter. Contraband must be delivered within seventy-two (72) hours.

- Office of Inspector General (OIG) Investigator: Question, please describe the investigation process. Allegation is received and reviewed by OIG. Case is opened. Alleged victim (s) and witness (es) are then interviewed, and evidence is collected (if applicable). The alleged suspect is interviewed, and any follow-up interviews take place. A report is written and reviewed through the 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 matters can be handled. Criminal charges are made; the case is then prepared for prosecution through the courts.

- Office of Inspector General (OIG) Investigator: Question, please describe any direct and circumstantial evidence you would be responsible for gathering in an investigation of an incident of sexual abuse? Includes witness statements, video footage, sexual assault evidence collection kit (s), photographs, fingerprints, etc.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.71 (d)**

When the quality of evidence supports 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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- If allegations of conduct that appears to be criminal are substantiated, referral will be made to the appropriate solicitor for criminal 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.

- Office of Inspector General (OIG) Investigator: Question, when you discover evidence that a prosecutable crime may have taken place, do you consult with prosecutors before you conduct compelled interviews? OIG Agents are trained investigators and are not required to consult with prosecutors before conducting interviews. We proceed and consult with prosecutors if needed and they also have an attorney on staff who provides guidance when necessary.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility demonstrated compliance with this provision of the standard because:

- Agency/facility requires that the credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as inmate or staff. An inmate who alleges sexual abuse will not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation.
- Office of Inspector General (OIG) Investigator: Question, would you, under any circumstances, require an inmate who alleges sexual abuse to submit to a polygraph examination or truth-telling device as a condition for proceeding with an investigation? Not as conditions for proceeding with an investigation, but as a means for revealing further investigative information. When the suspect has participated in a polygraph examination, and has passed, the alleged victim can then be offered one.
- Target Resident: Two (2) residents were interviewed who reported Sexual Abuse. They were asked: Were you required to take a polygraph test as a condition for proceeding with a sexual abuse investigation? All residents said no.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility PREA compliance manager is responsible for the thorough investigation of all non-criminal investigations (Administrative). PREA compliance manager will gather and preserve direct and circumstantial evidence, including available physical evidence and any available electronic monitoring data, interview alleged victims, perpetrators, and witnesses, and review any available prior complaints and reports of sexual abuse or sexual harassment involving the alleged or suspected perpetrators. In addition, administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse and will 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.

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

- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment 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.

- Facility Investigator: Question, what efforts do you make during an administrative investigation to determine whether staff actions or failures to act contributed to the sexual abuse? If the investigation is Administrative in nature, the complete investigative report, with the findings, is turned over to the proper authorities, for any action they deem necessary. This is done in cooperation with the PREA Coordinator. This includes if the administrative investigations findings are policies or agency violations.

Corrective Actions:

N/A. There are no corrective actions for this provision.

### **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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility requires that criminal investigations will be documented in a written report that contains a through description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible, to include reports from investigations they are conducted by outside agencies.

- The type of documentation included in most of the reviewed investigation cases (Criminal and Administrative):

- o PREA Investigative Folder checklist - 19

- o Incident Report Checklist for PREA Issues (30-day Reviews)- 19

- o Inmate Search Detail Report - 17

- o PREA Inmate Voluntary Statements - 18

- o Disposition of PREA Report/ Inmate Notifications - 13

- o Additional Information and Support Services - 13

- o Report of Finding to Agency PREA Coordinator - 8
- o Sexual Abuse Retaliation Monitoring - 6
- o Email Referring Case to OIG - 17
- o Warden-to-Warden PREA Notification - 2
- o Incident Report Review- 8
- o Inmate Grievance - 2
- o Grievance Transferal Memo - 1
- o PCM Inmate Grievance Review Routing Slip - 1
- o PREA Checklist for Medical Staff - 4
- o OMS - Inmate Requested Information - 3
- o Miranda Rights (staff) - 5
- o Resignation - 1

- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment 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 victims, perpetrators, and witnesses, and review prior complaints and reports of sexual abuse involving the alleged or suspected perpetrator.

- Office of Inspector General (OIG) Investigator: Question, are criminal investigations documented? What is contained in that report? Yes. All OIG Investigations are in written forms. All information received, and documents generated, are in the report.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.71 (h)**

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

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- According to policy, if allegations of conduct that are 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.

- Office of Inspector General (OIG) Investigator: Question, when do you refer cases for prosecution? Anytime the allegation is found to be criminal under the SC Code of Laws. The code of laws includes sexual abuse.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility requires that all written reports pertaining to administrative or criminal investigations of alleged sexual assault or sexual harassment be kept for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

- The type of documentation included in most of the reviewed investigation cases (Criminal and Administrative):

- o PREA Investigative Folder checklist - 19
- o Incident Report Checklist for PREA Issues (30-day Reviews)- 19
- o Inmate Search Detail Report - 17
- o PREA Inmate Voluntary Statements - 18
- o Disposition of PREA Report/ Inmate Notifications - 13
- o Additional Information and Support Services - 13
- o Report of Finding to Agency PREA Coordinator - 8
- o Sexual Abuse Retaliation Monitoring - 6
- o Email Referring Case to OIG - 17
- o Warden-to-Warden PREA Notification - 2
- o Incident Report Review- 8
- o Inmate Grievance - 2
- o Grievance Transferal Memo - 1
- o PCM Inmate Grievance Review Routing Slip - 1
- o PREA Checklist for Medical Staff - 4
- o OMS - Inmate Requested Information - 3
- o Miranda Rights (staff) - 5
- o Resignation - 1

- 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility provides that the departure of the alleged abuser or victim from the employment or control of the facility or agency will not terminate the investigation.
- Office of Inspector General (OIG) Investigator: Question, 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? The agency continues with the investigation. The fact that the suspect is no longer employed has no bearing on the investigation. Their employment status means nothing to investitive process.
- Office of Inspector General (OIG) Investigator: Question, 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? The agency continues with the investigation. Where the alleged victim or suspect currently resident has no bearing on the case.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.71 (k)**

Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Auditor is not required to audit this provision.
- Facility Specialized Staff: The facility PREA compliance manager 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 polices are in line with the guidance and mandates of the PREA Standards and are reviewed by the agency PREA coordinator routinely to ensure consistency.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.71 (I)**

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.

**Compliance Determination:**

The facility has demonstrated compliance with this provision of the standard because:

- When investigations are conducted outside of the agency/facility, the facility cooperates with the outside investigator and remains informed about the progress of the investigations.
- Office of Inspector General (OIG) Investigator: Question, when an outside agency investigates an incident of sexual abuse in this facility, what role do you play? In the event that should happen, OIG would still open a case as an assisting agency and assist the outside agency with the investigation, evidence collection, and interviews.
- Agency PREA Coordinator: Question, if an outside agency investigates allegations of sexual abuse, how does the agency remain informed of the progress of a sexual abuse investigation? SCDC conducts its own investigations, but if an outside agency assists or investigates, SCDC ensures that all reports are received and are provided to the PREA Coordinator. The Office of Inspector General stays in constant communication with outside agencies. SCDC has an agreement with the South Carolina Law Enforcement (SLED) for investigations.
- Facility Specialized 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 Inspector General handles all criminal investigations. They provided the institution with a final report.

**Corrective Actions:**

N/A. There are no corrective actions for this provision.

**Overall Findings:**

The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.

<b>115.72</b>	<b>Evidentiary standard for administrative investigations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<b>Evidence Relied Upon in Making the Compliance Determination:</b>

**Documentation:**

- Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview:
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.
- GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021
- Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended.
- SCDC Policy GA 05.01 Investigations and Procedures
- SCDC Policy Number: OP 21.12 Section 9 Data Collection/Tracking
- SCDC Policy OIG-23.01 Investigation
- Online PREA Audit: Pre-Audit Questionnaire

**Interviews:**

- Regional Investigator

**Compliance Determination by Provisions and Corrective Actions:****115.72 (a)**

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

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Interview with the facility investigator confirmed the standard to determine whether an allegation is substantiated, unsubstantiated, or unfounded is the preponderance of the evidence.
- Total number of sexual abuse and sexual harassment investigations for the past 12 months = 20; Total number of investigations reviewed by auditor = 19; Total number of sexual abuses classified by investigations = 15; Total number of sexual harassments classified by investigations = 5; Total number of on-going cases = 6; and total number of referrals for prosecution = 0.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 2.3.1: All administrative investigations will be based upon preponderance of the evidence and shall include an effort to determine whether staff actions, or failures to act, contributed to the abuse/harassment.
- Office of Inspector General (OIG) Investigator: Question, what standard of evidence do you require to substantiate allegations of sexual abuse or sex harassment? Preponderance of the evidence.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**Overall Findings:**

	<p>The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.73</b>	<b>Reporting to inmates</b>
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p><b>Auditor Discussion</b></p> <p><b>Evidence Relied Upon in Making the Compliance:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</li> <li>• SCDC Policy OIG-23.01 Investigation</li> <li>• PREA Audit: Pre-Audit Questionnaire</li> </ul> <p><b>Interviews:</b></p> <ul style="list-style-type: none"> <li>• Investigator</li> <li>• Warden</li> </ul> <p><b>Compliance Determination by Provisions and Corrective Actions:</b></p> <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>Compliance Determination:  The facility has demonstrated compliance with this provision of the standard because:</p> <ul style="list-style-type: none"> <li>• The agency/facility addresses the inmate being informed by staff when the investigation is completed, informed of the outcome of the investigation, and the documentation of the notification. The PREA compliance manager remains abreast of an investigation conducted by any of the investigative entities by serving as the primary contact persons (s), as determined by the interviews. The facility indicated that any inmate who makes an allegation of sexual abuse will be informed verbally by the management team member following an investigation, as to whether the allegation was substantiated, unsubstantiated, or unfound.</li> <li>• Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive</li> </ul>



Planning Section 7.3: SCDC will ensure that, following a report of sexual abuse/sexual harassment, the alleged victim is notified of the outcome of the investigation. When the alleged perpetrator is a staff member, the institution's PCM will ensure the alleged victim is notified of the progress of the investigation as specified in PREA standard.

- Office of Inspector General (OIG) Investigator: Question, do your agency procedures require that an inmate 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? The responsibility of notifying the alleged victim of the outcome of the investigation falls on the PREA compliance manager of the institution. OIG has no procedure or policy that requires them to notify the victim of the outcome, however, in most cases we do.

- Facility Specialized Staff: Warden question, does your facility notify an inmate who makes an allegation of sexual abuse when the allegation has been determined to be substantiated, unsubstantiated, or unfounded following an investigation? Yes, SCDC has a form utilized for notifications. Notifications are normally done within 30 days of the close of the investigation.

Corrective Actions:

N/A. There are no corrective actions for this provision.

### **115.73 (b)**

If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency to inform the inmate.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- If the agency/facility did not conduct the investigation, the agency/facility will use the same process as defined in section (a) of the standard. They will request all relevant information from the investigating agency to inform the inmate of the outcome of the investigation.

Corrective Actions:

N/A. There are no corrective actions for this provision.

### **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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility requires that following an inmate's allegation that a staff member committed sexual abuse against the inmate, the inmate will be informed of the following, unless it has been determined that the allegation is unfounded as stated above.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility indicated that following an inmate's allegation that he has been sexually abused by another inmate, the alleged victim will be subsequently informed whenever: the alleged abuser is criminally charged related to the sexual abuse, or the alleged abuser is adjudicated on a change related to sexual abuse.
- 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.73 (e)**

All such notifications or attempted notifications shall be documented.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility indicated that notifications or attempted notifications be documented. The facility has developed a notification of outcome of investigation process for documentation of inmate's being notified.
- 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

### **115.73 (f)**

An agency's obligation to report under this standard shall terminate if the inmate is released from the agency's custody.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Interviewed staff indicated that if the inmate is released from the agency's custody the facility will terminate.

Corrective Actions:

N/A. There are no corrective actions for this provision.

### **Overall Findings:**

Above and Beyond: This standard is rated excellent. To meet exceed, SCDC investigates all allegations of sexual abuse and sexual harassment, then notified the inmates of the outcome at the end of the investigation. At the conclusion of all investigations of sexual abuse and sexual harassment, the PCM notify the victim of the findings by completing SCDC Form 19-165, "Disposition of PREA Report", explaining the outcome, both the victim and the PCM sign the form and victim receives a copy of the form. If the victim has been released, pardoned, or paroled, a copy of the Disposition of PREA Report is sent to their last known address with a letter explaining the outcome and requesting for them to sign and return a copy to the PCM. The letter and form are sent by certified mail. The case file is sent to the PCs office for final review by the RPM, closed out and the PREA case manager enters the information into the database.

During the investigations documentation review of 19 cases, all 13 have a copy of the inmate notification "Disposition of PREA Report".

The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.

<b>115.76</b>	<b>Disciplinary sanctions for staff</b>
	<p data-bbox="256 188 959 221"><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p data-bbox="256 266 544 300"><b>Auditor Discussion</b></p> <hr/> <p data-bbox="256 344 1275 378"><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p data-bbox="256 412 512 445"><b>Documentation:</b></p> <ul data-bbox="256 456 1474 860" 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: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</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 OIG-23.01 Investigation</li> <li>• Online PREA Audit: Pre-Audit Questionnaire</li> </ul> <p data-bbox="256 904 437 938"><b>Interviews:</b></p> <ul data-bbox="256 972 668 1050" style="list-style-type: none"> <li>• Warden</li> <li>• PREA Compliance Manager</li> </ul> <p data-bbox="256 1084 1286 1117"><b>Compliance Determination by Provisions and Corrective Actions:</b></p> <p data-bbox="256 1162 424 1196"><b>115.76 (a)</b></p> <p data-bbox="256 1240 1406 1308">Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.</p> <p data-bbox="256 1352 647 1386">Compliance Determination:</p> <p data-bbox="256 1397 1477 1431">The facility has demonstrated compliance with this provision of the standard because:</p> <ul data-bbox="256 1464 1474 1868" style="list-style-type: none"> <li>• According to the agency/facility, 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 for violating agency sexual abuse or sexual harassment policies up to and including termination.</li> <li>• Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 7.6: Consistent with SCDC Policy 11.34, Employee-Inmate Relations, the presumptive disciplinary sanction for staff who have engaged in sexual relations with an inmate is termination. Additionally, the presumptive disciplinary sanction for volunteers, interns, and others is removal from SCDC and prosecution, if appropriate.</li> </ul> <p data-bbox="256 1912 528 1946">Corrective Actions:</p> <p data-bbox="256 1957 1019 1991">N/A. There are no corrective actions for this provision.</p> <p data-bbox="256 2024 424 2058"><b>115.76 (b)</b></p>

Termination shall be the presumptive disciplinary sanction for having engaged in sexual abuse.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- According to the agency/facility, 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 for violating agency sexual abuse or sexual harassment policies up to and including termination. The agency/facility standard will be the presumptive disciplinary sanction for having engaged in sexual abuse is termination.

- Facility Specialized Staff: The warden indicated that termination is the presumptive disciplinary sanction for those who have engaged in sexual activities.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.76 (c)**

Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Through discussions with staff, violating agency sexual abuse and sexual harassment policies will be commensurate with past act in the personal files and comparable offenses by other staff with similar histories.

Corrective Actions:

N/A. There are no corrective actions for the provision.

**115.76 (d)**

All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility indicated that all terminations for violations of the facility's sexual abuse or sexual harassment policies, or staff resignations related to violations of the policy, will be reported to law enforcement, unless the activity is clearly not criminal. In addition, it will be reported to relevant licensing bodies.

	<ul style="list-style-type: none"> <li>• Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 7.8: Any employee, contractor, volunteer, intern, or visitor investigated and substantiated for sexual abuse/sexual harassment of an inmate will be reported to the appropriate licensure authority.</li> <li>• PAQ: In the past 12 months, the number of staff from the facility that have been reported to law enforcement or licensing boards following their termination (or resignation prior to termination) for violating agency sexual abuse or sexual harassment policies: 0.</li> <li>• Interviewed staff: 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.</li> <li>• Interviewed staff seemed aware of the fact that the individual would also need to be reported to the relevant licensing body.</li> </ul> <p>Corrective Actions: N/A. There are no corrective actions for this provision:</p> <p><b>Overall Findings:</b> The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.77</b>	<b>Corrective action for contractors and volunteers</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</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: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</li> <li>• SCDC Policy ADM-11.39, Staff Sexual Misconduct with Inmates</li> <li>• Volunteers Training Curriculum</li> <li>• Volunteers Orientation Training Power Point</li> <li>• Online PREA Audit: Pre-Audit Questionnaire</li> </ul> <p><b>Interviews:</b></p>

- PREA Compliance Manager
- Warden

**Compliance Determination by Provisions and Corrective Actions:**

**115.77 (a)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Although there were no contractor or volunteer violations of facility sexual abuse or sexual harassment policies the previous 12 months, facility policy includes the requirements of the standard.
- PAQ: In the past 12 months, the number of contractors or volunteers reported to law enforcement for engaging in sexual abuse of inmates: 0.
- Facility Specialized Staff: 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.
- 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.77 (b)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Although there were no contractor or volunteer violations of facility sexual abuse or sexual harassment policies the previous 12 months, facility policy includes the requirements of the standard.
- PAQ: In the past 12 months, the number of contractors or volunteers reported to law enforcement for engaging in sexual abuse of inmates: 0.
- Facility Specialized Staff: Warden question, "in the case of any violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, what

	<p>remedial measures does your facility take? Does the facility always prohibit further contact with inmates?” The facility is required to take appropriate remedial measures and to consider whether to prohibit further contact with inmates in the case of any other violation of Department sexual abuse or sexual harassment policies by a contractor or volunteer. The person’s visitation access to the institution may be barred, suspended, or temporarily reassigned to a different location or program until further notice.</p> <p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>Overall Findings:</b> The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.78</b>	<b>Disciplinary sanctions for inmates</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</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 OIG-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>• Online PREA Audit: Pre-Audit Questionnaire</li> </ul> <p><b>Interview:</b></p> <ul style="list-style-type: none"> <li>• Agency PREA Coordinator</li> <li>• Facility Specialized Staff/Medical</li> </ul> <p><b>Compliance Determination by Provisions and Corrective Actions:</b></p>



**115.78 (a)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility has a disciplinary 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.
- Policy also requires once the inmate is formally charged (and entered 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.78 (b)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- 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.
- 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.

- Facility Specialized Staff: 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 PREA compliance manager indicated yes; this is all in accordance with SCDC policy OP 22.14 Inmate Discipline.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.78 (c)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility indicated that the disciplinary process considers whether an inmate's mental disabilities or mental illness contributed to his behavior when determining what type of sanction, if any, should be imposed. The facility offers counseling and other interventions designed to address and correct underlying reasons or motivation for the abuse, the facility considers whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.
- 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).
- Facility Specialized Staff: The facility PREA compliance manager 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 Specialized Staff: Is mental disability or mental illness considered when determining sanctions? The PREA compliance manager 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility offers therapy, counseling, or other interventions to address and correct underlying reasons or motivations for the abuse, the facility is required to consider whether to offer the offending offender to participate in such interactions as a condition of access to programming or other benefits. Policy affirms that an offender may be disciplined for sexual contact with a staff member only upon a finding that the staff member did not consent to such contact. These inmates will receive a treatment plan.
- Facility Specialized Staff: Staff who conducts medical were asked if the facility offers therapy, counseling, or other intervention services designed to address and correct the underlying reasons or motivations for sexual abuse, does the facility consider whether to offer these services to the offending inmate? Staff indicated yes.
- Staff also indicated that when these services are provided, the inmate's participation is not required as a condition of access to programming or other benefits. Participation is on a voluntary basis.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Agency/facility indicated that it may discipline an inmate for sexual contact with staff only upon finding that the staff member did not consent to such contact.
- Agency PREA Coordinator: The agency PREA coordinator indicated that SCDC only discipline offenders when it is proven the staff member did not consent to the conduct.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.78 (f)**

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

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- 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.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 7.9: Inmates who willingly submit a false report will be subject to discipline consistent with SCDC Policies OIG-23-01, Investigations, and OP-22.14 Inmate Disciplinary System.

Corrective Actions:

N/A. There are no corrective actions for this provision.

### **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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility prohibits any sexual conduct between inmates. All such conduct is subject to disciplinary action. Referral for prosecution would occur after determination the sexual activity was coerced.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 7.10: Any inmate who engages in a consensual or non-consensual sexual act or intimate physical contact of a sexual nature with another inmate, solicits sexual acts from another inmate, or engages in any non-consensual sex with an employee, visitor, vendor, contractor or a volunteer may be subject to discipline consistent with SCDC Policy OP-22.14, Inmate Disciplinary System.
- Agency PREA Coordinator: 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

	<p><b>Overall Findings:</b>  The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.81</b>	<b>Medical and mental health screenings; history of sexual abuse</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</li> <li>• HS-18-02, Emergency Care</li> <li>• HS-18-12, Informed Consent</li> <li>• HS-18-13, Health Screening and Exams</li> <li>• HS-18-15, Level of Care</li> <li>• HS-19-04, Mental Health Services General</li> <li>• HS-19-11, Mental Health Services Screening</li> <li>• SCDC Policy GA-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria</li> <li>• Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails</li> </ul> <p><b>Interviews:</b></p> <ul style="list-style-type: none"> <li>• Facility Specialized Staff/Staff who Perform PREA Screenings</li> <li>• Target Residents</li> <li>• Facility Specialized Staff/Medical</li> </ul> <p><b>Compliance Determination by Provisions and Corrective Actions:</b></p> <p><b>115.81 (a)</b></p> <p>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>Compliance Determination:  The facility has demonstrated compliance with this provision of the standard because:</p>

- The agency facility provides that an inmate who indicates during initial screening that they were a victim or perpetrator of sexual abuse is offered a follow-up visit with medical or mental health staff within 14 days of the intake screening. A review of documentation demonstrates inmates are offered follow-up meetings in a timely manner. This information was also confirmed through the interview with target inmates.
- Policy: GA-06.victimization, the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 8.1: Consistent with SCDC Policy GA-06.11, Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment, SCDC Policy HS-18.13 Health Screening and Exams, SCDC Policy OP-21.04, Inmate Classification Plan, and SCDC Policy HS-19.04, Mental Health Services-General Provisions, inmates will be screened for prior sexual abuse, victimization and potential for abusiveness. Results from the screening will be used for physical and mental health evaluations, program inclusion, and housing assignments.
- Facility Specialized Staff: Staff who perform screening for risk of victimization and abusiveness were asked, "If a screening indicates that an inmate has experienced prior sexual victimization, whether in an institutional setting or in the community, do you offer a follow-up meeting with a medical and/or mental health practitioner?" Staff indicated that if a screening reveals an inmate prior sexual victimization, the inmate would be referred for a follow-meeting. The inmate may choose to refuse. If the inmate wants to have a follow-up with mental health or medical, the staff makes the referral.
- Target Residents: Three (3) inmates were interviewed who disclosed sexual victimization during risk screening. They were asked: When you told someone here that you were sexually abused, did he or she ask if you wanted to meet with a medical or mental health care practitioner? Two inmates said yes, and one said no.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with provision of the standard because:

- The agency facility provides that an inmate who indicates during initial screening that they were a victim or perpetrator of sexual abuse is offered a follow-up visit with medical or mental health staff within 14 days of the intake screening. A review of documentation demonstrates inmates are offered follow-up meetings in a timely manner.

- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment Perpetrator Treatment Plan: An individual treatment plan shall be developed and initiated for each sexual perpetrator to decrease the individual's potential for continued sexual abuse within the correctional environment and after release to the community.

- Facility Specialized Staff: Staff who perform screening for risk of victimization and abusiveness were asked, if a screening indicated that an inmate previously perpetrated sexual abuse, do you offer a follow-up meeting with a mental health or medical practitioner? Yes, the inmate would be referred for services. According to SCDC policy results from the screening are used for physical and mental health evaluations, program, and individual counseling.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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 within 14 days of the intake screening.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency facility provides that an inmate who indicates during initial screening that they were a victim or perpetrator of sexual abuse is offered a follow-up visit with medical or mental health staff within 14 days of the intake screening. A review of documentation demonstrates inmates are offered follow-up meetings in a timely manner.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Agency/facility provides that 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. The facility has created the informed consent form to document this

	<p>type of situation.</p> <p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>115.81 (e)</b></p> <p>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.</p> <p>Compliance Determination: The facility has demonstrated compliance with this provision of the standard because:</p> <ul style="list-style-type: none"> <li>• Agency/facility provides that 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. The facility has created the informed consent form to document this type of situation.</li> <li>• Facility Specialized Staff: Staff who provide medical services were asked:” Do you have a separate informed consent process for inmates under the age of 18?” Staff indicated no, these individuals are wards of the state and do not require a separate informed consent process.</li> </ul> <p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>Overall Findings:</b> The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.82</b>	<b>Access to emergency medical and mental health services</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</li> </ul>



- SCDC Policy GA-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria
- HS-18-02, Emergency Care
- HS-18-12, Informed Consent
- HS-18-13, Health Screening and Exams
- HS-18-15, Level of Care
- HS-19-04, Mental Health Services General
- HS-19-11, Mental Health Services Screening
- Online PREA Audit: Pre-Audit Questionnaire

**Interviews:**

- Facility Specialized Staff/Medical

**Compliance Determination by Provisions and Corrective Actions:**

**115.82 (a)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility mandates the victim receives timely and unimpeded access to emergency medical treatment, crisis intervention services and advocacy services. The victim would be transported to the local hospital for a forensic examination, at no cost to the victim. Interviews revealed the mental health services are determined according to the professional judgement of the practitioner. Inmates are informed of medical services during intake and sign acknowledgement statements indicating key information reviewed in the education session which includes treatment services. The inmates have access to medical request forms.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 8.3: Pursuant to South Carolina State Law and SCDC Policies HS-18.09, Institutional Health Care Authority and Responsibilities, SCDC Policy HS-18.13, Health Screenings and Exams, and SCDC Policy GA-06.11, Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment, all inmates who are victims of sexual abuse will have unimpeded access to emergency medical treatment, crisis intervention services, emergency contraception and sexually transmitted injection prophylaxis without financial cost to the inmate.
- Facility Specialized Staff: Staff who conducts medical services were asked, "Do inmate victims of sexual abuse receive timely and unimpeded access to emergency medical treatment and crisis intervention services?" Yes, in accordance with SCDC policy all inmates who are victims of sexual abuse will have unimpeded access to emergency medical treatment. This process happens within 24 hours of receiving the

report.

- Facility Specialized Staff: 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.

- Target Resident: Two (2) residents were interviewed who reported Sexual Abuse. They were asked: Did you have the chance to see a medical or mental health doctor/nurse in a timely manner fashion after you reported the abuse? Two said yes.

Corrective Actions:

N/A. There are no corrective actions for this provision.

### **115.82 (b)**

If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim pursuant to standard 115.62 and shall immediately notify the appropriate medical and mental health practitioners.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Staff interviews revealed inmates have access to unimpeded access to emergency services. The written coordinated response plan provides guidance to staff in protecting inmates and for contracting the appropriate staff regarding allegations or incidents of sexual abuse, including contracting medical and mental health staff. The on-call list has the names of medical staff and their emergency contact numbers. Staff interviews indicated unimpeded medical and crisis intervention services will be available to victim of sexual abuse.

Corrective Actions:

N/A. There are no corrective actions for this provision.

### **115.82 (C)**

Inmate victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Interviews confirmed processes and services are in place for a victim to receive timely access to sexually transmitted infection prophylaxis, where medically appropriate. Additionally, follow-up services as needed are provided by the facility's medical and mental health staff. It was also indicated that the local hospital may give and share the sexually transmitted infection with the inmate as well.

- Facility Specialized Staff: Staff who conducts medical services were asked, “Are victims of sexual abuse offered timely information about access to emergency contraception and sexually transmitted infection prophylaxis?” Staff indicated that when an inmate returns, they would give timely information about access to contraception and sexually transmitted infections if it is not provided by the hospital.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- These services will be provided to the victim at no cost, regardless of cooperation with the investigation. These services, according to interviews, will be available on an on-going basis, until the resident is released from the facility.
- Facility Specialized Staff: Staff who conducts medical services were asked, “Are the medical and mental services offered consistent with community level of care?” Staff indicated that the services provided by the facility are consistent with community level of care or better because the inmates have access to the services. These services are provided at no cost to the inmate.
- Target Resident: Two (2) residents were interviewed who reported Sexual Abuse. They were asked: Did you have to pay for any treatment related to this incident of sexual abuse (including any co-pays? All the inmates said no.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**Overall Findings:**

The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.

<b>115.83</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>

**Evidence Relied Upon in Making the Compliance Determination:**

**Documentation:**

- MOU
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.
- GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021
- SCDC Policy Number: HS 18.15 Level of Care
- SCDC Policy GA-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria
- HS-18-02, Emergency Care
- HS-18-12, Informed Consent
- List of SC Sane Program Locations
- Online PREA Audit: Pre-Audit Questionnaire

**Interviews:**

- Facility Specialized Staff/Medical

**Compliance Determination by Provisions and Corrective Actions:**

**115.83 (a)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility offers medical and mental health evaluations and treatment to all inmates who have been victimized by sexual abuse. Inmates receive a continuum of care as appropriate for victims of sexual abuse. Additional services may be provided by the local rape crisis center as needed.
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment 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, and 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.
- MOU between Pee Dee Coalition Against Domestic and Sexual Assault. Pee Dee Coalition agrees to 1. Respond to sexual assault victim's request for support by either telephone or US mail communication. 2. Maintain confidentiality as outlined in the Pee Dee Coalition informed consent form. 3. Communicate any questions or concerns to SCDC PREA Coordinator, and/or PREA Compliance Manager at Evans Correctional Institution.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.83 (b)**

The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or replacement in, other facilities, or their release from custody.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Ongoing medical and mental health care will be provided as appropriate and will include but not limited to any recommendations and medications from the local hospital, follow up on inmates' additional testing and medical services. Provide information to inmate regarding community support and instruction on medication taken with the inmate for release from custody.
- Facility Specialized Staff: Medical staff indicated that evaluation and treatment of inmates who have been victimized entail basic first aid, lab work/STDs, noninvasive assessment (medical), referral to trauma counseling.

Corrective Action:

N/A. There are no corrective actions for this provision.

**115.83 (c)**

The facility shall provide such victims with medical and mental health services consistent with the community level of care.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility is committed to providing medically necessary care to inmates throughout their incarceration period. Services provided by agency/facility medical staff are in keeping with accepted medical standards of the community and will be the most reasonable level of service available for treatment of medical condition.
- Facility Specialized Staff: Staff indicated that the services provided by the facility are consistent with community level of care or better because the inmates have access to the services.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.83 (d)**

Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- N/A. This facility is a male facility.
- Facility Specialized Staff: Medical staff was asked, "if pregnancy results from sexual abuse while incarcerated, are victims given timely information and access to all lawful pregnancy related services?" Staff stated that this does not apply to this facility. The facility is male only.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- N/A. This facility is a male facility.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.83 (f)**

Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Staff interview ensures that victims of sexual abuse will be provided testing for sexually transmitted infections as medically appropriate. Testing would be done at the local hospital and follow-up services may be done at the facility.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this standard because:

- Facility Specialized Staff: The medical staff indicated the treatment services provided are without financial cost to the inmate.

	<p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>115.83 (h)</b></p> <p>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.</p> <p>Compliance Determination: The facility has demonstrated compliance with this provision of the standard because:</p> <ul style="list-style-type: none"> <li>• Facility Specialized Staff: Medical staff was asked, “do you conduct a mental health evaluation of all known inmate-on-inmate abusers and offer treatment if appropriate? After learning about the abuse history of such an inmate, when do you typically conduct an evaluation? Yes, within 60 days, when possible.</li> </ul> <p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>Overall Findings:</b> The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.86</b>	<b>Sexual abuse incident reviews</b>
	<b>Auditor Overall Determination:</b> Exceeds Standard
	<b>Auditor Discussion</b>
	<p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• Annual PREA Report September 2022</li> <li>• SSV Summary 2021 Report</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</li> <li>• Online PREA Audit: Pre-Audit Questionnaire</li> </ul> <p><b>Interviews:</b></p> <ul style="list-style-type: none"> <li>• Warden</li> <li>• Incident Review Team Member</li> </ul>

- PREA Compliance Manager
- Agency PREA Coordinator

**Compliance Determination by Provisions and Corrective Actions:**

**115.86 (a)**

The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Staff interviews indicated that following an investigation into an allegation of sexual abuse or sexual harassment, the facility's PREA compliance manager ensure an incident review is conducted with thirty (30) calendar days following the PREA compliance manager receiving a copy of the investigation or the completion of the investigation.
- Total number of sexual abuse and sexual harassment investigations for the past 12 months = 20; Total number of investigations reviewed by auditor = 19; Total number of sexual abuses classified by investigations = 15; Total number of sexual harassments classified by investigations = 5; Total number of on-going cases = 6; and total number of referrals for prosecution = 0.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 9.2: All SCDC institutional Sexual Abuse Response Teams (SART) will conduct a sexual abuse incident review within thirty (30) days of receiving a substantiated or unsubstantiated investigative report of an allegation of sexual abuse or sexual harassment to determine if changes are necessary and determine the possible cause of the incident. The incident review, and its findings, will be documented on SCDC Form 19-183, PREA Incident Review, and filed with the institutions PREA Compliance Manager and the Agency's PREA Coordinator. All recommended changes to policy, procedures and/or practices will be documented on the SCDC Form 19-183, PREA Incident Review, and submitted to the policy authority for implementation, unless otherwise directed, which will also be documented on SCDC Form 19-183.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.86 (b)**

Such review shall ordinarily occur within 30 days of the conclusion of the investigation.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:



• Staff interviews indicated that following an investigation into an allegation of sexual abuse or sexual harassment, the facility's PREA compliance manager ensure an incident review is conducted with thirty (30) calendar days following the PREA compliance manager receiving a copy of the investigation or the completion of the investigation.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.86 (c)**

The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility identifies the incident review team members as Upper-Level Management with input from line supervisors, investigators, medical staff, and mental health practitioners.
- Facility Specialized Staff: Warden question, "does your facility have a sexual abuse incident review team"? The Incident Review Team includes upper-level management officials, with input from line supervisors, investigators, medical practitioners, and a counselor. An agency attorney is a member of the team.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.86 (d)**

The review team shall:

- Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse.
- Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian; gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise cause by other group dynamics at the facility.
- Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- Assess the adequacy of staffing levels in that area during different shifts.
- Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
- 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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Incident Review Team Member: Question, does the review team consider the above requirements. Yes, all these things are taken into consideration when conducting the incident review and during the investigation of the allegation. If it is determined that one of above listed reasons play a part in the incident/allegation, the team will discuss how to best handle the situation to protect the sexual safety of the inmate.
- Facility Specialized Staff: How does the team use the information from the sexual abuse incident review? The PREA Compliance Manager 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 assault?

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.86 (e)**

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

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Facility will implement recommendations for improvement or document its reasons for not doing so. The upper-management team is familiar with this practice. The facility has a form they use to document incident reviews, it allows for documentation of the considerations of the standard. The form and meeting provide recommendations for improvement by the team members.
- According to the SCDC 2022 Annual Report, in calendar year 2023, SCDC received 391 reported allegations of sexual abuse and sexual harassment. The SCDC Office of Inspector General (OIG) investigated 28% of these allegations for criminal intent, while institutional investigators examined 72%. Out of the total number of reports, 30% were allegations of inmate-on-inmate abuse, and 27% were allegations of staff-on-inmate abuse. Of the 391 allegations, 5% were substantiated, 46% were unsubstantiated, and 45% were unfounded. There are also 4% of the cases still pending outcomes.
- Facility Specialized Staff: The PREA compliance manager was asked, what happened when the facility received recommendations regarding improvements, what happened? The facility will report information to the facility warden for approval, then implemented.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**Overall Findings:**

This standard is rated excellent. The facility has gone above and beyond this

standard, in addition to meeting the requirements of the sexual abuse incident review team. The agency ensures the mandatory inclusion of Agency legal staff to be present at each of the incident reviews, SCDC intends to ensure that every case is reviewed for both practicality and legal aspects that are in the best interest of the inmates and staff of the facility. The process: following the conclusion of each sexual abuse case, the closing documents are sent to Division Directors, Regional Directors, Wardens, and the Agency PREA Coordinator’s Office where it is reviewed. After careful review, the PREA Coordinator’s Office corresponds with the facility PREA Compliance Manager and SCDC’s Office of General Counsel to schedule an Incident Review with an SCDC attorney. All SCDC attorneys are certified by the SC Bar Association to practice law in the State of South Carolina. Once an incident review is scheduled, the incident review is then conducted by the facility PMC and the Facility’s management team with a representative attorney listening to the meeting. The Incident Review process is scripted and provided to the PCM on SCDC Form 19-183, PREA Incident Review”, to ensure all aspects of Standard 115.86 are reviewed.

During the investigations documentation review of 19 cases, 19 cases have a copy of the “PREA Incident Review”.

The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.

115.87	Data collection
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p><b>Auditor Discussion</b></p> <hr/> <p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• Annual PREA Report - September 2022</li> <li>• CoreCivi PREA Annual Report 2021</li> <li>• SSV Summary 2021 Report</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</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</li> </ul> <p><b>Interviews:</b></p>

- Agency PREA Coordinator
- PREA Compliance Manager

**Compliance Determination by Provisions and Corrective Actions:**

**115.87 (a)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 10.1: SCDC will report to the US Department of Justice, US Bureau of Justice Statistics, SLED, and any other federal and/or state authority that requires sexual offense data and information annually, all acts of sexual abuse, sexual harassment, and staff sexual misconduct with inmates, for all its institutions and contracted institutions.
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment indicated that all institutions operated by or contracted with SCDC will collect data regarding all allegations of sexual abuse and sexual harassment daily. All information regarding allegations, investigations, dispositions, and subsequent actions will be electronically filed and a hard copy retained by the institution.
- 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.87 (b)**

The agency shall aggregate the incident-based sexual abuse data at least annually.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility aggregates the incident-based sexual abuse data at least annually as a part of the agency PREA annual report.
- The 2022 Annual Report included but is not limited to: 2022 Aggregation of Data: 1. 2022 Aggregate of Sexual Abuse/Sexual Harassment with Female Victim Vs Male Victim; 2. Comparison; 3. Comparison 2021 - 2022; 4. Data by Institutions; 5. Analysis; 6. Type of Cases and Percentage of Total Volume; 7. Allegation Breakdown; 8. Corrective Actions; 9. Notable Successes; and 10. Schedule of Audits.

Agency PREA Coordinator: The agency PREA coordinator provided the auditor with a copy of the 2022 SCDC Annual Report that is published on the agency website.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (BJS) is tasked with annual data collection responsibilities under PREA. The agency has collected the required data using the Survey of Sexual Violence (SSV) including administrative data reported to the agency.
- The SCDC website listed a links of SSV reports from 2006 through 2021 submitted to BJS.
- The agency PREA coordinator provided the auditor with the latest copy of the SSV Report.
- Facility Specialized Staff: The PREA compliance manager was asked, does the facility collect all data that is required by the Survey of Sexual Violence conducted by the Department of Justice? Yes, this information is submitted to the Agency PREA Coordinator Office.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Interviewed Specialized Staff: Staff indicated that the agency maintains, review, and collects the required data, including reports, investigation files, and sexual abuse incident reviews.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility provided the auditor with an annual report. Also reports that included private facility with which they contract for confinement of its inmates.
- The agency provided an Annual PREA Report Addendum dated September 16, 2021, stating that the SCDC (private facility) contract with Core Civic for the housing of certain SCDC inmates in confinement. Core Civic must also comply with the Federal PREA Standards. The Core Civic Safety – Tallahatchie County Correctional Facility.
- The agency PREA coordinator provided the auditor with a copy of Core Civic 2021 PREA Annual Report.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Facility Specialized Staff: The PREA compliance manager indicated that the facility can and will provide the required PREA data from the previous calendar year to the Department of Justice upon request.
- The U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (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 2021 submitted to BJS.

	<p>Corrective Actions: N/A. There are no corrective actions for this provision.</p> <p><b>Overall Findings:</b> The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.</p>
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<b>115.88</b>	<b>Data review for corrective action</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• Annual PREA Report 2022</li> <li>• CoreCivic PREA Annual Report 2021</li> <li>• SSV Summary 2021 Report</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</li> <li>• Online PREA Audit: Pre-Audit Questionnaire</li> </ul> <p><b>Interviews:</b></p> <ul style="list-style-type: none"> <li>• PREA Compliance Manager</li> <li>• Agency Head (Designee)</li> <li>• Agency PREA Coordinator</li> </ul> <p><b>Compliance Determination by Provisions and Corrective Actions:</b></p> <p><b>115.88 (a)</b></p> <p>The agency shall review data collected and aggregated pursuant to standard 115.87 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.</li> </ul> <p>Compliance Determination:</p>

The facility has demonstrated compliance with this provision of the standard because:

- The agency requires data for corrective action to improve the effectiveness of its prevention, protection and response policies, practices, and training. A review of the 2021 Annual Report indicated compliance with the standard and included all the required elements. The annual report is posted on the website for public review.
- According to the SCDC 2021 Annual Report, in calendar year 2021, SCDC received 364 reported allegations of sexual abuse/sexual harassment. The SCDC Office of Inspector General (OIG) investigated 25% of the allegations of sexual abuse/sexual harassment for criminal intent. Seventy-five percent of the allegations were investigated by institutional investigators. 31% of reports were allegations of inmate-on-inmate abuse, and 23% were allegations of staff-on-inmate abuse. Of the 364 allegations, 6% of the allegations were substantiated, 48% were unsubstantiated, 36% were unfounded, and 16% of the cases are ongoing.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 10.2: Consistent with National PREA standards, SCDC will collect data that will assist SCDC in reducing the risk of sexual abuse and/or sexual activity within SCDC institutions. SCDC will compile the information that relates to the prevalence of sexual abuse and/or sexual activity within the institutions, including circumstances that contribute to this kind of behavior, to provide insight into potential strategies for its reduction or elimination.
- The PCMs 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.
- The PCM 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: Identifying problem areas; Training needs; Improvement needs; Corrective actions taken; and Corrective action plans.
- The agency provided the auditor with a copy of the 2021 Annual PREA Report dated September 2021. A review of the report reveals that the Agency has identified areas of concern and provided corrective action.
- Agency Head (Designee): Question, how do you use incident-based sexual abuse data to assess and improve sexual abuse prevention, detection, and response policies, practices, and training? The agency reviewed incident-based information relating to sexual abuse to analyze locations of abuse, the frequency with which offenders may be identified as a perpetrator or victim, 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.
- Agency PREA Coordinator: Question, does the agency review collected and



aggregated pursuant to 115.87 to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, and training? Yes.

- Facility Specialized Staff: The PREA compliance manager question, “if the agency reviews data collected and aggregated 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 agency and facility reviews data collected and aggregated to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including identifying problem areas and taking corrective action as necessary on an ongoing basis.

- Facility Specialized Staff: If the agency reviews data collected and aggregated pursuant to 115.87 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.88 (b)**

Such a 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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Agency PREA Coordinator: Question, does the agency prepare an annual report of findings from its data review and any corrective actions for each facility, as well as the agency as a whole? Yes.

- The Agency provided the auditor with a copy of the Annual 2022 PREA Report. The auditor reviews the following information within the report.

- According to the SCDC 2022 Annual Report, in calendar year 2023, SCDC received 391 reported allegations of sexual abuse and sexual harassment. The SCDC Office of Inspector General (OIG) investigated 28% of these allegations for criminal intent, while institutional investigators examined 72%. Out of the total number of reports, 30% were allegations of inmate-on-inmate abuse, and 27% were allegations of staff-on-inmate abuse. Of the 391 allegations, 5% were substantiated, 46% were unsubstantiated, and 45% were unfounded. There are also 4% of the cases still pending outcomes.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Agency Head (Designee): Question, do you approve annual reports written pursuant to 115.00? The Deputy Director of Legal and Compliance and the Director of the South Carolina Department of Corrections review and approve written PREA annual reports. The annual reports are available on the agency website.
- The Annual PREA Report (2022) was approved by the Agency Heard and the Chief Legal & Compliance Officer in September 2022 and posted on the agency website. Note: Signatures on File.

Correction Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- Agency PREA Coordinator: Question, what types of material are typically redacted from the annual reports? Does the agency indicate the nature of material redacted? Yes, personal identifying information (PII) is redacted.
- A review of the Annual PREA Report (2022), the agency redacts specific material from the report that would present a threat to the safety and security of each facility. The report is publication on the SCDC website.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**Overall Findings:**

The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.

<b>115.89</b>	<b>Data storage, publication, and destruction</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</li> <li>• SCDC POLICY Number: HS 18.07 Inmate Health Records</li> <li>• Email: Retention Policy are not put in policies anymore</li> <li>• Online PREA Audit: Pre-Audit Questionnaire</li> </ul> <p><b>Interviews:</b></p> <ul style="list-style-type: none"> <li>• PREA Compliance Manager</li> <li>• Agency PREA Coordinator</li> </ul> <p><b>Compliance Determination by Provisions and Corrective Actions:</b></p> <p><b>115.89 (a)</b></p> <p>The agency shall ensure that data collected pursuant to standard 115.87 are securely retained.</p> <p>Compliance Determination: The facility has demonstrated compliance with this provision of the standard because:</p> <ul style="list-style-type: none"> <li>• The agency indicates that data is collected and securely retained for 10 years. The aggregated sexual abuse data was reviewed, and all personal identifiers are removed.</li> <li>• Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 10.3: SCDC will maintain data collected in accordance the National PREA standards and with SCDC Policy OP-21.10, Agency Records Management.” SCDC’s PREA Coordinator will ensure that data collected pursuant to the PREA standards are securely retained for at least ten (10) years after the date of the initial collection.</li> <li>• Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 10.4: Agency, through the PREA Coordinator, will retain all investigative written reports regarding sexual abuse/sexual harassment for as long as the alleged abuser is incarcerated or employed by the agency, plus five (5) years.</li> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment indicated that all case records associated with claims of sexual abuse, including incident reports, investigative reports, inmate information, case disposition, medical</li> </ul>

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."

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.89 (b)**

The agency shall make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The Auditor review the 2022 PREA Annual Report. The report provides a review of the incident-based and aggregated data for calendar year and a comparison of aggregated data for past calendar years. The report provides corrective actions developed to further reduce sexual abuse and sexual harassment.
- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 10.5: SCDC will publish a yearly report, approved by the Agency Director, all aggregated sexual abuse data in accordance with the National PREA Standards. This annual report will include all findings and corrective actions for each institution as well as the Agency as a whole. Additionally, the annual report will 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. This report will be made public through the agency's public website.
- The agency provided an Annual PREA Report Addendum dated September 16, 2021, stating that the SCDC (private facility) contract with Core Civic for the housing of certain SCDC inmates in confinement. Core Civic must also comply with the Federal PREA Standards. The Core Civic Safety - Tallahatchie County Correctional Facility.
- A review of the South Carolina Department of Corrections 2021 PREA Annual Report and the Core Civic 2021 PREA Annual Report indicated that both reports are located on the internet.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.89 (c)**

Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.

Compliance Determination:  
 The facility has demonstrated compliance with this provision of the standard because:

- Interview with the Agency PREA Coordinator and review of the Annual Report indicated that all personal identifiers were removed.

Corrective Actions:  
 N/A. There are no corrective actions for this provision.

**115.89 (d)**

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.

Compliance Determination:  
 The facility has demonstrated compliance with this standard because:

- The agency indicates that data is collected and securely retained for 10 years. The aggregated sexual abuse data was reviewed, and all personal identifiers are removed.
- 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.
- 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 OIG 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.

Corrective Actions:  
 N/A. There are no corrective actions for this provision.

**Overall Findings:**  
 The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.

<b>115.401</b>	<b>Frequency and scope of audits</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>

**Evidence Relied Upon in Making the Compliance Determination:**

**Documentation:**

- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.
- GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021
- CoreCivic 2021 PREA Annual Report
- Facility Past Final Audit Report
- Agency PREA Website
- Facility Posting of PREA Notices
- Agency Annual PREA Report

**Interviews:**

- Agency PREA Coordinator
- PREA Compliance Manager

**Compliance Determination by Provisions and Corrective Actions:**

**115.401 (a)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- A review of the agency's website provided PREA audit reports according to cycles.
- Cycle 4 year 2.
- The facility PREA reports are included on the agency/facility website.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.401 (b)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- A review of the agency's website provided PREA audit reports according to cycles.

- The facility PREA reports are included on the agency website.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.401 (c)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The agency/facility indicated that the Department of Justice has not recommended to the agency for an expedited audit for any reason regarding a particular problem relating to sexual abuse.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.401 (d)**

The Department of Justice shall develop and issue an audit instrument that will provide guidance on the conduct of and contents of the audit.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The auditor uses the required Prison Rape Elimination Act (PREA) Audit Prison and Jails standards audit instrument to enter collected information online, 28 C.F.R Part 115 Docket No. OAG-131 RIN 1105-AB34 May 17, 2012.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.401 (e)**

The agency shall bear the burden of demonstrating compliance with the standards.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The PREA coordinator and facility acknowledge this provision. The agency and the facility provided requested information to bear the burden of demonstrating compliance with the standards. As well as complaint about all request during the on-

site visit.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.401 (f)**

The auditor shall review all relevant agency-wide policies, procedures, reports, internal and external audits, and accreditation for each facility type.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The auditor has requested all relevant policies, procedures, reports, internal and external audits for the facility during the pre-audit, onsite and post audit phases. The facility is compliant with this provision.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.401 (g)**

The audits shall review, at a minimum, a sampling of relevant documents and other records and information for the most recent one-year period.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The auditor sample size is based on the number of residents at the facility on the first day. The random staff sample size based on a minimum of twelve or more based on interview outcomes and facility size.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.401 (h)**

The auditor shall have access to, and shall observe, all areas of the audited facilities.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- 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 please step away so the conversation might remain private. This request was well respected.



- During the tour, the auditor reviewed PREA related documentation and materials located on bulletin boards and walls. 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.401 (i)**

The auditor shall be permitted to request and receive copies of any relevant documents (including electronically stored information).

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The PREA coordinator and the facility provided the auditor with all relevant documents to include electronically stored information through the agency system.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The auditor has uploaded additional information to OMS. Other reviewed information will be maintained for the required time limit before destruction. The auditor maintains additional information on USB drive and some hard copies.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.401 (k)**

The auditor shall interview a representative sample of inmates, residents, and detainees, and of staff, supervisors, and Wardens.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

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

security staff. There was a total of 12 random interviews.

- 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.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.401 (l)**

The auditor shall be permitted to conduct private interviews with inmates, residents, and detainees.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The auditor conducted the following resident interviews during the on-site phase of the audit and was permitted to conduct private interviews with residents.
- The auditor requested and was provided with an inmate roster by living units and a list of targeted inmates.
- Inmates that were formally interviewed were asked the required random interview questions provided by the National PREA Resource Center.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- 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. The facility posted the notices in English and Spanish. The auditor received email and pictures confirming the posted notices and observed the posted notices on-site.
- As of September 3, 2023, there were no communications from inmates and none from staff. Staff interview indicated that residents are permitted to send confidential

information or correspondence in the same manner as if they were communicating with legal counsel.

**Corrective Action**

N/A. There are no corrective actions for this provision.

**115.401 (n)**

Auditors shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility.

**Compliance Determination:**

The facility has demonstrated compliance with this provision of the standard because:

- MOU between Pee Dee Coalition Against Domestic and Sexual Assault. Pee Dee Coalition agrees to 1. Respond to sexual assault victim's request for support by either telephone or US mail communication. 2. Maintain confidentiality as outlined in the Pee Dee Coalition informed consent form. 3. Communicate any questions or concerns to SCDC PREA Coordinator, and/or PREA Compliance Manager at Evans Correctional Institution.
- 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 or before they became incarcerated.
- 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.
- National Sexual Violence Resource Center (NSVRC) response: On August 7, 2023, NSVRC email states that they provide information and tools to prevent and respond to sexual violence. While they are happy to have our organization listed as a resource for people who are incarcerated, they do not receive reports or provide services in any capacity. They also are not able to disclose if anyone from the facility reached out for resources.

**Corrective Actions:**

N/A. There are no corrective actions for this provision.

**Overall Findings:**

The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.

<b>115.403</b>	<b>Audit contents and findings</b>
	<p data-bbox="280 188 983 221"><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p data-bbox="280 266 564 300"><b>Auditor Discussion</b></p> <hr/> <p data-bbox="280 344 1295 378"><b>Evidence Relied Upon in Making the Compliance Determination:</b></p> <p data-bbox="280 412 536 445"><b>Documentation:</b></p> <ul data-bbox="280 456 1458 826" style="list-style-type: none"> <li>• GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment: Dated November 23, 2021.</li> <li>• GA-06.11B Applying the Prison Rape Elimination Act (PREA): Dated November 23, 2021</li> <li>• CoreCivic 2021 PREA Annual Report</li> <li>• Facility Past Final Audit Report</li> <li>• Agency PREA Website</li> <li>• Facility Posting of PREA Notices</li> <li>• Agency Annual PREA Report</li> </ul> <p data-bbox="280 860 459 893"><b>Interviews:</b></p> <ul data-bbox="280 927 689 1005" style="list-style-type: none"> <li>• Agency PREA Coordinator</li> <li>• PREA Compliance Manager</li> </ul> <p data-bbox="280 1039 1308 1072"><b>Compliance Determination by Provisions and Corrective Actions:</b></p> <p data-bbox="280 1117 466 1151"><b>115.403 (a)</b></p> <p data-bbox="280 1196 1404 1308">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="280 1352 667 1386">Compliance Determination:</p> <p data-bbox="280 1397 1366 1464">The facility has demonstrated compliance with this provision of the standard because:</p> <ul data-bbox="280 1509 1423 1576" style="list-style-type: none"> <li>• The auditor includes a no conflict of interest exists with respect to his ability to conduct this audit on the post audit form.</li> </ul> <p data-bbox="280 1621 549 1655">Corrective Actions:</p> <p data-bbox="280 1666 1040 1700">N/A. There are no corrective actions for this provision.</p> <p data-bbox="280 1733 466 1767"><b>115.403 (b)</b></p> <p data-bbox="280 1800 1458 1868">Audit reports shall state whether agency-wide policies and procedures comply with relevant PREA standards.</p> <p data-bbox="280 1912 667 1946">Compliance Determination:</p> <p data-bbox="280 1957 1366 2024">The facility has demonstrated compliance with this provision of the standard because:</p>

- The auditor report states whether agency wide policies and procedures comply with relevant PREA standards.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.403 (c)**

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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The auditor has assigned a finding to each provision and standard.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.403 (d)**

Audit reports shall describe the methodology, sampling sizes, and basis for the auditor's conclusions about each standard provision for each audited facility and shall include recommendations for any required corrective action.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- 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 sample size is based on the number of residents at the facility on the first day. The random staff sample size based on a minimum of twelve or more based on interview outcomes and facility size.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.403 (e)**

Auditors 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.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The auditor has redacted personally identifiable residents from the report and can provide such information to the agency upon request and may provide such information to the Department of Justice.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**115.403 (f)**

The agency shall ensure that the auditor's final report is published on the agency's website if it has one or is otherwise made readily available to the public.

Compliance Determination:

The facility has demonstrated compliance with this provision of the standard because:

- The facility final PREA reports are published on the agency website.

Corrective Actions:

N/A. There are no corrective actions for this provision.

**Overall Findings:**

The auditor uses a triangulation approach, by connecting the PREA facility documentation, agency policies, on-site observation, site review of the facility, facility practices, interviewed staff and residents, local and national advocates, and online PREA Audit: Pre-Audit Questionnaire to make determinations. Based on analysis, the facility is compliant with all provisions in this standard.

<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	yes

	that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	
<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	yes



	consideration: Any applicable State or local laws, regulations, or standards?	
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors?	yes
<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	na

	facility does not have female inmates.)	
<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

<b>115.16 (a)</b>	<b>Inmates with disabilities and inmates who are limited English proficient</b>	
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are blind or have low vision?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have intellectual disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have psychiatric disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have speech disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Other (if "other," please explain in overall determination notes.)	yes
	Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing?	yes
	Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication	yes

	with inmates with disabilities including inmates who: Have intellectual disabilities?	
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: are blind or have low vision?	yes
<b>115.16 (b)</b>	<b>Inmates with disabilities and inmates who are limited English proficient</b>	
	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	yes

	may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
<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.)	yes
<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.)	na
<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	yes

	Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	
	Does this specialized training include sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
<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	yes

	suspicious of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	
<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.)	yes
<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	yes

	screening instrument?	
<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)	yes



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

	information is not exploited to the inmate's detriment by staff or other inmates?	
<b>115.42 (a) 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) 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) 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	yes

	present management or security problems?	
<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	yes

	solely for the placement of LGBT or I inmates pursuant to a consent degree, legal settlement, or legal judgement.)	
<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.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
<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) 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) 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) 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) 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	yes

	anonymous upon request?	
	Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility never houses inmates detained solely for civil immigration purposes.)	yes
<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	yes

	this standard.)	
	Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	yes
<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,	yes



	including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility never has persons detained solely for civil immigration purposes.)	
	Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible?	yes
<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	yes

	abuse or sexual harassment or retaliation?	
<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	yes

	response to an incident of sexual abuse?	
<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	yes

	sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff?	yes
	Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?	yes
<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	yes

	of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	
	Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
<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).)	na
<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.)	na
<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	yes



	abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?	
<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	yes

	evidence sufficient to substantiate the allegation?	
<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).	na
<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	yes

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

	<b>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.)	yes
<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.)	yes
<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	yes

	to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole?	
<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.)	na
	If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)	na
<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</b>	<b>Audit contents and findings</b>	

<b>(f)</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.)	na