

PREA Facility Audit Report: Final

Name of Facility: MacDougall Correctional Institution

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 02/23/2023

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"/>
Auditor Full Name as Signed: Adam T Barnett, Sr.	Date of Signature: 02/23/2023

AUDITOR INFORMATION	
Auditor name:	Barnett, Adam
Email:	adam30906@gmail.com
Start Date of On-Site Audit:	01/09/2023
End Date of On-Site Audit:	01/11/2023

FACILITY INFORMATION	
Facility name:	MacDougall Correctional Institution
Facility physical address:	1516 Old Gilliard Road, Ridgeville, South Carolina - 29472
Facility mailing address:	

Primary Contact	
Name:	Domingo Stewart, PCM/Associate Warden
Email Address:	Stewart,Domingo@doc.sc.gov
Telephone Number:	843-540-4017

Warden/Jail Administrator/Sheriff/Director	
Name:	Wilfredo Martell, Warden
Email Address:	martell.wilfredo@doc.sc.gov
Telephone Number:	803-727-0758

Facility PREA Compliance Manager	
Name:	Domingo Stewart
Email Address:	stewart.domingo@doc.sc.gov
Telephone Number:	O: (803) 737-3036
Name:	Lisa Carrington
Email Address:	carrington.lisa@doc.sc.gov
Telephone Number:	O: (803) 737-3036

Facility Health Service Administrator On-site	
Name:	Richard Henry
Email Address:	henry.richard@doc.sc.gov
Telephone Number:	843-693-4700

Facility Characteristics	
Designed facility capacity:	704
Current population of facility:	657
Average daily population for the past 12 months:	600
Has the facility been over capacity at any point in the past 12 months?	No
Which population(s) does the facility hold?	Males
Age range of population:	18 - 80
Facility security levels/inmate custody levels:	L1 and L2/MI and ME
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	121
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	5
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	35

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

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

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

SUMMARY OF AUDIT FINDINGS	
<p>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.</p> <p>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.</p>	
Number of standards exceeded:	
2	<ul style="list-style-type: none"> • 115.11 - Zero tolerance of sexual abuse and sexual harassment; PREA coordinator • 115.86 - Sexual abuse incident reviews
Number of standards met:	
43	
Number of standards not met:	
0	

POST-AUDIT REPORTING INFORMATION

GENERAL AUDIT INFORMATION

On-site Audit Dates

1. Start date of the onsite portion of the audit:	2023-01-09
2. End date of the onsite portion of the audit:	2023-01-11

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:	JDI and NSVRC

AUDITED FACILITY INFORMATION

14. Designated facility capacity:	704
15. Average daily population for the past 12 months:	600
16. Number of inmate/resident/detainee housing units:	7
17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Not Applicable for the facility type audited (i.e., Community Confinement Facility or Juvenile Facility)

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

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

36. Enter the total number of inmates/residents/detainees in the facility as of the first day of onsite portion of the audit:	629
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:	0
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:	0
40. Enter the total number of inmates/residents/detainees who are Blind or have low vision (visually impaired) in the facility as of the first day of the onsite portion of the audit:	0
41. Enter the total number of inmates/residents/detainees who are Deaf or hard-of-hearing in the facility as of the first day of the onsite portion of the audit:	0
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:	3

<p>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:</p>	<p>7</p>
<p>44. Enter the total number of inmates/residents/detainees who identify as transgender or intersex in the facility as of the first day of the onsite portion of the audit:</p>	<p>0</p>
<p>45. Enter the total number of inmates/residents/detainees who reported sexual abuse in the facility as of the first day of the onsite portion of the audit:</p>	<p>2</p>
<p>46. Enter the total number of inmates/residents/detainees who disclosed prior sexual victimization during risk screening in the facility as of the first day of the onsite portion of the audit:</p>	<p>10</p>
<p>47. Enter the total number of inmates/residents/detainees who were ever placed in segregated housing/isolation for risk of sexual victimization in the facility as of the first day of the onsite portion of the audit:</p>	<p>0</p>
<p>48. Provide any additional comments regarding the population characteristics of inmates/residents/detainees in the facility as of the first day of the onsite portion of the audit (e.g., groups not tracked, issues with identifying certain populations):</p>	<p>No text provided.</p>
<p>Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit</p>	
<p>49. Enter the total number of STAFF, including both full- and part-time staff, employed by the facility as of the first day of the onsite portion of the audit:</p>	<p>121</p>

<p>50. Enter the total number of VOLUNTEERS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:</p>	<p>5</p>
<p>51. Enter the total number of CONTRACTORS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:</p>	<p>7</p>
<p>52. Provide any additional comments regarding the population characteristics of staff, volunteers, and contractors who were in the facility as of the first day of the onsite portion of the audit:</p>	<p>No text provided.</p>

INTERVIEWS

Inmate/Resident/Detainee Interviews

Random Inmate/Resident/Detainee Interviews

<p>53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:</p>	<p>23</p>
<p>54. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Age <input checked="" type="checkbox"/> Race <input checked="" type="checkbox"/> Ethnicity (e.g., Hispanic, Non-Hispanic) <input checked="" type="checkbox"/> Length of time in the facility <input checked="" type="checkbox"/> Housing assignment <input type="checkbox"/> Gender <input type="checkbox"/> Other <input type="checkbox"/> None

55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?	Auditor request inmate roster with geographically information and housing assignments.
56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?	<input checked="" type="radio"/> Yes <input type="radio"/> No
57. Provide any additional comments regarding selecting or interviewing random inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):	No text provided.
Targeted Inmate/Resident/Detainee Interviews	
58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:	11
<p>As stated in the PREA Auditor Handbook, the breakdown of targeted interviews is intended to guide auditors in interviewing the appropriate cross-section of inmates/residents/detainees who are the most vulnerable to sexual abuse and sexual harassment. When completing questions regarding targeted inmate/resident/detainee interviews below, remember that an interview with one inmate/resident/detainee may satisfy multiple targeted interview requirements. These questions are asking about the number of interviews conducted using the targeted inmate/resident/detainee protocols. For example, if an auditor interviews an inmate who has a physical disability, is being held in segregated housing due to risk of sexual victimization, and disclosed prior sexual victimization, that interview would be included in the totals for each of those questions. Therefore, in most cases, the sum of all the following responses to the targeted inmate/resident/detainee interview categories will exceed the total number of targeted inmates/residents/detainees who were interviewed. If a particular targeted population is not applicable in the audited facility, enter "0".</p>	
60. Enter the total number of interviews conducted with inmates/residents/detainees with a physical disability using the "Disabled and Limited English Proficient Inmates" protocol:	0

<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>Auditor review inmate roster and staff discussions.</p>
<p>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:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>Auditor review inmate roster and staff discussions.</p>

<p>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:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>Auditor review inmate roster and staff discussions.</p>
<p>63. Enter the total number of interviews conducted with inmates/residents/detainees who are Deaf or hard-of-hearing using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>Auditor review inmate roster and staff discussions.</p>

<p>64. Enter the total number of interviews conducted with inmates/residents/detainees who are Limited English Proficient (LEP) using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>2</p>
<p>65. Enter the total number of interviews conducted with inmates/residents/detainees who identify as lesbian, gay, or bisexual using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</p>	<p>3</p>
<p>66. Enter the total number of interviews conducted with inmates/residents/detainees who identify as transgender or intersex using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>Auditor review inmate roster and staff discussions.</p>
<p>67. Enter the total number of interviews conducted with inmates/residents/detainees who reported sexual abuse in this facility using the "Inmates who Reported a Sexual Abuse" protocol:</p>	<p>1</p>

<p>68. Enter the total number of interviews conducted with inmates/residents/detainees who disclosed prior sexual victimization during risk screening using the "Inmates who Disclosed Sexual Victimization during Risk Screening" protocol:</p>	<p>5</p>
<p>69. Enter the total number of interviews conducted with inmates/residents/detainees who are or were ever placed in segregated housing/isolation for risk of sexual victimization using the "Inmates Placed in Segregated Housing (for Risk of Sexual Victimization/Who Allege to have Suffered Sexual Abuse)" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>Auditor review inmate roster and staff discussions.</p>
<p>70. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):</p>	<p>No text provided.</p>
<p>Staff, Volunteer, and Contractor Interviews</p>	
<p>Random Staff Interviews</p>	
<p>71. Enter the total number of RANDOM STAFF who were interviewed:</p>	<p>12</p>

<p>72. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)</p>	<p><input type="checkbox"/> Length of tenure in the facility</p> <p><input checked="" type="checkbox"/> Shift assignment</p> <p><input checked="" type="checkbox"/> Work assignment</p> <p><input type="checkbox"/> Rank (or equivalent)</p> <p><input type="checkbox"/> Other (e.g., gender, race, ethnicity, languages spoken)</p> <p><input type="checkbox"/> None</p>
<p>73. Were you able to conduct the minimum number of RANDOM STAFF interviews?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>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):</p>	<p>No text provided.</p>
<p>Specialized Staff, Volunteers, and Contractor Interviews</p>	
<p>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.</p>	
<p>75. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):</p>	<p>14</p>
<p>76. Were you able to interview the Agency Head?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>

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

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

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

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

SITE REVIEW AND DOCUMENTATION SAMPLING

Site Review

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

84. Did you have access to all areas of the facility?

Yes

No

Was the site review an active, inquiring process that included the following:

85. Observations of all facility practices in accordance with the site review component of the audit instrument (e.g., signage, supervision practices, cross-gender viewing and searches)?

Yes

No

86. Tests of all critical functions in the facility in accordance with the site review component of the audit instrument (e.g., risk screening process, access to outside emotional support services, interpretation services)?

Yes

No

87. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)?

Yes

No

<p>88. Informal conversations with staff during the site review (encouraged, not required)?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>89. Provide any additional comments regarding the site review (e.g., access to areas in the facility, observations, tests of critical functions, or informal conversations).</p>	<p>No text provided.</p>

Documentation Sampling

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

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

SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS AND INVESTIGATIONS IN THIS FACILITY

Sexual Abuse and Sexual Harassment Allegations and Investigations Overview

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

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

	# of sexual abuse allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual abuse	2	1	1	0
Staff-on-inmate sexual abuse	0	0	0	0
Total	2	1	1	0

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

	# of sexual harassment allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual harassment	2	0	0	0
Staff-on-inmate sexual harassment	0	0	0	0
Total	2	0	0	0

Sexual Abuse and Sexual Harassment Investigation Outcomes

Sexual Abuse Investigation Outcomes

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

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

	Ongoing	Referred for Prosecution	Indicted/ Court Case Filed	Convicted/ Adjudicated	Acquitted
Inmate-on-inmate sexual abuse	1	0	0	0	0
Staff-on-inmate sexual abuse	0	0	0	0	0
Total	1	0	0	0	0

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

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual abuse	0	1	0	0
Staff-on-inmate sexual abuse	0	0	0	0
Total	0	1	0	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
Inmate-on-inmate sexual harassment	0	0	0	0	0
Staff-on-inmate sexual harassment	0	0	0	0	0
Total	0	0	0	0	0

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

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual harassment	0	1	1	0
Staff-on-inmate sexual harassment	0	0	0	0
Total	0	1	1	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:	2
99. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any sexual abuse investigation files)
Inmate-on-inmate sexual abuse investigation files	
100. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:	2
101. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)
102. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)

Staff-on-inmate sexual abuse investigation files

103. Enter the total number of STAFF-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:	0
104. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)
105. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)

Sexual Harassment Investigation Files Selected for Review

106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:	2
107. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any sexual harassment investigation files)

Inmate-on-inmate sexual harassment investigation files

108. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:	2
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<p>109. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
<p>110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
<p>Staff-on-inmate sexual harassment investigation files</p>	
<p>111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>0</p>
<p>112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)</p>
<p>113. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)</p>

<p>114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.</p>	<p>No text provided.</p>
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SUPPORT STAFF INFORMATION

DOJ-certified PREA Auditors Support Staff

<p>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.</p>	<p> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>
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Non-certified Support Staff

<p>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.</p>	<p> <input checked="" type="radio"/> Yes <input type="radio"/> No </p>
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<p>a. Enter the TOTAL NUMBER OF NON-CERTIFIED SUPPORT who provided assistance at any point during this audit:</p>	<p>20</p>
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AUDITING ARRANGEMENTS AND COMPENSATION

121. Who paid you to conduct this audit?	<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>
Identify the name of the third-party auditing entity	Diversified Correctional Services, LLC

Standards

Auditor Overall Determination Definitions

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

Auditor Discussion Instructions

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

115.11	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • Facility Organizational Chart • Job Description Duties • Agency Organizational Chart • 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. • Online PREA Audit: Pre-Audit Questionnaire for Prisons and Jails • Observations • Interviews <p>Reasoning and Analysis by Provisions:</p> <p>115.11 (a)</p> <p>An agency shall have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency’s approach to preventing, detecting, and responding to such conduct.</p> <ul style="list-style-type: none"> • 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. • The Facility has a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency’s approach to preventing, detecting, and responding to such conduct. GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment indicates that the South Carolina Department of Corrections (SCDC) has a zero-tolerance policy regarding all forms of sexual abuse and sexual harassment in all institutions operated by, or contracted with, SCDC for the confinement of inmates. SCDC will ensure all allegations of sexual abuse and sexual harassment are thoroughly investigated and will support the prosecution of anyone found to have contributed to criminal activity. SCDC will ensure all employees, volunteers, interns, contractors, and inmates are trained and aware of SCDC’s zero-tolerance policies.

- 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.

- Policy states, consensual sexual contact among inmates is prohibited, and will be referred through the Inmate Disciplinary System.

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 of its facilities.

- 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.

- Facility Specialized Staff: Warden Question, has the agency identified an agency PREA coordinator/PREA compliance manager with enough time to manage all PREA related responsibilities? Yes, the Associate Warden serves as the facility PREA compliance manager.

- Agency PREA Coordinator: Question, do you feel you have enough time to manage all your PREA-related responsibilities? Yes.

- Facility Specialized Staff: The Associate Warden /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 she has sufficient time and resources to coordinate all PREA activities. She has sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all facilities.

- The PREA compliance manager performs a variety of overlapping functions and makes time for PREA.

The Facility PAQ Reported:

- The position of the PREA coordinator in the agency's organizational structure: Legal Affairs

- The South Carolina Department of Corrections (SCDC) employs and designated an agency wide PREA coordinator. The PREA coordinator is responsible for the oversight of one PREA compliance manager (PCM) at each facility in the SCDC system. The position of PREA coordinator position is in the upper level of the SCDC agency hierarchy. The position of PREA coordinator reports directly to the chief legal &

compliance officer/director's PREA designee. The PREA coordinator assumed his position as PREA coordinator in April 2019.

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.

- 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.
- 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 is through email, text, phone calls, monthly meetings, and communication via Regional PREA compliance managers (either in person or virtual?)
- Agency PREA Coordinator: Question, if you identify an issue with complying with a PREA standard, what actions or processes do you undertake to work toward compliance with the standard? Coordinator would collaborate with the institutional Warden, the PREA Compliance Manager, the Regional Compliance Manager, and the Regional Director. If the issue cannot be alleviated through communication with the institution, the Agency PREA Coordinator would work with the Assistant and Deputy Director of Operation to create a plan to address the issues. The Director would be the last result.
- Facility Specialized Staff: The Associate Warden/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 be in compliance with 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.

The Facility PAQ Reported:

- The person to whom the PREA compliance manager reports: Warden

Discussion:

- South Carolina Department of Corrections (SCDC) has a zero-tolerance policy regarding all forms of sexual abuse and sexual harassment in all institutions operated by, or contracted with, SCDC for the confinement of inmates. SCDC will ensure all allegations of sexual abuse and sexual harassment are thoroughly investigated and

will support the prosecution of anyone found to have contributed to criminal activity. SCDC will ensure all employees, volunteers, interns, contractors, and inmates are trained and aware of SCDC's zero-tolerance policies.

- The Department of Corrections has 21 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.
- Additional policies have been put into place to prevent, detect, and respond to sexual abuse and sexual harassment.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.
- 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 21 facilities and facility PREA managers.

115.12	Contracting with other entities for the confinement of inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails • Addendum to the Annual PREA Report • Inmate Housing Agreement Between SCDC and CoreCivic, Inc. • CoreCivic 2018 PREA Audit • Memo: PREA Compliance Monitoring • CoreCivic 2020 PREA Annual Report (Private Facility) • 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 • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.12 (a)</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> <ul style="list-style-type: none"> • Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 1.4: For each institution SCDC contracts with for the confinement of inmates adjudicated to the South Carolina Department of Corrections, SCDC will monitor contracted agencies to ensure compliance with the National PREA Prison and Jail Standards on a yearly basis. • Core Civic Staffing Plan: The facility staffing plan included a section on contracts. This section stated: <ul style="list-style-type: none"> ◊ Should the facility enter into any contract for the confinement of offender with another agency, public or private, the contract will include the contractor’s obligation to adopt and comply with PREA standards and the facility authority to monitor the contractor for compliance with PREA standards. ◊ Documentation regarding any active contracts will be maintained by the agency PREA coordinator/designee for record keeping purposes and will be made available to the PREA coordinator upon request. • Facility Online PREA Audit: Pre-Audit Questionnaire: (SCDC) ◊ The number of contracts for the confinement of inmates that the agency entered

into or renewed with private entities or other government agencies on or after August 20, 2012, or since the last PREA audit, whichever is later: 1.

◆ The number of above contracts that did not require contractors to adopt and comply with PREA standards: 0.

- Agency Contract Administrator: Question, how do you monitor new and renewed 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.
- Facility Specialized Staff: The Associate Warden/PREA Compliance Manager was asked: Does the facility contract with other agencies or entities for the confinement of inmates. The Associate Warden/PREA Compliance manager indicated that the facility does not contract with other private agencies or other entities, including other government agencies to house their inmates.
- The South Carolina Department of Corrections has contracted for the confinement of inmates with Core Civic, a private entity. 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 Civics' PREA compliance activities.
- South Carolina Department of Corrections (SCDC) has a zero-tolerance policy regarding all forms of sexual abuse and sexual harassment in all institutions operated by, or contracted with, SCDC for the confinement of inmates. SCDC ensure all allegations of sexual abuse and sexual harassment are thoroughly investigated and support the prosecution of anyone found to have contributed to criminal activity. SCDC ensures all employees, volunteers, interns, contractors, and inmates are trained and aware of SCDC's zero-tolerance policies.
- The Office of Legal and Compliance provided an Addendum to the Annual PREA report dated September 2020 regarding requirements of the CoreCivic Safety - Tallahatchie County Correctional Facility Annual Report files.

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.

- Agency Contract Administrator: Question, have PREA compliance results been completed for each contract entered into within the past 12 months? Yes, PREA audits have been completed for the institutions that SCDC contracts with and are posted online at the CORECive website.

- Agency Contract Administrator: Question, have contract facilities completed and submitted PREA compliance results? Yes. The PREA audit reports are posted on the CORECive website.

Facility Online PREA Audit: Pre-Audit Questionnaire: (SCDC)

- The number of contracts referenced in 115.12 (a)-3 that do not require the agency to monitor contractor's compliance with PREA standards: 0

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.13	Supervision and monitoring
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • Facility Staffing Plan • Facility Schematic/Layout • SCDC Form 19-212, Deviation from Staff Plan • Daily Population Reports – 1st, 10th, and 20th (Past 12 Months) • Overall Average Length of Stay (Days) • Population Breakdown by Age • Unannounced Rounds: SCDC Form 19-164A “Unannounced Rounds Logs” (Past 12 Months) • 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 • Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended. • Guidance on Cross-Gender and Transgender Pat Searches • Cross-Gender and Transgender Pat Searches Video • PREA Training Curriculum • Online PREA Audit: Pre-Audit Questionnaire • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.13 (a)</p> <p>The agency shall ensure that each facility it operates shall develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and where applicable, video monitoring, to protect inmates against sexual abuse. In calculating adequate staffing levels and determine the need for video monitoring, facilities shall take into consideration:</p> <ul style="list-style-type: none"> • 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.
- 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.
- The South Carolina Department of Corrections ensures that each facility it operates develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and where applicable, video monitoring, to protect inmates against sexual abuse.
- Agency PREA Coordinator: The agency PREA coordinator confirmed that all PREA staffing plans are reviewed and responded to by him at least annually, and not the Division of Security. The Division of Security is responsible for reviewing facility post orders previously termed staffing plans and the Master POST Chart. SCDC has since then made changes to other policies to better align with PREA terminology and to reduce confusion of terms.
- 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 adequate staffing levels to protect inmates against sexual abuse. Video monitoring is a part of the plan and every housing unit has cameras which monitor common areas. The staff plan is documented and is provided and maintained by the PREA Compliance Manager and updated annually. Anytime it is updated it is sent out 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.
- SCDC Policy Number: OP 22.24 Poster Orders policy indicates - In order to promote consistent and uniform operations within SCDC, the Division Director of Security will

be responsible for the development and publication of Agency Post Orders which are designed to specify the duties and responsibilities for Officers assigned to security posts within the Agency.

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

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

The Staff Plan included the following:

- Minimum Staffing:

- ◊ MacDougall requires 32 Correctional Officers (CO) 7 days week, Monday through Sunday, to minimally cover a weekday shift at MacDougall (Mandatory posts are indicated above in red). The first shift requires a critical minimum of 14 officers, the second shift requires 13 Officers. The staffing numbers provided auxiliary staff needed to perform administrative functions.

- Housing Units:

- ◊ Hickory - 96 - Character Unit
- ◊ Magnolia #1 - 96 - Veterans Unit
- ◊ Magnolia #2 - 96 - GP
- ◊ Birch #1 - 96 - GP
- ◊ Birch #2 - 96 - GP
- ◊ Cypress #1 - 96 - GP
- ◊ Cypress #2 - 96 - GP
- ◊ Oak - 32 - GP

- Non-Living Unit:

- ◊ Administration Building
- ◊ Holding Cell 91) Administration Bld. Rear
- ◊ Holding Cell (2) Administration Bld. Transportation Area
- ◊ Chapel
- ◊ Cafeteria
- ◊ Canteen
- ◊ Commissary
- ◊ Palmer Bldg.: Classrooms, meeting areas, library, law library, computer labs
- ◊ Horticulture Shed
- ◊ Greenhouse

- ◇ Maintenance
- ◇ Prison Industries
- ◇ Paint Booths, Auto body
- ◇ Visitation
- ◇ Yard Post
- ◇ Medical
- ◇ Exercise Shed
- ◇ Magnolia #1, #2 Center Offices
- ◇ Cypress #1, #2 Center Offices
- ◇ Birch #1, #2 Center Offices
- ◇ Recycling Shed
- ◇ Back Gate
- ◇ Farm
- ◇ Training Center

The Facility PAQ Reported:

- Since August 20, 2012, or last PREA audit, whichever is later, the average daily number of inmates: 600.

115.13 (b)

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

- 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 Form 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: The warden indicated to, 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 from 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 institution's PCM ensures that any deviations from the approved staffing plan are documented. All deviations from the staffing plan will 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 provided the auditor with MacDougall Correctional Institution "Job Status Report". The report indicated the total number of security positions is 184, number filled 63 and the number vacant 89. The facility and agency are recruiting daily by TV ads, signs outside of the facility, giving bonuses, and walking interviews.
- The facility has been working with recruiting to recruit individuals to come work at the facility. During the dayshift, the facility makes every effort to use C-card staff to cover vacant posts or use transportation officers when they aren't transporting inmates to doctor appointment etc.
- The facility provided "Deviation Form Staffing Plan" documentation that gives the reason (s) 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 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.
- 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). Institutions have quarterly PREA meetings and at one of these meetings, the institutional 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 coordinator between 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.
- Discussion: 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.

- The facility has cameras located in and around the institution that are always monitored. The cameras in the facility cover the inside of the visiting room, rear of maintenance building, front vehicle sally port, and administration building inside front lobby and recreation areas. There are no cameras in inmate's 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.

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.

- 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.
- South Carolina Department of Corrections implement a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. The practice is implemented for night shifts as well as day shifts.
- Policy 06.11 section 1.2.2.4 states, all warden, associate wardens, and senior institutional supervisory officers are required to conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment of inmates and documenting such unannounced rounds utilizing SCDC Form 19-164.A, "General Population Housing Unit Unannounced Rounds Log".
- SCDC Policy OP-22.48 Institutional Weekly Rounds: The policy included section 3. "Quality Rounds": provision 3.1 rounds shall be conducted with the purpose of assessing the functioning of a specific area within the facility including any

maintenance issue affecting the areas/location. Rounds shall also serve as an effective mechanism for gauging the climate of the institution for both staff and inmates and for identification and deterrence of sexual abuse and sexual harassment. In doing so, staff conducting rounds shall talk with the staff assigned to the respective areas and inquire about issues/concerns they may have; talk with some inmates (or make oneself available to have dialogue); look at sanitation issues; and examine operational issues (specific to the area).

- Provision 3.4 also included staff shall not alert other employees that supervisory rounds are occurring unless such an announcement is related to the legitimate operational function of the facility.
- SCDC Policy OP-22.48 Institutional Weekly: The policy included section 4. "Documentation of Rounds": provision 4.2 all intermediate or higher-level supervisors, to include warden, associate wardens, duty wardens, majors, and shift supervisors, who conduct unannounced rounds shall document "Unannounced Round" or "UAR" in the Reason for visit column of the RHU Visitation Log (SCDC Form 19-164 or GP Visitation Log (SCDC Form 19-164a) in each area visited.
- 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.
- Facility Specialized Staff: Higher-level staff who conducted unannounced rounds were asked, have you conducted unannounced rounds? Staff indicated yes that ADO conduct rounds and the supervisors conduct PREA rounds. The staff also indicated that she prevents staff from alerting other staff that he is conducting unannounced rounds is easy for him because he has keys to all areas and she does not call ahead.

Finding:

Based on this analysis, the facility is compliant with all provisions in this standard.

115.14	Youthful inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020. • GA-06.11 Applying the Prison Rape Elimination Act (PREA) • SCDC Policy OP-21.04 Inmate Classification Plan • OP-22.39 Young Offender Parole and Reentry Services • Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended. • Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.14 (a)</p> <p>A youthful inmate shall not be placed in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters.</p> <ul style="list-style-type: none"> • 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. <p>The Facility PAQ Reported:</p> <ul style="list-style-type: none"> • In the past 12 months, the number of housing units to which youthful inmates are assigned that provide sight and sound separation between youthful and adult offenders in dayrooms, shared areas, showers, and sleeping quarters: 0. • In the past 12 months, the number of youthful inmates placed in same housing unit as adults at this facility: 0 • Facility Specialized Staff: The PREA compliance manager question, “does this facility house youthful inmates?” The facility sometime house youthful offenders. If the facility house 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.

- 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 will be 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.

- The facility does not house any inmates under the age of 18 years old (youthful inmate).

SCDC Policy Number: OP 22.39 Young Offender Parole and Reentry Services sections 2.4.1 and 2.4.2: Male Youthful Offenders are primarily housed at Tuberville and Trenton Correctional Institutions.

Section 2.4.2 Female Young Offender are primarily housed at Camille Griffin Graham Correctional Institution.

- SCDC Policy Number: OP 22.39 section four: Definitions – Youthful Offender refers to an offender who is at least 17 but less than 25 years of age at the time of conviction, referred to ISS, and who is sentenced under the South Carolina YOA, as defined in chapter 19 section 24, of the South Carolina Code of Laws, as amended, for a crime that is a misdemeanor, a Class E or F felony, or a felony which provides for a maximum term of imprisonment of 15 years or less.

- The South Carolina Department of Corrections Policy Number OP-21.04 Inmate Classification Plan 22 Young Offender Parole and Reentry Services (YOPRS): The South Carolina Department of Corrections has established a Young Offender Parole and Reentry program to provide progressive programming and strict discipline to inmate sentenced under the Youthful Offender Act (YOA). Central Classification will initiate necessary transfers upon request of the YOPRS Division. The Case Manager Team (CMT) will conduct initial reviews, initial orientation, and regularly scheduled reviews of inmates sentenced under the Youthful Offender Act. Reviews will be conducted as required by SCDC Policy OP-22.39, “Young Offender Parole and Reentry Services (YOPRS)”.

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.
- The facility does not house any inmates under the age of 18 years old (youthful

inmate).

115.14 (c)

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.

- The facility does not house any inmates under the age of 18 years old (youthful inmate).

The Facility PAQ Reported:

- In the past 12 months, the number of youthful inmates who have been placed in isolation in order to separate them from adult inmates: 0.

115.15	Limits to cross-gender viewing and searches
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • Job Status Report • List of Transgender and Intersex • 2021 PREA PowerPoint Training • 2021 Training Video • 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 Number: OP 22.19 Searches of Inmates • SCDC Policy OP-22.19, Search of Inmates • 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 ADM-17.01 Employee Training Standards • 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 <p>Reasoning and Analysis by Provision: 115.15 (a)</p> <p>The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.</p> <ul style="list-style-type: none"> • 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. • Random Sample of Staff: Twelve (12) staff were randomly interviewed. Seven (7) males and Five (5) females. The random staff representing staff from all shifts. 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 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 every year during

in-service.

The Facility PAQ Reported:

- In the past 12 months, the number of cross-gender strip or cross-gender visual body cavity searches of inmates: 0
- In the past 12 months, the number of cross-gender strip or cross-gender visual body cavity searches of inmates that did not involve exigent circumstances or were performed by non-medical staff: 0
- Discussion: 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.
- Policy requires only physicians or specially trained nursing personnel to perform body cavity searches. SCDC trained nursing personnel will have this special training documented on the computer-generated training record, a copy of which will be filed in their respective personnel files.
- SCDC Policy GA-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria, Section 4.1 states, Transgender inmates and inmates with gender dysphoria will be allowed to 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.

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.

The Facility PAQ Reported:

- The number of pat-down searches of female inmates that were conducted by male staff: 0.
- The number of pat-down searches of female inmates conducted by male staff that did not involve exigent circumstance (s): 0.
- The facility only housed male inmates. See section (a) response.

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.

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

115.15 (d)

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

- Policy: 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.

- Random Sample of Staff: Twelve (12) staff were randomly interviewed. Seven (7) males and Five (5) females. The random staff representing staff from all shifts. They were asked: Are inmates able to dress, shower, and 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. Seven (7) males and Five (5) females. The random staff representing staff from all shifts. 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 deck" or "female on the unit".

- During the facility on-site visit the auditor observed staff on the tour announcing their presence when entering the male housing areas. It should also be noted that several staff reported that the announcement was made at the beginning of the shift.

- Resident Interviews: Thirty-four (34) inmates were interviewed. Twenty-three (23) random and eleven (11) targeted. Fourteen (14) Black, Seventeen (17) White and Three (3) Hispanic. The interviewed inmates' arrival year at the facility was 2003 (1); 2017 (1); 2018 (2); 2019 (4); 2020 (2); 2021 (6); and 2022 (18). They were asked: Do

female staff announce their presence when entering your housing area? All reported that female staff announce their presence, by saying “something like female staff on the floor”.

- Resident Interviews: Thirty-four (34) inmates were interviewed. Twenty-three (23) random and eleven (11) targeted. Fourteen (14) Black, Seventeen (17) White and Three (3) Hispanic. The interviewed inmates’ arrival year at the facility was 2003 (1); 2017 (1); 2018 (2); 2019 (4); 2020 (2); 2021 (6); and 2022 (18). They were asked: Are you and other inmates ever naked in full view of female staff (not including medical staff such as doctors, nurses)? Thirty-four inmates reported that they are never naked in full view of female staff while showering, dressing, or while using the restroom.

Onsite Review/Observations:

- During the site review, the auditor observed the facility critical function of cross-gender viewing. The auditor observes 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.
- During the site review, the auditor observed the facility critical function of cross-gender announcements. The auditor observes staff announcing their present when entering housing unit/living areas of the opposite gender. The phrase most commonly used by staff is “female or male in the unit”; “female or male staff on deck”.
- During the site review, 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.
- During the site review, 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.
- During the site review, the auditor informally interviewed inmates regarding staff of the opposite gender announcing the present when enter the living units. All inmates indicated yes that staff announced their present.
- Discussion: Policy requires the facility to implement policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures require staff of the opposite gender to announce their presence when entering an inmate housing unit.

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

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

115.15 (e)

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

- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 1.10 and 1.11: All SCDC institutions will ensure that all staff, volunteers, interns, visitors, and contractors are required by institutional policies and procedures to have their own presence announced when entering a housing unit. Employees, volunteers, interns, visitors, and contractors entering a living facility will announce or have announced a statement similar to "Staff on the Floor".

- 1.11 At no time will any SCDC institution searches or physically examine a transgender or intersex inmate for the purpose of determining the inmate's genital status.

- Random Sample of Staff: Twelve (12) staff were randomly interviewed. Seven (7) males and Five (5) females. The random staff representing staff from all shifts. 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.

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

- Policy Number GA-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria - 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.

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.

- 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.

- Facility Specialized Staff: The 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.

- Random Sample of Staff: Twelve (12) staff were randomly interviewed. Seven (7) males and Five (5) females. The random staff representing staff from all shifts. 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 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 every year during in-service.

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

- ◊ 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.

- ◊ Slide #25 - Cross-gender frisk searches of female inmates are prohibited, except in exigent circumstances.

◇ 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 the include frisk (pat) searches and strip searches.

◇ 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.

◇ Slide #34 - No Excuse! You cannot refuse to strip search a transgender inmate. Being uncomfortable is not an exigent circumstance.

◇ Slide #34 - No Partial Searches! You cannot only partially strip search a transgender inmate. Transgender inmates must be fully searched the same way as a male or female inmate.

- Discussion: The facility has conducted training as required in standard. SCDC utilizes the training curriculum provided by the National PREA Resource Center titled Guidance in Cross-Gender and Transgender Pat Searches.

- This training was designed to be used in a 3.5-hour session. Through completing the training staff developed skill for performing cross-gender pat searches and searches of transgender and intersex inmates per PREA standards. The Guidance in Cross-Gender and Transgender Pat-Searches curriculum included:

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

- Discussion: The agency/facility prohibit cross-gender pat-down searches of female resident (facility only house male residents), absent exigent circumstances. If an exigent circumstance occurs the facility will document the process. The facility does not restrict access to programming and other opportunities to comply with this provision.

- 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.

- The facility policy, procedures and practices allow inmates to shower, perform bodily functions, and change clothes without being viewed by non-medical staff of the opposite gender. Staff of the opposite gender announce their presence when entering

a resident housing unit, room, bathroom, or shower; thus, allowing the inmates to cover up.

- 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 warrant 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.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

<p>115.16</p>	<p>Inmates with disabilities and inmates who are limited English proficient</p>
<p>Auditor Overall Determination: Meets Standard</p>	
<p>Auditor Discussion</p>	
<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • List of Limited English Proficient Inmates • List of Residents who are Blind, Deaf, or Hard or Hearing • List of Sign Language Interpreter • 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'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 • 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 • 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 OP-21.04, Inmate Classification Plan • Language Translation Via Telephone Instructions • Language-line Interpretative Services Contract (SCDA) • Online PREA Audit: Pre-Audit Questionnaire • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.16 (a)</p> <p>The agency shall take appropriate steps to ensure that inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the agency's effort to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary, to ensure effective communication with inmates</p>	

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 the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans with Disabilities Act, 28 CFR 35.164.

- 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 Discussion: 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.
- GA-06.08 Inmates with Disabilities and the Americans with Disabilities Act (ADA) dates November 13, 2020 section 3 Identifying Inmates with Disabilities provision 3.1 Reasonable efforts will be made to identify inmates with disabilities at a Reception and Evaluation (R&E) Center as soon as possible after coming under SCDC jurisdiction.
- GA-06.08 Inmates with Disabilities and the Americans with Disabilities Act (ACA) section 4 Effective Communication 4.1 SCDC will provide appropriate auxiliary aids and services to ensure effective communication for qualified inmates with disabilities so they can participate equally in SCDC programs, services, and activities, to include: qualified interpreters on-site or through video remote interpreting (VRI) services; note takers; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; open and close captioning, voice, text, and video-based telecommunications products and systems, including text telephones (TTY), and videophones, or equally effective telecommunications devices; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf, hear of hearing, or who have a speech disability.
- OP-21.04 Inmate Classification Plan section 4.15 Initial Orientation: Each inmate arriving at R&E will receive written orientation materials. Inmates that do not speak English shall be provided assistance/translations in their own language. Inmates with

hearing impairments will be provided with sign language services and visually impaired inmates will receive 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.
- Inmates with limited English Proficient: Two inmates were interviewed, they were asked: does the facility provide information about sexual abuse and sexual harassment that you are able to understand? One said yes and one said no. The one that said no, was asked does the facility provide you with someone to help you understand the information? The inmate said yes.
- The associate that interviewed the inmates use the facility language solution line.
- The auditor requested a list of inmate disabilities and LEP inmates at the facility. The report indicated the facility has one LEP inmate at the facility during the audit period. The agency and the prison 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 each GDC facility. Language Line Solutions, GDC Approved Bi-Lingual Staff, PREA Brochures in Spanish, GED and Literacy Remedial Instructors at the facility, and PREA Video are provided in an effort 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. GDC Standard Operating Procedure, 103.63, Americans with Disabilities Act (ADA), Title II Provisions, in a 20-page policy, addresses how the agency makes available interpretive services to disabled, challenged, and limited English proficient inmates.
- A GED Teacher/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.

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.

Quick Reference Guide: Though Global Interpreting Network the agency has provided facilities with quick reference guide instructions- to reach an interpreter.

- Dial 833-769-1307 (Toll Free Number)
- Enter your Pin number, followed by the pound (#) sign (The Pin for SCDC is --).
- Say the language (or type-in the first three letters) you are requesting and you will be connected to an interpreter for that language.
- When prompted, please enter your Employee ID followed by pound (#) sign.
- Note: To reach an operator, say "Operator" when the system prompts you for language at step 3.
- In addition to the education, each SCDC facility will ensure that key information, including information about the right to be free from sexual abuse and sexual harassment, and how to make a report, is continuously and readily available or visible to inmates through posters and other written formats.
- PREA information has been added to the Kiosk system (English and Spanish) that SCDC has put in place in all facilities. The Kiosk system makes inmates view the PREA information before they can continue to complete other tasks in the system. This ensures that all inmates receive PREA information and use as inmate PREA refresher.
- PREA Spanish posters are in the housing units so that inmates who were LEP and Spanish speaking would have information available in their own language. The agency provided a copy for the "language line" contract that 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."
- 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.

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.

- 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 assistants in obtaining information regarding investigations that may compromise the safety of the inmate.

- Random Sample of Staff: Twelve (12) staff were randomly interviewed. Seven (7) males and Five (5) females. The random staff representing staff from all shifts. 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? Twelve random staff reported that inmate interpreters are not allowed; nor have inmate interpreters, inmate readers, or other type of inmate assistants been used in relation to allegations of sexual abuse or sexual harassment.

The Facility PAQ Reported:

- In the past 12 months, the number of instances where inmate interpreters, readers, or other types of inmate assistants have been used and it was not the case that an extended delay in obtaining another interpreter could compromise the inmates' safety, the performance of first-response duties under 115.64, or the investigation of the inmate's allegations: 0.

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

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.17	Hiring and promotion decisions
	<p data-bbox="256 188 983 221">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="256 264 557 297">Auditor Discussion</p> <p data-bbox="256 340 1161 374">Evidence Relied Upon in Making the Compliance Determination:</p> <ul data-bbox="256 412 1474 1196" style="list-style-type: none"> • List of Employees Initial Criminal Record Background Checks (Past 12 Months with clearance statement/email) Spreadsheet • List of Contractors Initial Criminal Record Background Checks (Past 12 Months with clearance statement/email) • 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 • 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 <p data-bbox="256 1238 780 1272">Reasoning and Analysis by Provision:</p> <p data-bbox="256 1310 405 1344">115.17 (a)</p> <p data-bbox="256 1382 1422 1496">The agency shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates, who:</p> <ul data-bbox="256 1534 1461 1821" style="list-style-type: none"> • 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. <ul data-bbox="256 1859 1481 2063" style="list-style-type: none"> • 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 Director: 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 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.

- Discussion: SCDC policy 9.12, Applicant Criminal History, requires potential employees to report all arrests, court-ordered restraining orders (regarding a family member or a co-habitant) and/or convictions/dispositions on their original application. Successful applicants are checked through the National Crime Information Center (NCIC) before an official offer of employment is extended.

- The policy indicates that any applicant with a felony conviction (s), drug related conviction (s) within ten (10) years will not be hired by the Agency for any position. Language from standard 115.17 (a-b) is also included in Policy 9.12 Criminal History. The policy as states that any applicant that has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion or if the victim did not consent or was unable to consent or refuse or has been civilly or administratively adjudicated (found liable) to have engaged in or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, coercion or if the victim did not consent or was unable to consent to refunded will not be hired by the Agency for any position.

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.

- Agency HR Director: 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.

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

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

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.
- 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.
- Agency HR Director: 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.

The Facility PAQ Reported:

- In the past 12 months, the number of persons hired who may have contact with inmates who have had criminal background record checks: 20.
- Discussion: 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.

- 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.

- Letter dated March 11, 2015, from the Chief of South Carolina Law Enforcement Division stated, "The South Carolina Law Enforcement Division (SLED) is hereby authorized to search and retain all fingerprints submitted by the South Carolina Department of Corrections (SCDC) through the statewide. Automated Biometric Identification System (AFIS) for current and prospective employees. SLED is authorized to retain the fingerprints for certification purposes and for notification of the department regarding criminal charges. SCDC will ensure that current and future employees are notified that their prints are stored.

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.

- Agency HR Director: 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.

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

The Facility PAQ Reported:

- In the past 12 months, the number of contracts for services where criminal background record checks were conducted on all staff covered in the contract who might have contact with inmates: 0

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.

- 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.

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

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.

- Agency HR Manager: 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.

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

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

115.17 (g)

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

- Discussion: The South Carolina Department of Corrections Policy Number: ADM-11.28 Applicant Selection Process, section 9.11.4 indicated for falsification, omission, or misrepresentation of facts or information other than arrests, restraining orders, or convictions, consideration should be given to the type of information falsified, omitted, or misrepresented and whether or not an offer of employment

would have been extended if the agency had been given accurate information initially. Intentional deception will automatically disqualify an applicant.

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

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.

- Agency HR Director: 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.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.18	Upgrades to facilities and technologies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • Cameras - Staffing Plan • SCDC Policy OP-22.47 Prison Management Expectations • 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 ADM-12-01, Procurement of Supplies and Services • Online PREA Audit: Pre-Audit Questionnaire • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.18 (a)</p> <p>When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the agency shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse.</p> <ul style="list-style-type: none"> • 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. • Staffing Plan: The Staffing Plan indicates that consistent with PREA Standards 115.18 (a and b), when designating or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the warden in consultation with the facility PREA compliance manager, will consider the effect of the design, acquisition, expansion, or modification upon the ability to protect offenders from sexual abuse. When installing or upgrading video monitoring equipment, electronic surveillance systems, or other monitoring technology, the warden/designee, and the facility PREA compliance manager will consider how such technology may enhance the facilities' ability to protect offenders from sexual abuse. The facility PREA compliance manager will be responsible for maintaining documentation to certify that all plans were reviewed by the Warden for this purpose. • 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.

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.

- 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 an important 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 as a result 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.

Finding:

	<ul style="list-style-type: none">• Based on this analysis, the facility is compliant with all provisions in this standard.
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115.21	Evidence protocol and forensic medical examinations
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • SAFEs or SANEs Documentation (Past 12 Months) • PREA Coordinated Response Protocol • SC Victim Assistance Network (SCVAN) • SCDCVASA Member Organization and Services to Incarcerated Victims • Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended. • 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 POL-23.01 Investigation • SCDC Policy/Procedure, GA-05.01 Investigations • SCDC Policy POL-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 <p>Reasoning and Analysis by Provision:</p> <p>115.21 (a)</p> <p>To the extent the agency is responsible for investigating allegations of sexual abuse, the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.</p> <ul style="list-style-type: none"> • Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 2.1: SCDC's Office of Investigations and Intelligence (OII) is

responsible for investigating all allegation of sexual abuse, consistent with DCDC Policy POL-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.

- Policy: OII-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 Investigations and Intelligence (OII).

- Policy Statement: It is the policy of OII to ensure that evidence is properly secured and stored, readily retrievable, and that any changes in its custody have been properly and fully documented.

- Policy: OII-23.28 Evidence Protocol section 1.2 – The impounding agent shall properly handle, 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.

- Policy: OII-23.01 Investigations – Purpose: To establish guidelines for investigating criminal cases. To establish guidelines for investigating allegations made against the Agency Director concerning criminal behavior/activity or unethical conduct within the South Carolina Department of Corrections (SCDC).

- Policy Statement: To promote professional, ethical, lawful conduct, safety, and security throughout the agency, SCDC will authorize The Office of Investigations and Intelligence (OII) to conduct criminal and administrative investigations in compliance with all applicable SCDC policies, American Correctional Association standards, and state and federal statutes. OII will pursue criminal prosecution when warranted.

- Random Sample of Staff: Twelve (12) staff were randomly interviewed. Seven (7) males and Five (5) females. The random staff representing staff from all shifts. 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, bath, brush teethe, and overall treat as a crime scene. Most of the direct care staff also reported that they would send the victim to medical for an initial evaluation of his/her medical condition.

- Random Sample of Staff: Twelve (12) staff were randomly interviewed. Seven (7) males and Five (5) females. The random staff representing staff from all shifts. 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.

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

- SC Code of Laws Unannotated, Title 17 – Criminal Procedures Chapter 28, section 17-28-20 Definitions states:

For the purposes of this article:

(1) “Biological material” means any blood, tissue, hair, saliva, bone, or semen from which DNA marker grouping may be obtained. This includes material catalogued separately on slides, swabs, or test tubes or present on other evidence including, but not limited to, clothing, ligatures, bedding, other household material, drinking cups, or cigarettes.

(2) “Custodian of evidence” means an agency or political subdivision of the State including, but not limited to, law enforcement agency, a solicitor’s office, the Attorney General’s Office, a county clerk of court, or a state grand jury that possesses and is responsible for the control of evidence during a criminal investigation or proceeding, or person ordered by a court to take custody of evidence during a criminal investigation or proceeding.

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.

- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 2.2: SCDC’s OII 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.

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.

- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 2.5: Any inmate who alleges sexual assault will be given medical assistance consistent with SCDC Policy GA-06.11, Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment.
 - Discussion: 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.
 - 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.
 - Victim Support: An individual treatment plan shall be developed and initiated for each victim of sexual abuse to address post-traumatic stress resulting from the sexual abuse. The treatment plan includes, at a minimum, mental health counseling, medical follow-up (i.e., baseline testing for infectious diseases, etc.). In the case a female inmate, a pregnancy test will be completed as appropriate.
 - MOU between the Sexual Trauma Services of the Midlands (STSM). The STSM responsible for:
 - o Responding to calls from inmates received on STSM's 24-hour crisis hotline.
 - o Providing inmates with confidential emotional support services related to sexual abuse during their residency at an institution and during their transition from the corrections facility into the community.
 - o Providing follow-up services to victims of sexual assault as resources allow, including in-person visits.
 - o Maintaining confidentiality of communications with inmates.
 - o Working with designated staff to obtain security clearance as needed and follow all facility guidelines for safety and security.
 - o Attending all Sexual Abuse Incident Reviews at the request of an inmate with the understanding that STSM cannot disclose any communication with an inmate without a signed release from said inmate.
 - o Communicating any questions or concerns to PREA Coordinator that are not in violation of confidentiality.
- Note: This MOU services provided as agreed pursuant to the approved project goals and objectives listed in the awarded Justice Assistance Grant Program (Grant No. 1GPR19001).
- For providing services as the sole service provider of the STSM/The Pathway to

Healing is responsible for:

- o Providing emotional support services to inmate and juveniles adjudicated to the SCDC and the SCDJJ for sexual assault and sexual misconduct.
- o Providing awareness and knowledge to inmates and juveniles about sexual assault, misconduct, and harassment through group education sessions provided by a qualified instructor.
- o Providing training and education to the staff of SCDC and SCDJJ, to included correctional officers, medical and mental health practitioners, and others (including train-the-trainer) regarding information on the PREA, sexual assault, trauma informed care, youth violence prevention, SAFE/SANE requirements, and how to assist survivors of sexual abuse.
- o Submitting monthly reports of services and those served.
- o Providing timely invoices for payment with descriptive line items describing services provided, dates, times, locations, and costs.
- o Providing training agreed upon within each quarter of the grant.
- Contact: Sexual Trauma Services of the Midlands 3830 Forest Drive -Suite 201, Columbia, SC 29204
- The Sexual Trauma Services of the Midlands (STSM) provided monthly reports to the SCDC.

Onsite Review/Observations:

- During the site review, the auditor observed the facility signages 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.
- During the site review, the auditor observed the facility signages 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.
- Discussion: According to the South Carolina Department of Corrections website, residents are provided with access to outside victim advocates for emotional support services for residents related to sexual abuse whether it occurred in prison on before they became incarcerated. The Sexual Trauma Services of the Midlands/The Pathway to Healing serves this Correctional Institution.

The Facility PAQ Reported:

- The number of exams of forensic medical exams conducted during the past 12 months: 1.

- The number exams performed by SANs/SAFEs during the past 12 months: 1.
- The number of exams performed by a qualified medical practitioner during the past 12 months: 0.

115.21 (d)

The agency shall attempt to make available to the victim advocate from a rape crisis center. If a rape crisis center is not available to provided victim advocates services, the agency shall make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member. Agencies shall document efforts to secure services from rape crisis centers. For 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.

- 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.

SCDC 2021 Annual Report Summary:

- According to the SCDC 2021 Annual Report, in calendar year 2021, SCDC continues their agreements with ten (10) Rape Crisis Centers (RCCs) to provide emotional support services to incarcerated survivors of sexual abuse. The RCCs provide hundreds of hours of support to survivors inside SCDC, including face-to-face contacts, group sessions, written correspondence, and phone calls through a toll-free hotline. In addition, video conferencing and distribution of pre-recorded trauma training was provided. SCDC continues with its grant programs which assist SCDC with purchasing equipment, developing programs, and enhancing the Agency's compliance with the National PREA Standards.
- 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.
- The facility PREA manager disused the following program that provides assistance

in the emotional healing process and provides training about common reactions to trauma and resources available.

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

115.21 (e)

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

- Facility 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 victim (s) are offered the services of an outside agency victim advocate.

115.21 (f)

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

- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020, indicated that all

allegations of sexual abuse and sexual harassment, including threats and attempts, will be immediately and aggressively investigated. The Division of Investigations initiate the investigation and notify South Carolina Law Enforcement Division (SLED) and the Inspector General's office when sexual misconduct by staff, contractors or volunteers is alleged, and conduct an internal investigation in accordance with SCDC Policy/Procedure GA-05.01 - Investigations.

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

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

115.21 (g)

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

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

115.21 (h)

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

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

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.22	Policies to ensure referrals of allegations for investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview: • Reviewed Information in the Investigation Packages • 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 POL-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 <p>Reasoning and Analysis by Provision:</p> <p>115.22 (a)</p> <p>The agency shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.</p> <ul style="list-style-type: none"> • Policy: OII-23.01 Investigations – Purpose: To establish guidelines for investigating criminal cases. To establish guidelines for investigating allegations made against the Agency Director concerning criminal behavior/activity or unethical conduct within the South Carolina Department of Corrections (SCDC). • Policy Statement: To promote professional, ethical, lawful conduct, safety, and security throughout the agency, SCDC will authorize The Office of Investigations and Intelligence (OII) to conduct criminal and administrative investigations in compliance with all applicable SCDC policies, American Correctional Association standards, and state and federal statutes. OII will pursue criminal prosecution when warranted. • SCDC has policies that governs both criminal and administrative investigations. Policies also ensure that allegations of sexual abuse or sexual harassment are referred for investigation and completed on all administrative and criminal allegations. • 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 for 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 Investigations and Intelligence 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 depositions are the subject of incident reviews with an attorney from General Counsel's Office and the institutional staff after each to discuss circumstance surrounding the PREA incident, the investigation conducted and recommendations for future action.

The Facility PAQ Reported:

- In the past 12 months, the number of allegations of sexual abuse and sexual harassment that were received: 6.
- In the past 12 months, the number of allegations resulting in an administrative investigation: 3.
- In the past 12 months, the number of allegations referred for criminal investigation: 3.
- Discussion: 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:
 - 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.
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020, states, regardless of how an allegation of sexual abuse or sexual harassment is received, the PMC will ensure SCDC Form 19.29A, "Incident Report" is completed, along with an SCDC Form 19-169. "Incident Report Checklist for PREA Issues." The PMC will assign a case number to the PREA allegation on SCDC Form 19-19-186, "PREA Case Log." The case number and information will also be recorded on the web based PREA Case Log, which captures information for all institutions. The PCM will interview the alleged

victim to gather any other pertinent information regarding the case and ask the inmate to complete SCDC Form 19-187, "PREA Inmate Voluntary Statement." This information, along with a printed inmate face sheet (printed through the Internal Inmate Search Application), will be forwarded to the Agency's PREA Coordinator for review and confirmation that the case is PREA-related. Upon approval by the Agency's PC, the Agency PC, the Agency' PC will forward all inmate-on-inmate sexual harassment cases back to the institutional PCM to begin their administrative investigation, or for those allegations of criminal sexual abuse or staff-on-inmate sexual harassment will be investigated by SCDC's Police Services.

- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020, sections 2.4.1 and 2.4.1.2.

- Criminal Investigations: Any allegation that provides evidence of criminal sexual abuse will be forwarded to the proper authorities for prosecution.

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

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

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

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

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

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

SCDC 2021 Annual Report Summary:

- 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

Investigations and Intelligence (OII) investigated 25% of the allegations of sexual abuse/sexual harassment for criminal intent. 75% 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.

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.

- Regional Investigator: Question, does agency policy require that allegations of sexual abuse or sexual harassment be referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior? Yes. SCDC Policy GA-06.11B (7.1) requires this process. SCDC's Office of Investigations and Intelligence (OII) has full state authority to conduct criminal investigations and make arrests.
- SCDC OII has full state authority to conduct investigations and make arrests. SCDC OII also has an MOU with SC Law Enforcement Division (SLED) that allows for SLED to be the lead investigative agency if necessary.
- PREA compliance managers conduct reviews of inmate-on-inmate harassment as these are non-criminal issues that do not involve staff.
- 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 Police Services to initiate a criminal investigation. Criminal investigations are documented in the Police Case Management System. Incidents not determined to be criminal in nature are referred to as the facility for the completion of an administrative investigation. Administrative investigations are documented in investigative files at the facility and maintained by the PREA Compliance Manager.
- The facility provided the process of mental health referrals. When an inmate informs a staff member that he needs to see mental health, the inmate is escorted to medical. Medical will conduct an assessment and contact a mental health counselor at another local facility. The mental health counselor will then determine how the inmate will be seen. This could result in the inmate being transported to their facility, or the counselor could report to this facility to speak with the inmate.

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.

- 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: OP-21-12: Prevention, Detection and Response to Sexual Abuse/Sexual Harassment is published on the agency's website at <http://doc.sc.gov/preaweb/>

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

115.22 (d)

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

- The agency has developed a policy for the investigation of sexual abuse and sexual harassment which is reported to the SCDC. The policy number: GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020.

published on the agency's website at <http://doc.sc.gov/preaweb/>

115.22 (e)

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

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

- 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.

Below are the Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview:

- The Total number of investigations for the past 12 months = 4
- Of the 4 the auditor reviewed = 4

- The total number of sexual abuse investigations = 2
- The total number of sexual harassment investigations = 2
- The number of criminal sexual abuse referred for prosecution = 0

Below are the Reviewed Information in the Investigation Packages:

- ◇ PREA Investigative Folder Checklist = 4
- ◇ Incident Report Checklist for PREA Issues = 4
- ◇ Incident reports = 4
- ◇ Transfer History - 3
- ◇ Classification Summary Reports = 3
- ◇ Voluntary Inmate Witness Statements = 3
- ◇ Report of Findings = 2
- ◇ Disposition of PREA Reports = 3
- ◇ Warden to Warden PREA Notification = 1
- ◇ Bed History = 2
- ◇ Sexual Abuse Retaliation Monitoring = 1
- ◇ Grievance Request = 1
- ◇ PREA Checklist for Medical Staff = 1
- ◇ Medical Visit = 1
- ◇ Additional Information and Support Services = 1
- ◇ Refusal of Medication or Medical Appointment = 1
- ◇ Evaluation of Protective Concerns = 1

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.31	Employee training
	<p data-bbox="256 188 983 224">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="256 264 557 300">Auditor Discussion</p> <hr/> <p data-bbox="256 340 1161 376">Evidence Relied Upon in Making the Compliance Determination:</p> <ul data-bbox="256 412 1476 1281" style="list-style-type: none"> • Employee PREA Training Roster • Staff Hired Past 12 Months Background Checks • Job Status Report • 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 (OP-21-12) • 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 <p data-bbox="256 1321 780 1357">Reasoning and Analysis by Provision:</p> <p data-bbox="256 1393 408 1429">115.31 (a)</p> <p data-bbox="256 1464 1353 1500">The agency shall train all employees who may have contact with inmates on:</p> <ul data-bbox="256 1536 1476 2074" style="list-style-type: none"> • 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.

- 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 every year 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.

- Random Sample of Staff: Twelve (12) staff were randomly interviewed. Seven (7) males and Five (5) females. The random staff representing staff from all shifts. 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 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.

- During documentation review, the auditor reviewed staff training rosters and certificates.

- The agency provides training for all staff working at its facilities. The South Carolina Department of Corrections Policy Number: GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment states, all employees (temporary and grant), volunteers, interns, and contractors will be provided general training on PREA and the agency's zero-tolerance policies. Direct care staff will have PREA training provided by the Division of Training and Staff Development during Agency On-boarding, Orientation. Security Basic Training, and annually as mandatory in-service annual training.

PREA training will include, but is not limited to:

- Review of the policy and other SCDC policy provision pertaining to inmate sexual abuse and sexual harassment prevention, detection, reporting and response, and how staff are to fulfill their responsibilities under these policies and procedures.
- The requirement that staffs report immediately any knowledge or information regarding sexual abuse or sexual harassment.
- SCDC's zero-tolerance for the sexual abuse and sexual harassment of inmates.
- Inmates' rights to be free from sexual abuse and sexual harassment, and the right of inmates and staff to be free from retaliation for reporting such abuse.

- The dynamics of sexual abuse and sexual harassment in confinement, recognition of signs of threatened and actual sexual abuse, common reactions of sexual abuse victims and sensitivity to inmate reports of sexual abuse, confidentiality, recognition of signs of predatory inmates and inmates who are vulnerable to sexual abuse.
- How to avoid inappropriate relationships with inmates; and
- How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

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

- New Employee Orientation - one day (8 hours) which includes information regarding PREA.
- 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.

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

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 Agencies 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 thru 49: These slides discuss Detection – Inmate Reporting.
Slide #46: This slide discusses Preventions – Supervision and Monitoring.
Slides #26 thru 27: these slides discuss Barriers to Reporting (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 thru 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.

- The common reactions of sexual abuse and sexual harassment victims.

Slides #18 thru 20: These slides discuss Punks and Slavery; Protective Pairing (Hooking Up), 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.

115.31 (b)

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

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

115.31 (C)

All current employees who have not received such training shall be trained within one year of the effective date of the PREA standards, and the agency shall provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In

years in which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies.

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

115.31 (d)

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

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

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

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

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

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

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

- 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 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.

	<ul style="list-style-type: none">• Refresher training occurs every year when the certified PREA audit is not conducted. This is provided for staff meetings, shift briefing, and management meetings.
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Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.32	Volunteer and contractor training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • Volunteer Services Agreement / SCDC Form PS-10.04 • Contractor Training Records • List of Active Volunteer • List of Contractor • 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 • 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 PS-10.04 Volunteer Services Programs • Online PREA Audit: Pre-Audit Questionnaire • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.32 (a)</p> <p>The agency shall ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency’s sexual abuse and sexual harassment prevention, detection, and response policies and procedures.</p> <ul style="list-style-type: none"> • Volunteers and contractors are provided with PREA training and education relative to their duties and responsibilities. • 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 contract medical staff who have contact with inmates have been trained in their responsibilities. <p>Medical contract staff completed the National Institute of Corrections (NIC) online training Specialized training: Medical and mental health care NIC online curriculum includes but not limited to the following topics:</p> <ol style="list-style-type: none"> 1. Detecting, Assessing, and Responding to Sexual Abuse and Harassment <ul style="list-style-type: none"> • Sexual Abuse in Confinement Settings • The Dynamics and Effects of Sexual Abuse • Your Role in Responding to Sexual Abuse Incidents

2. Preserving Physical Evidence of Sexual Abuse
3. Reporting Allegations and Suspicions
4. High-Risk Inmates
5. Effects of Sexual Abuse
6. Trauma and the Brain
7. Rape Trauma Syndrome
8. SART
9. Medical Screening
10. 115.21 Evidence protocol and forensic medical examinations
11. 115.35 Special training: Medical and mental health care
12. 115.61 Staff and agency reporting duties.
13. 115.65 Mandates a Coordinated Response to Sexual Abuse Incidents
14. 115.81 Medical and mental health screenings; history of sexual abuse
15. 115.82 Access to emergency medical and mental health services
16. 115.83 Ongoing medical and mental health care for sexual abuse victims and abusers.

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.

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

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

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

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

115.32 (c)

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

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

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

The agency/facility ensure that volunteers and contractors who have contact with residents are trained in their responsibilities regarding sexual abuse and sexual harassment prevention, detection, response policies and procedures at the agency/facility in with they are volunteering or working.

- The agency/facility also ensures that everyone in the facility, including volunteers and contractors, understand the agency's zero-tolerance policy toward sexual abuse and sexual harassment, that the agency prohibits them from engaging in sexual relations with residents and that sexual abuse and sexual harassment is always reported.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.33**Inmate education****Auditor Overall Determination:** Meets Standard**Auditor Discussion**

Evidence Relied Upon in Making the Compliance Determination:

- SCDC Form 18-18 Certification of Prison Rape Elimination Act
- SCDC Form 18-69 Certificate of Inmate Orientation (1 of 2 = 51; 2 of 2 = 49)
- Certificate of Inmate PREA Education
- 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'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
- Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended.
- 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

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.

- 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.

- Each inmate signed SCDC Form 18-78 Certification of Prison Rape Elimination Act (PREA) Orientation. A review of this form states, "This is to certify that I, __, SCDC# __, has seen the PREA video advising me of the agency's policies and procedures regarding sexual misconduct, sexual abuse, or sexual assault inmates in correctional facilities or patients confined in prisons or jail." The inmate signs and date of received.
- 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:
 - Intake education, which will be provided during the intake process within twenty-four hours of the inmate's arrival, and will include an explanation of SCDC's zero-tolerance policies toward sexual abuse and sexual harassment, and how to report incidents or suspicious of sexual abuse or sexual harassment; and
 - Comprehensive education will be provided within two (2) weeks of the inmate's arrival. PREA training will include, but is not limited to:
 - o Review of PREA policy and other SCDC policy provisions pertaining to inmate sexual abuse and sexual harassment prevention, detection, reporting and response, and how staff are to fulfill their responsibilities under these policies and procedures.
 - o Inmates' rights to be free from sexual abuse, sexual harassment, and retaliation for reporting.
 - o Prevention of sexual abuse and sexual harassment.
 - o Tips for staying safe from sexual abuse and sexual harassment.
 - o How to report incidents or suspicions of sexual abuse or sexual harassment.
 - o Availability of medical and mental health treatment and counseling for victimized inmates.
 - o Disciplinary actions for participating in sexual abuse, sexual harassment, or making false allegations.
- Central Office Staff: Interview with the agency PREA coordinator revealed that the South Carolina Department of Corrections (SCDC) was provided a grant, through the United States Department of Justice, to assist with implementation of the PREA standard (115.33). Through this grant, SCDC is working with five rape crisis centers (Pathways to Healing, The Cumbee Center, The Family Resource Center, and Beyond Abuse), along with the South Carolina Coalition Against Domestic Violence and Sexual Assault (SCCADVASA) and Just Detention International on the creation of a program to create an emotional support and sexual abuse advocacy program run by inmates.
- 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: Thirty-four (34) inmates were interviewed. Twenty-three (23) random and eleven (11) targeted. Fourteen (14) Black, Seventeen (17) White and Three (3) Hispanic. The interviewed inmates' arrival year at the facility was 2003 (1); 2017 (1); 2018 (2); 2019 (4); 2020 (2); 2021 (6); and 2022 (18). They were asked: When you first came here, did you get information about the facility's rules against sexual abuse and harassment? Thirty-four inmates reported they were given information about the facility's rules against sexual abuse and harassment at admission.
- When asked how that information was given, inmates indicated they were given a PREA brochure or pamphlet and handbook and watched a video. Some said they were given a sheet with information on it. Others said they were given the information orally. Virtually every inmate said they had received PREA information in every facility they have been in, and they already knew about PREA and how to report allegations if they needed to. They also said the information is on the walls in this facility.
- During the facility tour, inmates that were pull to the side for an informal interview, stated that they received sexual abuse and sexual harassment information by watching a video, some PREA papers, PREA information is posted in the living unit, it is on their tablets and from staff.
- 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.

The Facility PAQ Reported:

- The number of inmates admitted during the past 12 months who were given this information at intake: 416.
- The number of those inmates admitted during the past 12 months (whose length of stay in the facility was for 30 days or more) who received comprehensive education on their right to be free from both sexual abuse and sexual harassment and retaliation for reporting such incidents and on agency policies and procedures for responding to such incidents within 30 days of intake: 416.
- The facility provides basic, critical information to every resident upon intake. This information includes some verbal and written regarding the facility's no-tolerance policy toward sexual abuse and sexual harassment and information about the ways to report sexual abuse and sexual harassment. Residents can report externally and internally using phone numbers, verbally, and in writing.

- The facility provides residents education, both critical information at intake and more comprehensive education within 30 days upon resident arrival or transfer from a different facility. If a resident is released and returns to the facility, the resident is given the same PREA education again.

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.

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

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

The facility provided the following inmate educational methods.

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

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

- File a grievance.
- File a report to investigations using a facility kiosk or tablet.
- Request to visit medical and ask for help.

- Ask a lawyer, a friend, or family member to request help.
 - Dial *22 from any inmate phone located in each living unit.
 - Dial * 63 for emotional support.
- 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.”
- 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.
 - Resident Interviews: Thirty-four (34) inmates were interviewed. Twenty-three (23) random and eleven (11) targeted. Fourteen (14) Black, Seventeen (17) White and Three (3) Hispanic. The interviewed inmates’ arrival year at the facility was 2003 (1); 2017 (1); 2018 (2); 2019 (4); 2020 (2); 2021 (6); and 2022 (18). They were asked: When you came here, were you told about:
 - ◊ Your right to not be sexually abused or sexually harassed? Thirty-four interviewed inmates reported they had been made aware of their rights.
 - ◊ How to report sexual abuse or sexual harassment? Thirty-four interviewed inmates reported they had been made aware of their rights.
 - ◊ Your right not to be punished for reporting sexual abuse or sexual harassment? Thirty-four interviewed inmates reported they had been made aware of their rights.
 - ◊ About how long after coming here did you get the PREA information above? When asked this question, there were a wide variety of answers.
 - During the facility tour, inmates that were pull to the side for an informal interview, stated that they received sexual abuse and sexual harassment information by watching a video, some PREA papers, PREA information is posted in the living unit, it is on their tablets and from staff.
 - The facility gives residents refresher information whenever they transferred to the

facility, as well as through PREA posters, sessions with case managers.

115.33 (c)

Current inmates who have not received such education shall be educated within one year of the effective date of the PREA standards and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility.

- Policy states current inmates who have not received the required education shall be educated as promptly as possible.
- Facility 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.
- The facility provides PREA information to the residents regarding sexual safety. Residents who are limited English proficient, are deaf, visually impaired, disabled, including residents with mental illness, or have limited reading skills can get both the information provided at intake and the more complete education in a manner they can understand.

115.33 (d)

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

- Policy GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment indicated that the training and information provided will be communicated in a manner that can be clearly understood by the inmate: inmates will have the opportunity to ask questions and received answers during each training session.
- Section 1.1.7 indicated that during each inmate orientation and training session, inmate education materials will be provided in formats which are accessible to all inmates. This includes providing documentation and materials to inmates who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.

115.33 (e)

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

- SCDC Policy GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment indicated that inmates will be required to sign an acknowledgement of having received all PREA training at both R&E Centers and the assigned institution on SCDC Form 18-78, "Certification of Prison Rape Elimination Act (PREA) Orientation." A

copy of the 18-78 will be maintained in the inmate's institutional record.

115.33 (f)

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

- 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.

The facility provided the following available PREA information.

- English PREA Poster
- Spanish PREA Poster
- Inmate Handbook with PREA information
- Let's Talk About Safety" Brochure
- Inmate Kiosk and the tablet System (Inmates are required to view PREA information before they are able to further utilize the Kiosks).
- Video Tape
- File a Grievance
- File a report to investigations using a facility kiosk.
- Request to visit medical and ask for help.
- Ask a lawyer, a friend, or family member to request help.
- Dial *22 from any inmate phone located in each living unit.
- Dial *63 from emotional support

Onsite review (Observations) and Testing of Critical Functions/Internal Reporting Methods:

- During the site review, the auditor observed the facility signages 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.
- During the site review, the auditor observed the facility signages 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.
- Testing of Critical Functions/Internal Reporting Methods: During the site review, 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 has critical information continuously available to residents through posters, PREA handouts and meetings/sessions with case managers or counselors.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.34	Specialized training: Investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • Facility Investigator (s) NIC Certificates • Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview: • Reviewed Information in the Investigation Packages • NIC Online Specialized Investigation Training (e-learning Course) • MOU with SC Law Enforcement Division • NIC Online Investigations Specialized Training Curriculum • List of Agency Investigators (Spread Sheet) NIC Training Dates • 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 POL-23.01 Investigation • SCDC Policy POL-23.12 Case File Requirements • Online PREA Audit: Pre-Audit Questionnaire • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.34 (a)</p> <p>In addition to the general training provided to all employees pursuant to standard 115.31, the agency shall ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings.</p> <ul style="list-style-type: none"> • The investigators are required to complete the National Institute of Corrections (NIC) online PREA Specialized Investigation training in addition to the general PREA training. Policy requires SCDC Police Services Investigators to complete a multiple-tier training regimen of Specialized Training for Investigators. • 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 OII 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. • Regional Investigator: Question, did you receive training specific to conducting

sexual abuse investigations in confinement settings? Yes.

- All SCDC OII's investigators are investigating Sexual Abuse in a Confinement Setting and Investigating Sexual Abuse in A Confinement Setting: Advanced Investigations. These online classes are taught by the National Institute of Corrections (NIC). The agency provides a list with completion date for all 46 investigators.

- 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."

- The investigators who handle sexual abuse incidents are trained. 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.

Below are the Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview:

- The Total number of investigations for the past 12 months = 4
- Of the 4 the auditor reviewed = 4
- The total number of sexual abuse investigations = 2
- The total number of sexual harassment investigations = 2
- The number of criminal sexual abuse referred for prosecution = 0

Below are the Reviewed Information in the Investigation Packages:

- ◇ PREA Investigative Folder Checklist = 4
- ◇ Incident Report Checklist for PREA Issues = 4
- ◇ Incident reports = 4
- ◇ Transfer History - 3
- ◇ Classification Summary Reports = 3
- ◇ Voluntary Inmate Witness Statements = 3
- ◇ Report of Findings = 2
- ◇ Disposition of PREA Reports = 3
- ◇ Warden to Warden PREA Notification = 1
- ◇ Bed History = 2
- ◇ Sexual Abuse Retaliation Monitoring = 1
- ◇ Grievance Request = 1
- ◇ PREA Checklist for Medical Staff = 1
- ◇ Medical Visit = 1
- ◇ Additional Information and Support Services = 1
- ◇ Refusal of Medication or Medical Appointment = 1

◇ Evaluation of Protective Concerns = 1

SCDC 2021 Annual Report Summary:

- 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 Investigations and Intelligence (OII) investigated 25% of the allegations of sexual abuse/sexual harassment for criminal intent. 75% 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.

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.

- Regional 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 correctional facilities.

- The online training also includes proper use of Miranda and Garrity warnings, and the criteria and evidence required to substantiate a case for administrative or prosecution referral.

The National Institute of Corrections (NIC) online training “PREA: Investigating Sexual Abuse in a Confinement Setting” includes the following topics:

1. Initial Response
2. Investigation
3. Determination of the findings
4. A Coordinated Response
5. Sexual Assault Response Team
6. A Systemic Approach
7. How Sexual Abuse Investigations Are Different
8. How Investigations in Confinement Settings Are Different
9. Criteria for Administrative Action
10. Criteria for Criminal Prosecution
11. Report Writing Requirements of an Administrative Report
12. Requirements for an Administrative Report

- 13. Requirements for a Criminal Report
- 14. The Importance of Accurate Reporting
- 15. Miranda and Garrity Requirement
- 16. Miranda Warning Considerations
- 17. Garrity Warning Considerations
- 18. The Importance of Miranda and Garrity Warnings
- 19. Medical and Mental Health Practitioner's Role in Investigations
- 20. PREA Standards for Forensic Medical Examinations

115.34 (c)

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

- The agency provided a list of investigators that are responsible for investigating PREA at this facility. NIC verification of completion was provided.
- The facility reports zero PREA investigations within the past two (2) years.

The Facility PAQ Reported:

- The number of investigators currently employed who have completed the required training: 42.

115.34 (d)

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

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

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.35	Specialized training: Medical and mental health care
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p>
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • National Institute of Corrections (NIC) PREA for Medical and Mental Health Practitioners (Roster) • NIC Training Log • List of Medical Staff (Staff Roster) • List of Mental Health Staff (Staff Roster) • NIC Online Investigations Specialized Training Curriculum • 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 GA-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria • Online PREA Audit: Pre-Audit Questionnaire • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.35 (a)</p> <p>The agency shall ensure that all full and part time medical and mental health care practitioners who work regularly in its facilities have been trained in:</p> <ul style="list-style-type: none"> • 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. <ul style="list-style-type: none"> • 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. <ul style="list-style-type: none"> • 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.

The Facility PAQ Reported:

- The number of all medical and mental health care practitioner who work regularly at this facility who received the training required by agency policy: 16.

- 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."

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.

115.35 (b)

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

- Facility 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.

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.

- Medical and mental health maintains documentation that training is kept as electronic training records.

115.35 (d)

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

- Facility Specialized Staff: medical staff response to, have you received any other specialized training regarding sexual abuse or 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.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.41	Screening for risk of victimization and abusiveness
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • Initial Assessments (1 of 5 = 72; 2 of 5 =80; 3 of 5 = 63; 4of 5 = 63; 5 of 5 = 73) • Reassessment Assessments (1 of 5 = 81; 2 of 5 = 83; 3 of 5 = 68; 4 of 5 = 52; 5 of 5 =68) • List of Vulnerability Inmates • List of Inmates accused of Sexual Abuse/Sexual Harassment • List of Transgenders and Intersex Inmates • List of Bisexual, Gay, Lesbian Inmates • List of Gender Nonconforming Inmates • List of Who Reported Yes to Prior Victimization (PREA Question from the system) • Resident Rosters with Housing Assignments • 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-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria • SCDC Policy OP-21.04 Inmate Classification Plan • SCDC Form 18-79 PREA Screening Checklist • Guidance in Cross-Gender and Transgender Pat Searches (MOSS Group - February 2012) • Online PREA Audit: Pre-Audit Questionnaire • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.41 (a)</p> <p>All inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.</p> <ul style="list-style-type: none"> • Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 4.1: All inmates will be screened for risk vulnerability/abusiveness consistent with SCDC Policy OP-21.04, Inmate Classification Plan, and the National PREA Prison and Jail Standards requirements within seventy-two (72) hours of arrival at each institution and before permanent placement decisions and assignments are made. All institutions will use the SCDC PREA Screening Application. • 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).

- Policy OP-21.04 Inmate Classification Plan - during the receiving and screening phase at the Reception and Evaluation Center, medical staff screen the incoming inmate within 72 hours, using SCDC Form M-14 and the history portion of the R&E Physical in the automated medical record (AMR).
- Policy states, Initial Screening for Risk of Victimization or Abusiveness: Inmate must be screened for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of arrival at SCDC and again at each subsequent transfer. A trained designated staff member uses the automated PREA Screening Instrument (SCDC Form 18-79, "PREA Screening Checklist") to interview the inmate and complete the checklist.
- 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.
- When access the PREA Risk Assessment Screening Tool and the HOME page type the offender's SCDC ID, the summary screen above should be showing at least eight (8) assessments (4 initial assessments and 4 reassessments) since the inmate had been at four institutions.

A review of the PREA Risk Screening User Guide gives the following reason options listed:

- Intake (Initial): Use when completing the initial assessment within 72 hours on an offender's arrival to the intake facility.
- Transfer (Initial): Use when completing the initial assessment as the receiving institution (Not the intake facility).
- 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.)
- 30 Days (Reassessment): Select to complete the assessment that must take place within 30 days after the arrival of the offender at any facility.
- 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)."

- 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:

- 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.
- 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.
- Little to No Elevated Risk (Green) – There are no indicators that would require special consideration for the inmates.
- 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: Thirty-four (34) inmates were interviewed. Twenty-three (23) random and eleven (11) targeted. Fourteen (14) Black, Seventeen (17) White and Three (3) Hispanic. The interviewed inmates' arrival year at the facility was 2003 (1); 2017 (1); 2018 (2); 2019 (4); 2020 (2); 2021 (6); and 2022 (18). 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-four inmates said yes to all 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.

- During the facility tour, inmates that were pull to the side for an informal interview, stated that they received sexual abuse and sexual harassment information by watching a video, some PREA papers, PREA information is posted in the living unit, it is on their tablets and from staff. They all remember answering questions from the PREA screening process.

- The agency, as required in policy, does not make housing and program assignments based on any criteria other than making individualized determinations about how to ensure the safety of each resident housing and program assignments for transgender or intersex residents are based on a case-by-case basis.

- 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 are discussed. The screening location has adequate space, privacy, and time to conduct a quality screening of the resident for the desired information. Staff receive LGBTI training on effective and professional communication during the staff PREA training.

115.41 (b)

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

- The South Carolina Department of Corrections Policy Number GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment 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.

115.41 (c)

Such assessments shall be conducted using an objective screening instrument.

- 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 PREA Risk Screening has added features such as a "List Menu" with dropdown categories added to include:

- "Initial Assessment List"
- "Reassessment List"
- Location Search that provides staff with information regarding a certain dorm and if a certain category of resident is housed there.
- "One-to-One Compatibility Search" which is a very useful tool whereby staff can input two resident SCDC numbers to determine if two residents can safely be housed together.
- A search tool that lets staff know where vulnerable residents are currently housed to include dorm, room and bunk information.
- 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 or not 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.

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

- The facility uses PREA screening information to inform the agency or facility decisions regarding a particular resident's housing unit, and programming needs. The assessment is conducted using an objective screening instrument. The residents are

reassessed when warranted by incident of sexual abuse, receipt of and new or relevant information.

115.41 (d)

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

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

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

- First time the person has been incarcerated (Adult Jail or Prison, or Juvenile)
- Is the inmate under 18 years old?
- Are the inmates of two or more races?
- Are the inmate's convictions solely non-violent?
- Does the inmate have past convictions of committing a violent sexual offense?
- Does the inmate have a mental health status?
- Are you gay or bisexual?
- Are you Transgender?
- Are you Intersex?
- Have you ever experienced sexual abuse?
- Did sexual abuse happen in a prison, jail, juvenile facility, or any other detention facility?
- In the past 30 days have you experienced any serious psychological distress?
- Do you have a developmental disability?
- Have you ever been in protective custody because of the threat of sexual abuse?
- Do you have any reason to fear placement in the general population? If so, why?
- Does this inmate have limited English abilities (speaking and understanding)?
- Could others perceive the inmate to be gay or bisexual?
- Could others perceive the inmate to be gender nonconforming?
- Does the inmate have a slight physical build (i.e., particularly thin for their height)?
- Is this inmate a validated gang member?
- Has this inmate ever been convicted for sexual abuse against a child?
- Has this inmate ever been convicted for sexual abuse against an adult?
- Has this inmate ever been convicted for non-sexual violent or assaultive offenses?
- Aside from any convictions, does this inmate have one or more substantiated

reports of institutional sexual abuse or sexual violence?

- Do you have a history of committing sexual abuse?
- Did the act of sexual abuse occur in a correctional facility?
- Was this conviction for an act that took place in an institutional setting?

- 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.

- 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.

115.41 (e)

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

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

115.41 (f)

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

- 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.

- Agency PREA Coordinator: 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.

- Resident Interviews: Thirty-four (34) inmates were interviewed. Twenty-three (23) random and eleven (11) targeted. Fourteen (14) Black, Seventeen (17) White and Three (3) Hispanic. The interviewed inmates' arrival year at the facility was 2003 (1); 2017 (1); 2018 (2); 2019 (4); 2020 (2); 2021 (6); and 2022 (18). They were asked whether they have been asked again since initial arrival questions like whether or not they had been in jail or prison before, whether they had had ever been sexually abused, whether they identify as being gay, lesbian, bisexual and whether or not they think they may be in danger of sexual abuse. Thirty-four said yes or can recall some of the questions. Several stated they were asked the questions at the 30 day or 90-day review.
- Residents are rescreened within 30 days of their arrival at the facility. Residents 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.

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.

- 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.
- Resident Interviews: Thirty-four (34) inmates were interviewed. Twenty-three (23) random and eleven (11) targeted. Fourteen (14) Black, Seventeen (17) White and Three (3) Hispanic. The interviewed inmates' arrival year at the facility was 2003 (1); 2017 (1); 2018 (2); 2019 (4); 2020 (2); 2021 (6); and 2022 (18). They were asked:
When you came here, were you told about:
 - ◇ Your right to not be sexually abused or sexually harassed? Thirty-four interviewed inmates reported they had been made aware of their rights.
 - ◇ How to report sexual abuse or sexual harassment? Thirty-four interviewed inmates reported they had been made aware of their rights.
 - ◇ Your right not to be punished for reporting sexual abuse or sexual harassment? Thirty-four interviewed inmates reported they had been made aware of their rights.

◇ About how long after coming here did you get the PREA information above? When asked this question, there were a wide variety of answers. Thirty-four interviewed inmates reported they had been made aware of their rights the same day as they were admitted.

- During the facility tour, inmates that were pull to the side for an informal interview, stated that they received sexual abuse and sexual harassment information by watching a video, some PREA papers, PREA information is posted in the living unit, it is on their tablets and from staff.

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

115.41 (h)

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

- 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.

- Residents 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.

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 in not exploited to the inmate's detriment by staff or other inmates.

- Agency PREA Coordinator: Question, has the agency outlined who should have access to an inmate's risk assessment within the facility in order to protect sensitive information from exploitation? 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.

- 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.

- 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.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.42	Use of screening information
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • Initial and Reassessment Assessments • List of Vulnerability Inmates • List of Inmates accused of Sexual Abuse/Sexual Harassment • List of Transgenders and Intersex Inmates • List of Bisexual, Gay, Lesbian Inmates • List of Gender Nonconforming Inmates • List of Who Reported Yes to Prior Victimization (PREA Question from the system) • Resident Rosters with Housing Assignments • 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-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria • SCDC Policy OP-21.04 Inmate Classification Plan • SCDC Form 18-79 PREA Screening Checklist • Guidance in Cross-Gender and Transgender Pat Searches (MOSS Group - February 2012) • Online PREA Audit: Pre-Audit Questionnaire • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.42 (a)</p> <p>The agency shall use information from the risk screening required by standard 115.41 to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.</p> <ul style="list-style-type: none"> • 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. • 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.
- Gay and Bisexual Inmates: Three (3) Gay and Bisexual inmates were interviewed; they were asked, have you been put in a housing area on for gay, lesbian, bisexual, transgender, or intersex inmates? All three (3) inmates stated no.
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment indicated that information provided from the screening assessment will be used to determine the inmate's housing, bed, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.
- 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.
- 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.

115.42 (b)

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

- 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.
- 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.

- Gay and Bisexual Inmates: Three (3) Gay and Bisexual inmates were interviewed; they were asked, did staff here ask you questions about your safety? All inmates stated yes.

- The facility uses the PREA screening information from standard 115.41 to make individualized determinations for all residents regarding housing, bed work, education, and program assignments. These determinations are to maintain separation between residents' persons at risk of being sexually victimized and residents likely to commit sexual abuse.

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.

- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 4.5: In determining housing and programming for inmates who identify as transgender, or intersex, assessment staff will complete the PREA Screening Application and will document the inmate's preferences in their assignment. Decisions on housing, programming, and other placements will be determined on a case-by-case basis.

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

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

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

- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual indicated that inmates who self-identify as Transgender or Intersex during intake will be not be required to receive gender specific grooming standards until the institution's PREA

Compliance Manager (PCM) provides instruction. The PCM will receive instructions from the agency's PREA Coordinator (PC) or designee.

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

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

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

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

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

- 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.

- Slide #25 - Cross-gender frisk searches of female inmates are prohibited, except in exigent circumstances.

- 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 the include frisk (pat) searches and strip searches.

- 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.

- Slide #34 - No Excuse! You cannot refuse to strip search a transgender inmate. Being uncomfortable is not an exigent circumstance.
- Slide #34 - No Partial Searches! You cannot only partially strip search a transgender inmate. Transgender inmates must be fully searched the same way as a male or female inmate.

115.42 (d)

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

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

115.42 (e)

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

- Policy: 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.

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

115.42 (f)

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

- 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 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.
- 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.

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.

- SCDC Policy GA-06.11B, Applying the Prison Rape Elimination Act (PREA) Section 13 - Definitions states "Gender Nonconforming means a person whose appearance or manner does not conform to traditional societal gender expectations.
- PREA Standards for Prisons and Jails 115.5 General definitions - Gender nonconforming means a person whose appearance or manner does not conform to traditional societal gender expectations.
- Agency PREA Coordinator: The Agency PREA Coordinator indicated that the auditor

request for a list of Lesbian, Gays and Bisexual are included in the gender nonconforming list. 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 no inmate will be placed specifically on their identity of lesbian, gay, bisexual, transgender, or intersex.
- Inmates identified to be at risk for sexual victimization will not be placed in protective custody or involuntarily segregated, unless there is no available location or method of keeping the inmate separated from likely abusers.
- Policy: SCDC Policy GA-06.09 The Multidisciplinary Management and Treatment Team, Section 2.1 states, the Multidisciplinary Management and Treatment Team will, on a case-by-case basis, create individualized accommodation plans that will provide for all medically necessary treatment, including personal adjustment and housing needs as search preferences, where deemed medically necessary. These individualized accommodation plans will be documented on SCDC Form M-207, Multidisciplinary Accommodation Plan.”

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

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

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. Transgender and intersex inmates will be given the opportunity to shower separately from other inmates. Placement and program assignment of transgender and intersex inmates will be reassessed every six months to review any threats to safety experienced by the inmate.

- 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 on the basis of their sexual orientation, genital status, or gender identity? SCDC has a Multidisciplinary Management and Treatment Team (MMITT)

which handles 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 on the basis of 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.
- 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.
- Observation: During the site review, the auditor observed the facility critical function where cross-gender viewing of Transgenders and Intersex persons of confined may occur. 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 showers or toilets. 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.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.43	Protective Custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • PREA Coordinated Response Plan • SCDC Policy Number: OP 22.23 Statewide Protective Custody • Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended. • 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-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria • SCDC Policy HS-19.04 Mental Health Services – General Provisions • SCDC Policy OP-21.04 Inmate Classification Plan • PREA Audit: Pre-Audit Questionnaire Prisons and Jails • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.43 (a)</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 from likely abusers. If a facility cannot conduct such as assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.</p> <ul style="list-style-type: none"> • 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 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. • Policy Discussion: GA-06.11 Prevention, Detection, and Response to Sexual Abuse/ Sexual Harassment indicated that no inmate will be placed specifically on their identity of lesbian, gay, bisexual, transgender, or intersex. • Inmates identified to be at risk for sexual victimization will not be placed in protective custody or involuntarily segregated, unless there is no available location or method of keeping the inmate separated from likely abusers. • The South Carolina Department of Corrections Policy Number: OP 22.23 – Statewide Protective Custody and utilizes the form Evaluation of Protective Concerns – SCDC

Form 19-47.

- Policy states when the inmate requests protective custody he or she will be interviewed by the highest supervisor on duty to determine the nature of the concern. The information will be documented in Section I of SCDC Form 19-47, Evaluation of Protective Concerns.

- The interviewing official will be responsible for making a recommendation on the form as to his/her assessment of the inmate's reason (s) for requesting protective custody housing. The interviewing official may either recommend that the inmate be returned to the general population or placed in "Pre-Hearing Detention with Protective Custody Concerns for further investigation.

The Facility PAQ Reported:

- 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

- 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

- 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

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.

The South Carolina Department of Corrections Policy Number: OP-22.23 sections provide access to:

- Security Checks – periodically observe inmates at least every 30 minutes on an irregular schedule.
- Daily Inmate Evaluation Sheets – responsible for conducting daily cell inspections.
- Programs – allowed access to meaningful programs and services.
- Religious Programming – requests to see a Chaplain will receive prompt response.
- Medical Care – Qualified healthcare personnel will be required to visit.
- Mental Health

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

115.43 (c)

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

- 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.

- 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 in order for the inmate’s request to be considered valid.

The auditor listed PREA related from the policy:

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

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.
- 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).

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.

- 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.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.51	Inmate reporting
	<p data-bbox="256 188 983 221">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="256 264 558 297">Auditor Discussion</p> <hr/> <p data-bbox="256 340 1161 374">Evidence Relied Upon in Making the Compliance Determination:</p> <ul data-bbox="256 416 1476 1910" style="list-style-type: none"> • Resident Data Sheet • Resident Roster • List of Inmates Request for Consular Notification • Facility Documentation of Consular Notification • MOU for Outside Services • ADM -15-02, Telephone Use • Agency Language Translation Instructions • Consular Notification and Access Manual • GA-01-03, Inmate Access to the Courts • 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 • 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 <p data-bbox="256 1953 782 1986">Reasoning and Analysis by Provision:</p> <p data-bbox="256 2029 408 2063">115.51 (a)</p>

The agency shall provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation, by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.

- 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/>.

- Random Sample of Staff: Twelve (12) staff were randomly interviewed. Seven (7) males and Five (5) females. The random staff representing staff from all shifts. 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: Thirty-four (34) inmates were interviewed. Twenty-three (23) random and eleven (11) targeted. Fourteen (14) Black, Seventeen (17) White and Three (3) Hispanic. The interviewed inmates' arrival year at the facility was 2003 (1); 2017 (1); 2018 (2); 2019 (4); 2020 (2); 2021 (6); and 2022 (18). 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.

- During the facility tour, inmates that were pulled to the side for an informal interview stated that they can report sexual abuse and sexual through a grievance, kiosk or call the hotline on the poster next to the phones.

Onsite Review/Observations and Testing of Critical Functions/Internal Reporting Methods:

- During the site review, the auditor observed the facility signages 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.
- During the site review, the auditor observed the facility signages 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.
- During the site review, the auditor observed the facility signages 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.
- During the site review, the auditor observed the facility provides persons confined access to writing instruments, paper and forms to report with.
- During the site review, 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.
- Testing of Critical Functions/Internal Reporting Methods: During the site review, 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 inmate can file a written report without giving his/her name or the name of the abuser (s). This information could also include an assault that occurred at any Correctional Facility, Detention Center, County Facility or while under community supervision, prior to or during his/her commitment to the SCDC.

Inmates can report PREA related allegations by:

- File a grievance.
- File a report for investigations using a facility kiosk.
- File a report for investigations using their tablets.
- Request to visit medical and ask for help.
- Ask a lawyer, a friend, or family member to request help.
- Dial *22 from any inmate phone located at each living unit (PREA reporting line set up by the SCDC to leave a message regarding any violation in the facility.
- Call Sexual Assault Hotline
- Dial *63 for emotional support.

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.

- Residents are informed of the different ways to report, methods, and how to access the internal and external reporting process.
- During the facility onsite inspection, the auditor observed intake process/location, where the PREA screening occurred, the location of the drop boxes and whether they were locked. The resident mail process was discussed, on how resident mail is sent and received.
- The facility has toll-free hotline numbers available to residents. During the onsite inspection the auditor tested critical functions such as the phones.
- 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.”
- 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.

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.

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

- Dialing *63 on the inmate phone (This call is not recorded and the inmate does not have to put in their Inmate Personal Identification Number (PIN) to make the call. The call goes to a Statewide Partnership with Sexual Assault Center that partnered with SCDC to provide these services. Center: Sexual Trauma Services of the Midlands.
- By Reporting to the Division of Investigations
- Inmate Kiosk System
- Inmate Tablets
- Dialing *22 reporting line set up by the SCDC to leave a message regarding any violation in the facility.
- By writing to South Carolina Law Enforcement Division (SLED); Anyone can write to SLED to make a report of sexual abuse inside a correctional institution in South Carolina and can choose to remain anonymous. If you have access to 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)

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

- Resident Interviews: Thirty-four (34) inmates were interviewed. Twenty-three (23) random and eleven (11) targeted. Fourteen (14) Black, Seventeen (17) White and Three (3) Hispanic. The interviewed inmates' arrival year at the facility was 2003 (1); 2017 (1); 2018 (2); 2019 (4); 2020 (2); 2021 (6); and 2022 (18). They were asked: Do you know if you are allowed to make a report without having to give your name? Thirty-four inmates reported they knew they could make an anonymous report.

- Resident Interviews: Thirty-four (34) inmates were interviewed. Twenty-three (23) random and eleven (11) targeted. Fourteen (14) Black, Seventeen (17) White and Three (3) Hispanic. The interviewed inmates' arrival year at the facility was 2003 (1); 2017 (1); 2018 (2); 2019 (4); 2020 (2); 2021 (6); and 2022 (18). 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.

115.51 (c)

Staff shall accept reports made verbally, in writing, anonymously, and from third

parties and shall promptly document any verbal reports.

- 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. Seven (7) males and Five (5) females. The random staff representing staff from all shifts. 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: Thirty-four (34) inmates were interviewed. Twenty-three (23) random and eleven (11) targeted. Fourteen (14) Black, Seventeen (17) White and Three (3) Hispanic. The interviewed inmates' arrival year at the facility was 2003 (1); 2017 (1); 2018 (2); 2019 (4); 2020 (2); 2021 (6); and 2022 (18). 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: Thirty-four (34) inmates were interviewed. Twenty-three (23) random and eleven (11) targeted. Fourteen (14) Black, Seventeen (17) White and Three (3) Hispanic. The interviewed inmates' arrival year at the facility was 2003 (1); 2017 (1); 2018 (2); 2019 (4); 2020 (2); 2021 (6); and 2022 (18). 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-four inmates reported they have never reported that they were sexual abused or sexually harassed while in this facility.
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment indicated that SCDC employees, volunteers, interns, and contractors will accept and report all allegations of sexual abuse from an inmate no matter the source or location of the allegations.
- Residents sign an acknowledgment form confirming they have been provided information related to reporting. The Zero Tolerance Policy for Sexual Harassment and Sexual Abuse Acknowledgment, affirms that resident understands reporting allegations of sexual abuse. The statement encourages residents to report. They are

advised they may report in person, in writing, or by telephone. They are told and understand too that resident, or a third party may report allegations of sexual abuse or sexual harassment to the staff, facility managers, or the designated PERA coordinator.

- Resident or third parties may also report to the Department of Correction PREA Investigation Unit. The form acknowledges that all allegations of sexual abuse and sexual harassment will be taken seriously and investigated by the proper authorities and that there will be no negative consequences for reporting.
- Residents have access to their families through visitation or through writing. They would also have access to their attorneys if they had one.

115.51 (d)

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

- Random Sample of Staff: Twelve (12) staff were randomly interviewed. Seven (7) males and Five (5) females. The random staff representing staff from all shifts. 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: Twelve (12) staff were randomly interviewed. Seven (7) males and Five (5) females. The random staff representing staff from all shifts. 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 would immediately respond to the allegations, contact supervisor and complete an incident report.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.52	Exhaustion of administrative remedies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview: • Reviewed Information in the Investigation Packages • 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 <p>Reasoning and Analysis by Provision:</p> <p>115.52 (a)</p> <p>An agency shall be exempt from this standard if it does not have administrative procedures to address inmate grievances regarding sexual abuse.</p> <ul style="list-style-type: none"> • 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 investigator 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. • Discussion: South Carolina Department of Corrections Policy Number: GA-01.12 Inmate Grievance System section 15.1 meets the requirements of this standard.

• 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.

Below are the Sexual Abuse, Sexual Harassment Allegations and Investigations Overview:

- The Total number of investigations for the past 12 months = 4
- Of the 4 the auditor reviewed = 4
- The total number of sexual abuse investigations = 2
- The total number of sexual harassment investigations = 2
- The number of criminal sexual abuse referred for prosecution = 0

Below are the Reviewed Information in the Investigation Packages:

- ◇ PREA Investigative Folder Checklist = 4
- ◇ Incident Report Checklist for PREA Issues = 4
- ◇ Incident reports = 4
- ◇ Transfer History - 3
- ◇ Classification Summary Reports = 3
- ◇ Voluntary Inmate Witness Statements = 3
- ◇ Report of Findings = 2
- ◇ Disposition of PREA Reports = 3
- ◇ Warden to Warden PREA Notification = 1
- ◇ Bed History = 2
- ◇ Sexual Abuse Retaliation Monitoring = 1
- ◇ Grievance Request = 1
- ◇ PREA Checklist for Medical Staff = 1
- ◇ Medical Visit = 1
- ◇ Additional Information and Support Services = 1
- ◇ Refusal of Medication or Medical Appointment = 1
- ◇ Evaluation of Protective Concerns = 1

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.

- Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 5.4: 5.4 SCDC' OII will investigate all criminal allegations of sexual abuse and sexual harassment. Inmates do not have to use an informal grievance process to address any alleged perpetrators to resolve an alleged incident.
- 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.

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.
- 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.
- Agency PREA Coordinator: The agency PREA coordinator indicated that the inmates turn their grievance in using the grievance box at each facility.
- 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.
- 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 the automated system within three working days by an employee designated by the Warden.

115.52 (d)

- The agency shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
- Computation of the 90-day time period shall not include time consumed by inmates

in preparing any administrative appeal.

- The agency may claim an extension of time to respond, of up to 70 days, if the normal time for response is insufficient to make an appropriate decision. The agency shall notify the inmate in writing of any such extension and provide a date by which a decision will be made.
- At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.
- Policy: GA-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 POL-23.01, Investigations. The investigator assigned to the allegation will ensure that the PCM is notified of the investigation after receiving the allegation.

The Facility PAQ Reported:

- In the past 12 months, the number of grievances filed that alleged sexual abuse: 0.
- In the past 12 months, the number of grievances alleging sexual abuse that reached final decision within 90 days: 0.
- In the past 12 months, the number of grievances alleging sexual abuse involved extensions because final decision was not reached within 90 days: 0.
- Policy, GA-01.2, Inmate Grievance System requires facilities to issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance with a maximum allowable extension of time to respond of up to 70 days per 115.52 (b) when the normal time for response is insufficient to make an appropriate decision.
- The auditor founded this provision in compliance because policy requires a copy of any grievance alleging PREA violations will be provided to the PREA Compliance Manager within 24 hours of receipt for investigation and providing recommended responses to grievances.

115.52 (e)

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

personally pursue any subsequent steps in the administrative remedy process.

- If the inmate declines to have the request processed on his or her behalf, the agency shall document the inmate's decision.
- Policy: GA-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.
- Agency PREA Coordinator: The agency PREA coordinator indicated during his interview that third parties include individuals such as fellow inmates, staff members, family members, attorneys, and outside advocates, are all permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse.

The Facility PAQ Reported:

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

115.52 (f)

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

The Facility PAQ Reported:

- The number of emergency grievances alleging substantial risk of imminent sexual abuse that were filed in the past 12 months: 0.
- The number of those grievances in 115.52 (e)-3 that had an initial response within 48 hours: 0.
- The number of grievances alleging substantial risk of imminent sexual abuse filed in

the past 12 months reached final decisions within 5 days: 0.

- Agency PREA Coordinator: The agency PREA coordinator, after receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, SCDC immediately would forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to investigations and/or a level of review at which immediate corrective action may be taken.
- Policy, GA-01.12, Inmate Grievance System, Section 15.2.4. If the inmate files an emergency grievance showing substantial risk of imminent sexual abuse, the Agency shall immediately forward the grievance to the Warden for response within 48 hours of receipt of the grievance and an Agency final decision shall be provided within five (5) calendar days. Section 15.2.6. The inmate Grievance Coordinator (IGC) will not investigate allegations of a violation of PREA. A copy of any grievance alleging PREA violations will be provided to the PREA Compliance Manager within 24 hours of receipt for investigation and providing recommended responses to grievances. The PREA Compliance Manager will maintain a copy of the grievance and maintain a log of PREA allegations grievances.

115.52 (g)

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

- Policy: 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 POL-23.01 Investigations.
- 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.

The Facility PAQ Reported:

- In the past 12 months, the number of inmate grievances alleging sexual abuse that resulted in disciplinary action by the agency against the inmate for having filed the grievance in bad faith: 0.
- Policy Number: GA-01.12 Inmate Grievance System states that the agency may discipline and inmate for filing a grievance related to the alleged sexual abuse if there is evidence that the inmate filed the grievance in bad faith.
- When a resident submits a grievance alleging sexual abuse and/or sexual harassment, the grievance coordinator immediately submits the grievance to the PREA investigator or the office responsible for investigating PREA allegations.

115.53

Inmate access to outside confidential support services

Auditor Overall Determination: Meets Standard

Auditor Discussion

Evidence Relied Upon in Making the Compliance Determination:

- Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview:
- Reviewed Information in the Investigation Packages
- MOU for Outside Services
- List of Inmates that received SAFE/SANE Services
- ADM -15-02, Telephone Use
- Agency Language Translation Instructions
- Consular Notification and Access Manual
- GA-01-03, Inmate Access to the Courts
- 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
- 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 PS-10.08 Inmate Correspondence Privileges
- Online PREA Audit: Pre-Audit Questionnaire
- Interviews

Reasoning and Analysis by Provision:

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.

- 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.

SCDC 2021 Annual Report Summary:

- According to the SCDC 2021 Annual Report, in calendar year 2021, SCDC continues their agreements with ten (10) Rape Crisis Centers (RCCs) to provide emotional support services to incarcerated survivors of sexual abuse. The RCCs provide hundreds of hours of support to survivors inside SCDC, including face-to-face contacts, group sessions, written correspondence, and phone calls through a toll-free hotline. In addition, video conferencing and distribution of pre-recorded trauma training was provided. SCDC continues with its grant programs which assist SCDC with purchasing equipment, developing programs, and enhancing the Agency's compliance with the National PREA Standards.

- 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.

- This service provides that inmates who report sexual abuse or indicates that they were previously abused, prior to incarceration, to facility staff are provided emotional support services within the institution, in-person, by an outside organization are required by standard 115.53.

- Resident Interviews: Thirty-four (34) inmates were interviewed. Twenty-three (23) random and eleven (11) targeted. Fourteen (14) Black, Seventeen (17) White and Three (3) Hispanic. The interviewed inmates' arrival year at the facility was 2003 (1); 2017 (1); 2018 (2); 2019 (4); 2020 (2); 2021 (6); and 2022 (18). They were asked: Do you know if there are services available outside of this facility for dealing with sexual abuse, if you needed it? Eleven inmates reported no.

- During the facility tour, inmates that were pull to the side for an informal interview, stated that outside sexual abuse and sexual harassment information is on the PREA brochure and posters, however, the never had to use it, so they did not know the process.

- 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.”

- 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, and the Office for Victims of Crime. 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.

- The South Carolina Department of Corrections website – Prison Rape Elimination Act (PREA) Statewide Partnerships with Sexual Assault Centers. Facilities provide access to outside victim advocates for emotional support services for inmates related to sexual abuse whether it occurred in prison or before they became incarcerated.

MOU between the Sexual Trauma Services of the Midlands (STSM). The STSM responsible for:

- o Responding to calls from inmates received on STSM’s 24-hour crisis hotline.

- o Providing inmates with confidential emotional support services related to sexual abuse during their residency at an institution and during their transition from the corrections facility into the community.

- o Providing follow-up services to victims of sexual assault as resources allow, including in-person visits.

- o Maintaining confidentiality of communications with inmates.

- o Working with designated staff to obtain security clearance as needed and follow all facility guidelines for safety and security.

- o Attending any and all Sexual Abuse Incident Reviews at the request of an inmate with the understanding that STSM cannot disclose any communication with an inmate without a signed release from said inmate.

- o Communicating any questions or concerns to PREA Coordinator that are not in violation of confidentiality.

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

For providing services as the sole service provider of the STSM/The Pathway to Healing is responsible for:

- o Providing emotional support services to inmate and juveniles adjudicated to the SCDC and the SCDJJ for sexual assault and sexual misconduct.
- o Providing awareness and knowledge to inmates and juveniles about sexual assault, misconduct, and harassment through group education sessions provided by a qualified instructor;
- o Providing training and education to the staff of SCDC and SCDJJ, to included correctional officers, medical and mental health practitioners, and others (including train-the-trainer) regarding information on the PREA, sexual assault, trauma informed care, youth violence prevention, SAFE/SANE requirements, and how to assist survivors of sexual abuse;
- o Submitting monthly reports of services and those served.
- o Providing timely invoices for payment with descriptive line items describing services provided, dates, times, locations, and costs.
- o Providing training agreed upon within each quarter of the grant.
- Contact: Sexual Trauma Services of the Midlands 3830 Forest Drive -Suite 201, Columbia, SC 29204
- The Sexual Trauma Services of the Midlands (STSM) provided monthly reports to the SCDC.
- Inmate's sign SCDC Form 19-165, Additional Information and Support Services. "SCDC is working to make all its facilities safer places for everyone. Zero tolerance for sexual abuse and sexual harassment is an SCDC policy.
- If you would like to speak with someone for emotional support, you can request to meet with someone from the Division of Behavioral/Mental Health and Substance Abuse Services.
- For additional emotional support services/information, you can contact Pathways to Healing, an outside community organization dedicated to providing services to survivors of sexual abuse. Trained counselors can be reached through the inmate phones by dialing #63. Calls are free and confidential. You can also write to Pathways to Healing, by using the address below. Mail sent to the following address will not be opened by SCDC staff and does not require postage.
- You can also reach out to a national organization called Just Detention International (JDCI). While JDI does not offer direct counseling services or legal representation, they can provide you with a packet that includes a self-help guide for survivors of sexual

abuse behind bars and a list of resources in your area.

- When you write to JDI make sure to provide them with your inmate number, dorm, name, and cell number. Correspondence with JDI will be confidential, and JDI will not share your information with SCDC unless you specifically ask them to. “
- The facility has determined which rape crisis center that are available to provide emotional support services to residents. The facility has an agreement with a local rape crisis center.
- If a resident is placed in some type of restricted housing, they will have access to emotional support services.
- 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.

Onsite review (Observations) and Testing of Critical Functions/Internal Reporting Methods:

- During the site review, the auditor observed the facility signages 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.
- During the site review, the auditor observed the facility signages 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.
- During the site review, the auditor observed the facility signages 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.
- During the site review, the auditor observed the facility provides persons confined access to writing instruments, paper and forms to report with.
- During the site review, 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.
- Testing of Critical Functions/Internal Reporting Methods: During the site review, 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.

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.

- 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.
- Agency PREA Coordinator: The agency PREA coordinator indicated that inmates are informed at orientation and by Medical and Classification staff when completing the PREA Screening Application the extent to which reports of abuse will be forwarded to authorities as mandated reporters.
- During the summer session of the American Correctional Association (ACA) conference 2021, it was noted that SCDC is one of the only agencies in the nation that houses a rape crisis center inside of a correctional institution. It was also stated that this practice should be considered a national best practice and suggested that other agencies follow suit.
- Pathways to Healing utilizes the office space within the institution to meet with survivors of sexual abuse, conduct meetings with staff, and coordinating efforts to address PREA issues. Pathways to Healing office space is a confidential space with access only to PTH staff.
- Resident Interviews: Thirty-four (34) inmates were interviewed. Twenty-three (23) random and eleven (11) targeted. Fourteen (14) Black, Seventeen (17) White and Three (3) Hispanic. The interviewed inmates' arrival year at the facility was 2003 (1); 2017 (1); 2018 (2); 2019 (4); 2020 (2); 2021 (6); and 2022 (18). 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.
- A review of documentation indicated that outside information regarding services was available to inmates at intake, PREA brochures, and posters.

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.

- 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.
- 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.

Below are the Sexual Abuse, Sexual Harassment Allegations and Investigations Overview:

- The Total number of investigations for the past 12 months = 4
- Of the 4 the auditor reviewed = 4
- The total number of sexual abuse investigations = 2
- The total number of sexual harassment investigations = 2
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Below are the Reviewed Information in the Investigation Packages:

- ◇ PREA Investigative Folder Checklist = 4
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- ◇ Sexual Abuse Retaliation Monitoring = 1
- ◇ Grievance Request = 1
- ◇ PREA Checklist for Medical Staff = 1
- ◇ Medical Visit = 1
- ◇ Additional Information and Support Services = 1
- ◇ Refusal of Medication or Medical Appointment = 1
- ◇ Evaluation of Protective Concerns = 1

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.54	Third-party reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview: • Reviewed Information in the Investigation Packages • MOU for Outside Services • MOU between SCDC and Statewide Partnership for Victim Services • MOU with SC Law Enforcement Division • Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended. • SCDC PREA Tip Line - Anonymous • SCDC Official Website (Third-Party Reporting) • Report Sexual Abuse or Sexual Harassment of an Inmate by (Clicking Here) Website • Online PREA Audit: Pre-Audit Questionnaire • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.54 (a)</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> <ul style="list-style-type: none"> • Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive 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. • 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. • 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. • SCDC has established a reporting line that is housed at Headquarters of the Office of Investigations. This is a system in which an individual can leave a message, either by name or anonymously. • The message is then sent to the agency PREA coordinator who is responsible for distribution to the appropriate facility. This exact message is sent to the coordinator

via email and he is able to listen to the exact message.

- Information on how to make a report is displayed on the SCDC website for anyone to access.
- 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.
- 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.
- 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.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.61	Staff and agency reporting duties
	<p data-bbox="256 188 983 224">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="256 264 557 300">Auditor Discussion</p> <p data-bbox="256 340 1161 376">Evidence Relied Upon in Making the Compliance Determination:</p> <ul data-bbox="256 412 1477 1155" style="list-style-type: none"> • PREA Brochure • PREA Posters • Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview: • Reviewed Information in the Investigation Packages • SCDC Policy ADM-11.04 Employee Corrective Action • SCDC Policy ADM-11.17 Employee Conduct • 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 POL-23.01 Investigation • MOU Between South Carolina Law Enforcement Division (SCLD) and South Carolina Department of Correction (SCDOC) • Online PREA Audit: Pre-Audit Questionnaire • Interviews <p data-bbox="256 1196 783 1232">Reasoning and Analysis by Provision:</p> <p data-bbox="256 1267 408 1303">115.61 (a)</p> <p data-bbox="256 1339 1477 1581">The agency shall require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.</p> <ul data-bbox="256 1617 1477 2065" style="list-style-type: none"> • Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 6.1: All employees are required to immediately report any knowledge, suspicion, information or allegation of sexual offenses consistent with SCDC Policy GA-06.11, Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment, SCDC Policy ADM-11-17 Employee Conduct; SCDC Policy ADM-11.34, Employee Inmate Relations, and SCDC Policy OP-22.25, Reporting Incidents and Accidents (Management Information Notes (MINS) and other methods of reporting. • 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.

- SCDC Policy, HS-18.07, Inmate Health Information, indicated that the Agency is committed to upholding the confidentiality and privacy of an inmate's medical history. Inmate's medical history/record will be accessible to authorized SCDC personnel and others only for duly authorized purposes in accordance with applicable Agency policies/procedures, American Correctional Association Standards, and state and federal statutes.

- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment indicated that any person who has knowledge of or has received information of, sexual abuse and fails to report it to the appropriate law enforcement authority, or a person who threatens or attempts to intimidate a witness is guilty of a misdemeanor and upon conviction must be fined not more than \$500.00 or imprisoned for not more than six (6) months, or both.

- 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. Seven (7) males and Five (5) females. The random staff representing staff from all shifts. 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.

- The various ways staff indicated that they could make a report included, but was not limited to: Report to supervisor; Report to the PREA "person" and Warden; and complete an incident report.

- 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 bath, shower, or brush teeth, preserve evidence; and report to someone else for the investigation.

- 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.

115.61 (b)

Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.

- See Section (a) response.

115.61 (c)

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

- 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."

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.

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

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.

- The agency/facility is aware of reporting and receiving timely information about sexual abuse, sexual harassment, retaliation, and staff neglect, or violations of responsibilities that may have contributed to an incident or retaliation.
- 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.
- The facility complies with the state or local mandatory reporting laws and reports sexual abuse allegations concerning any victim considered to be vulnerable adults.
- 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.

Below are the Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview:

- The Total number of investigations for the past 12 months = 4
- Of the 4 the auditor reviewed = 4

- The total number of sexual abuse investigations = 2
- The total number of sexual harassment investigations = 2
- The number of criminal sexual abuse referred for prosecution = 0

Below are the Reviewed Information in the Investigation Packages:

- ◇ PREA Investigative Folder Checklist = 4
- ◇ Incident Report Checklist for PREA Issues = 4
- ◇ Incident reports = 4
- ◇ Transfer History - 3
- ◇ Classification Summary Reports = 3
- ◇ Voluntary Inmate Witness Statements = 3
- ◇ Report of Findings = 2
- ◇ Disposition of PREA Reports = 3
- ◇ Warden to Warden PREA Notification = 1
- ◇ Bed History = 2
- ◇ Sexual Abuse Retaliation Monitoring = 1
- ◇ Grievance Request = 1
- ◇ PREA Checklist for Medical Staff = 1
- ◇ Medical Visit = 1
- ◇ Additional Information and Support Services = 1
- ◇ Refusal of Medication or Medical Appointment = 1
- ◇ Evaluation of Protective Concerns = 1

115.62	Agency protection duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • PREA Coordinated Response Protocol • 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. • OP-22-38, Restrictive Housing Unit • SCDC, Policy, OP-22.23, Statewide Protective Custody • SCDC Policy OP-21.04 Inmate Classification Plan • Online PREA Audit: Pre-Audit Questionnaire • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.62 (a)</p> <p>When an agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate.</p> <ul style="list-style-type: none"> • 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. • 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 possible perpetrator during an investigation and afterwards, if the investigation supports the potential for sexual abuse. Potential victimization and potential perpetrator conduct are taken into consideration in all housing and work assignments. As a last resort, the potential victim may be housed in protective custody until an investigation can be conducted and potential abusers identified. • Random Sample of Staff: Twelve (12) staff were randomly interviewed. Seven (7) males and Five (5) females. The random staff representing staff from all shifts. 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.

The Facility PAQ Reported:

- 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: 0.
- When an inmate is identified as being at risk for sexual abuse in his current housing unit, the screening staff will request that the supervisor on duty immediately move the inmate to an alternate unit. If alternative placement cannot be arranged, the Warden and/or PREA Coordinator will develop a written plan of action that will provide a safe and secure environment for the victim and ensure the plan is implemented.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.63	Reporting to other confinement facilities
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • MOU with SC Law Enforcement Division • Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview: • Reviewed Information in the Investigation Packages • SCDC Form 19.184, Warden-to-Warden PREA Notification (Past 12 Months) Received • SCDC Form 19.184, Warden-to-Warden PREA Notification (Past 12 Months) Send • 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. • Online PREA Audit: Pre-Audit Questionnaire • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.63 (a)</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> <ul style="list-style-type: none"> • 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. • 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. • 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 Investigations and Intelligence 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 PMC 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.

The Facility PAQ Reported:

- In the past 12 months, the number of allegations the facility received that an inmate was abused while confined at another facility: 1.

- Policy requires that any inmate allegation of sexual abuse occurring while confined at another facility be reported to the Warden of the facility where the alleged abuse occurred, within 72 hours of receipt of the allegation.

115.63 (b)

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

- The agency/facility refer reports of sexual abuse that occurred in another facility back to that facility and receive report from other agency/facilities about sexual abuse reported to have occurred in this facility and they ensure that the allegation is investigated administrative or/and criminal as necessary.

115.63 (c)

The agency shall document that it has provided such notification.

- This process of notifying facilities comes from the agency PREA coordinator’s office and documented through investigations.

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.

- 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 OII. 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 Investigations and Intelligence if a criminal investigation is necessary.

The Facility PAQ Reported:

- In the past 12 months, the number of allegations of sexual abuse the facility received from other facilities: 0.

Below are the Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview:

- The Total number of investigations for the past 12 months = 4
- Of the 4 the auditor reviewed = 4
- The total number of sexual abuse investigations = 2
- The total number of sexual harassment investigations = 2
- The number of criminal sexual abuse referred for prosecution = 0

Below are the Reviewed Information in the Investigation Packages:

- ◇ PREA Investigative Folder Checklist = 4
- ◇ Incident Report Checklist for PREA Issues = 4
- ◇ Incident reports = 4
- ◇ Transfer History - 3
- ◇ Classification Summary Reports = 3
- ◇ Voluntary Inmate Witness Statements = 3
- ◇ Report of Findings = 2
- ◇ Disposition of PREA Reports = 3
- ◇ Warden to Warden PREA Notification = 1
- ◇ Bed History = 2
- ◇ Sexual Abuse Retaliation Monitoring = 1
- ◇ Grievance Request = 1

- ◇ PREA Checklist for Medical Staff = 1
- ◇ Medical Visit = 1
- ◇ Additional Information and Support Services = 1
- ◇ Refusal of Medication or Medical Appointment = 1
- ◇ Evaluation of Protective Concerns = 1

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.64 Staff first responder duties

Auditor Overall Determination: Meets Standard

Auditor Discussion

Evidence Relied Upon in Making the Compliance Determination:

- Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview:
- Reviewed Information in the Investigation Packages
- 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 Form Sexual Abuse Response Protocol
- SCDC Policy ADM-17.01 Employee Training Standards
- MOU with SC Law Enforcement Division
- Online PREA Audit: Pre-Audit Questionnaire
- Interviews

Reasoning and Analysis by Provision:

115.64 (a)

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:

- Separate the alleged victim and abuser.
 - Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence.
 - 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
 - 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, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- Random Sample of Staff: Twelve (12) staff were randomly interviewed. Seven (7) males and Five (5) females. The random staff representing staff from all shifts. 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 given an example. If an inmate can to you and said, "I was just 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.

The Facility PAQ Reported:

- In the past 12 months, the number of allegations that an inmate was sexually abused: 2.
- Of these allegations of sexual abuse in the past 12 months, the number of times the first security staff member responded to the report separated the alleged victim and abuser: 1.
- In the past 12 months, the number of allegations where staff were notified within a time period that still allowed for the collection of physical evidence: 1.
- Of these allegations in the past 12 months where staff were notified within a time period that still allowed for the collection of physical evidence, the number of times the first security staff member to respond to the report preserved and protected any crime scene until appropriate steps could be taken to collect any evidence: 0.

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:

- o Identify and separate the alleged perpetrator and alleged victim.
- o Immediately take the alleged victim to Medical.
- o Escort alleged inmate perpetrator (s) to an isolated area, preferably in a dry cell with restricted access to a toilet or water.
- o Notify the shift supervisor, PREA Compliance Manager, and Warden as well as Police Services.
- o Identify and isolate any witness.
- o Secure the crime scene.
- o Document all incidents promptly on SCDC Form 19-29A, "Incident Report"; and
- o 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.

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.

- Facility Non-Security Staff: During the facility tour a non-security staff was ask: 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 given an example. If an inmate can to you and said, "I was just rape?" 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.

The Facility PAQ Reported:

- Of the allegations that an inmate was sexually abused made in the past 12 months, the number of times a non-security staff member was the first responder: 1.
- Of those allegations responded to first a non-security staff member, the number of times that staff member requested that the alleged victim not take any actions that could destroy physical evidence: 1.
- Of those allegations responded to first by a non-security staff member, the number of times that staff member notified security staff: 1.
- Policy Number: OP-21.12 Attachment A - SCDC Sexual Abuse Response Checklist and Attachment B SCDC Sexual Abuse Response Protocol give guidelines to staff that have a duty to respond rapidly, professionally, and thoroughly when an inmate has been sexually victimized. The guide gives requirements for the duties of the security and no security staff.
- The agency/facility through training distinguishes the roles of first responders from investigators. First responders do not conduct any part of the investigation and their role is to protect the victim, separate the victim and alleged abuser, to protect and preserve the scene and any evidence that may exist at the scene or evidence on the victim and alleged abuser.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.65	Coordinated response
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • Written Institutional Plan/ PREA Coordinated Response Protocol • 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. • Online PREA Audit: Pre-Audit Questionnaire • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.65 (a)</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> <ul style="list-style-type: none"> • 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 role (s) 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. • 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. • Policy Number: OP-21.12 Attachment A – SCDC Sexual Abuse Response Checklist and Attachment B SCDC Sexual Abuse Response Protocol give guidelines to staff that have a duty to respond rapidly, professionally, and thoroughly when an inmate has been sexually victimized. <p>The facility provided an institutional plan for addressing issues of sexual abuse and</p>

sexual harassment. The plan provides bullet points for the following areas to follow.

- Staff First Responders
- Shift Commander
- PREA Compliance Manager
- Medical Staff
- Mental Health Staff

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

<p>115.66</p>	<p>Preservation of ability to protect inmates from contact with abusers</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • Copy of any Collective Bargaining Agreements - None • 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 • SC Code Title 41 Labor and Employment Right to Work Law • Online PREA Audit: Pre-Audit Questionnaire • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.66 (a)</p> <p>Neither the agency nor any other governmental entity responsible for collective bargaining on the agency’s behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the agency’s ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.</p> <ul style="list-style-type: none"> • 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. • There are no current agreements that limit the agency’s ability to remove alleged staff sexual abusers from contact with inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted. There have not been any collective bargaining agreements since August 20, 2012. <p>115.66 (b)</p> <p>Nothing in this standard shall restrict the entering into or renewal of agreement that govern:</p>
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- 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.
- Discussion: 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.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.67	Agency protection against retaliation
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • SCDC Form 19-182, Sexual Abuse Retaliation Monitoring (Past 12 Months) • Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview: • Reviewed Information in the Investigation Packages • SCDC PREA Tip Line Anonymous • 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 • Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended. • Online PREA Audit: Pre-Audit Questionnaire • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.67 (a)</p> <p>The agency shall establish a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff and shall designate which staff members or departments are charged with monitoring retaliation.</p> <ul style="list-style-type: none"> • 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 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. • Policy Discussion: GA-06.11 Prevention, Detection, and Response to Sexual Abuse/ Sexual Harassment indicated that no inmate will be subjected retaliation, reprisal, harassment, or disciplinary action by employees, volunteers, or other inmates for reporting allegations, knowledge, or cooperation with an investigation of sexual abuse against an inmate. Inmates may report retaliation using any of the procedures for reporting sexual abuse, as described in this policy. • 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.

- The South Carolina Department of Corrections Policy Number: ADM-11.15 South Carolina Whistleblower Act and SC Code of Laws 8-27-10 A-27-50, an employee must file a report of waste, fraud, mismanagement, or other wrongdoing by the agency and/or by an SCDC employee to an appropriate within sixty (60) days of learning of the misconduct or wrongdoing. Such reports should be filed as quickly as possible.
- 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 changed 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.

Below are the Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview:

- The Total number of investigations for the past 12 months = 4
- Of the 4 the auditor reviewed = 4
- The total number of sexual abuse investigations = 2
- The total number of sexual harassment investigations = 2
- The number of criminal sexual abuse referred for prosecution = 0

Below are the Reviewed Information in the Investigation Packages:

- ◇ PREA Investigative Folder Checklist = 4
- ◇ Incident Report Checklist for PREA Issues = 4
- ◇ Incident reports = 4
- ◇ Transfer History – 3
- ◇ Classification Summary Reports = 3

- ◇ Voluntary Inmate Witness Statements = 3
- ◇ Report of Findings = 2
- ◇ Disposition of PREA Reports = 3
- ◇ Warden to Warden PREA Notification = 1
- ◇ Bed History = 2
- ◇ Sexual Abuse Retaliation Monitoring = 1
- ◇ Grievance Request = 1
- ◇ PREA Checklist for Medical Staff = 1
- ◇ Medical Visit = 1
- ◇ Additional Information and Support Services = 1
- ◇ Refusal of Medication or Medical Appointment = 1
- ◇ Evaluation of Protective Concerns = 1

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.

- 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.

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.

- 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.

The Facility PAQ Reported:

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

115.67 (d)

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

115.67 (e)

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

- 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 transfer. Allegations of staff retaliation are referred to the Office of the Inspector General (OIG).
- 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.
- Employees will not be subjected to any kind of retaliation for reporting of any wrongdoings. Refer to Agency Policy/Procedure ADM-115.15, South Carolina Whistleblower Act.

115.67 (f)

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

- 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.
- The agency/facility has a policy that protect residents and staff who report sexual abuse or sexual harassment from retaliation. The agency has designated a staff member that are charged with monitoring retaliation.
- Some protection measures that the agency/facility has on hand are, housing changes or transfers for resident victims or abusers; Removal of alleged staff or resident abusers from contact with victims; Provide emotional support services for resident who fear retaliation for reporting sexual abuse or sexual harassment or cooperating with investigations.
- The agency/facility PREA coordinator/facility compliance manager serves as the PREA monitor. The monitoring lasts for at least 90 days.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.68	Post-allegation protective custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • SCDC Form 19-182, Sexual Abuse Retaliation Monitoring (Past 12 Months) • Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview: • Reviewed Information in the Investigation Packages • SCDC PREA Tip Line Anonymous • 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 • Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended. • Online PREA Audit: Pre-Audit Questionnaire • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.68 (a)</p> <p>Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the requirements of standards 115.43.</p> <ul style="list-style-type: none"> • 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. • There were no PREA related inmate in segregation during the on-site visit. • Facility Special Staff: Staff who supervise inmates in segregated housing was asked: when inmates are places 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 place 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.
- There were no PREA related inmate in segregation during the on-site visit.
- 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.

The Facility PAQ Reported:

- 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.
- 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.
- 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.
- Policy states when the inmate requests protective custody he or she will be interviewed by the highest supervisor on duty to determine the nature of the concern. The information will be documented in Section I of SCDC Form 19-47, Evaluation of Protective Concerns.
- The interviewing official will be responsible for making a recommendation on the form as to his/her assessment of the inmate's reason (s) for requesting protective custody housing. The interviewing official may either recommend that the inmate be

returned to the general population or placed in “Pre-Hearing Detention with Protective Custody Concerns for further investigation.

- The South Carolina Department of Corrections Policy Number: OP 22.23 – Statewide Protective Custody and utilizes the form Evaluation of Protective Concerns – SCDC Form 19-47.
- The online Pre-Audit Questionnaire documented that there have been no 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 an assessment. It also affirmed there have been no inmates who were held in involuntary or segregated housing in the past 12 months for longer than 30 days while awaiting alternative placement. There have been no inmates placed in involuntary segregation as the result of having a high potential for victimization or for being at risk of imminent sexual abuse. This was confirmed through PREA compliance manager and staff supervising segregation.
- 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.
- If an inmate is assigned to involuntary segregated housing it is only until an alternative means of separation from likely abusers can be arranged and such an assignment does not ordinarily exceed a period of 30 days. If the facility uses involuntary segregation to keep an inmate safe, the facility documents the basis for their concerns for the inmate’s safety and the reason why no alternative means of separation can be arranged.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.71	Criminal and administrative agency investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • NIC Investigation Specialized Training • Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview: • Reviewed Information in the Investigation Packages • 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 • 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 POL-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 <p>Reasoning and Analysis by Provision:</p> <p>115.71 (a)</p> <p>When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.</p> <ul style="list-style-type: none"> • Policy: OII-23.01 Investigations - Purpose: To establish guidelines for investigating criminal cases. To establish guidelines for investigating allegations made against the Agency Director concerning criminal behavior/activity or unethical conduct within the South Carolina Department of Corrections (SCDC). • Policy Statement: To promote professional, ethical, lawful conduct, safety, and security throughout the agency, SCDC will authorize The Office of Investigations and Intelligence (OII) to conduct criminal and administrative investigations in compliance with all applicable SCDC policies, American Correctional Association standards, and state and federal statutes. OII will pursue criminal prosecution when warranted. • Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 2.9: All allegations of sexual misconduct investigated by SCDC's OII, to include, but not limited to, sexual abuse, sexual harassment, and inappropriate sexual behaviors, by staff or inmates, will have an investigative case opened within five (5) days from the date of receipt.

• Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 7.1: In accordance with SCDC Policy GA-06.11, Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment, SCDC Policy POL-23.01, Investigations, SCDC Policy ADM-11.34, Employee Inmate Relations, and SCDC OP-22.25, Reporting Incidents and Accidents (Management Information Notes-MINs) and other Methods of Reporting, all allegations of sexual abuse will be investigated, regardless of their source (s). SCDC Police Services (PS) will initiate the investigations made on or by contractors and volunteers. The Deputy Director of Police Services can request assistance from the state law enforcement division based on the terms of the MOU.

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.

• Policy Discussion: GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment, regardless of how an allegation of sexual abuse or sexual harassment is received, the PMC will ensure SCDC Form 19.29A, "Incident Report" is completed, along with an SCDC Form 19-169. "Incident Report Checklist for PREA Issues." The PMC will assign a case number to the PREA allegation on SCDC Form 19-19-186, "PREA Case Log." The case number and information will also be recorded on the web based PREA Case Log, which captures information for all institutions. The PCM will interview the alleged victim to gather any other pertinent information regarding the case and ask the inmate to complete SCDC Form 19-187, "PREA Inmate Voluntary Statement." This information, along with a printed inmate face sheet (printed through the Internal Inmate Search Application), will be forwarded to the Agency's PREA Coordinator for review and confirmation that the case is PREA-related. Upon approval by the Agency's PC, the Agency PC, the Agency' PC will forward all inmate-on-inmate sexual harassment cases back to the institutional PCM to begin their administrative investigation, or for those allegations of criminal sexual abuse or staff-on-inmate sexual harassment will be investigated by SCDC's Police Services.

• All allegations of sexual abuse and sexual harassment, including threats and attempts, will be immediately and aggressively investigated. The Division of Investigations shall initiate the investigation, will notify South Carolina Law Enforcement Division (SLED) and the Inspector General's office when sexual misconduct by staff, contractors or volunteers is alleged, and will conduct an internal investigation in accordance with SCDC Policy and Procedure GA-05.01 Investigations.

- 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 OII and/or by Human Resources to ensure the resigning employees' clearance of investigations.
- Regional 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 OII. Time from the incident date to referral to OII does vary depending on circumstances out of OII control (institutional processing, means by which the allegation is made, etc.)
- Regional 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 alleged victim. Initial interviews are conducted as quickly as possible, after the investigation is initiated. If the victim is taken to the hospital for injuries sustained in an assault and OII is notified immediately, agents often respond to the hospital to conduct the initial interview.
- Regional 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 manner as all other allegations. All allegations are taken seriously.
- SCDC Police Services statewide has forty (46) investigators, who are Class 1 Police Officers. These investigators are assigned to a region in the state. Using a regional approach, the state is divided into four (4) regions. Each region has five (5) investigators assigned with one (1) supervising manager for each respective region. Each region is tasked with the responsibility of performing a variety of types of investigations to include PREA investigations.

Below are the Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview:

- The Total number of investigations for the past 12 months = 4
- Of the 4 the auditor reviewed = 4
- The total number of sexual abuse investigations = 2
- The total number of sexual harassment investigations = 2
- The number of criminal sexual abuse referred for prosecution = 0

Below are the Reviewed Information in the Investigation Packages:

- ◇ PREA Investigative Folder Checklist = 4
- ◇ Incident Report Checklist for PREA Issues = 4
- ◇ Incident reports = 4
- ◇ Transfer History - 3

- ◇ Classification Summary Reports = 3
- ◇ Voluntary Inmate Witness Statements = 3
- ◇ Report of Findings = 2
- ◇ Disposition of PREA Reports = 3
- ◇ Warden to Warden PREA Notification = 1
- ◇ Bed History = 2
- ◇ Sexual Abuse Retaliation Monitoring = 1
- ◇ Grievance Request = 1
- ◇ PREA Checklist for Medical Staff = 1
- ◇ Medical Visit = 1
- ◇ Additional Information and Support Services = 1
- ◇ Refusal of Medication or Medical Appointment = 1
- ◇ Evaluation of Protective Concerns = 1

• Note: On December 20, 2022, the auditor received a confidential correspondence for an inmate. The inmate stated that on December 5, 2022, he was selected from a random drug test. The inmate concern was when he went into the bathroom the Sgt. Stood beside him and stared at his penis. On December 27, 2022, the auditor scanned and send the letter to the agency PREA Coordinator for processing.

SCDC 2021 Annual Report Summary:

• 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 Investigations and Intelligence (OII) investigated 25% of the allegations of sexual abuse/sexual harassment for criminal intent. 75% 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.

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.

• Regional 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.

• The online training also includes proper use of Miranda and Garrity warnings, and the criteria and evidence required to substantiate a case for administrative or prosecution referral.

- 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.

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.

- Policy: OII-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 Investigations and Intelligence (OII).

- Policy Statement: It is the policy of OII to ensure that evidence is properly secured and stored, readily retrievable, and that any changes in its custody have been properly and fully documented.

- Policy: OII-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.

- Regional Investigator: Question, please describe the investigation process. Allegation is received and reviewed by OII. 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.

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

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

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

implemented immediately upon discovery:

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

115.71 (d)

When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

- Regional Investigator: Question, when you discover evidence that a prosecutable crime may have taken place, do you consult with prosecutors before you conduct compelled interviews? OII Special Agents are trained criminal investigators and are not required to consult with prosecutors before conducting interviews. The agency proceeds and consults with prosecutors, if needed. OII has an attorney on staff who provides guidance when necessary.
- According to policy, if allegations of conduct that appears to be criminal are substantiated, referral will be made to the appropriate solicitor for prosecution. Additionally, staff will be subject to Agency corrective action up to and including termination, and inmates may be charged through the Agency Disciplinary System.

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.

- Regional 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 a condition 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.

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.
- Regional 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.
- 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.
- Institutional PCMs are responsible for the thorough investigation of all non-criminal investigations. PCMs will gather and preserve direct and circumstantial evidence, including available physical evidence and any available electronic monitoring data, interview alleged victims (s), perpetrator (s), and witnesses, and review any available prior complaints and reports of sexual abuse or sexual harassment involving the alleged or suspected perpetrators.
- All administrative investigations will be documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.
- Administrative investigations will utilize preponderance of the evidence as the standard for determining whether an allegation of sexual abuse or sexual harassment is substantiated.

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.

- Regional Investigator: Question, are criminal investigations documented? What is contained in that report? Yes. All OII Investigations are in written forms. All

information received, and documents generated, are in the report.

- 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 victim (s), perpetrator (s), and witnesses, and review prior complaints and reports of sexual abuse involving the alleged or suspected perpetrator.

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

115.71 (h)

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

- Policy requires that the Police Services or designee will pursue criminal prosecution against any SCDC employee, inmate, or visitor who participates in a criminal act. Prosecution will be pursued through the appropriate judicial officer, i.e., the State Attorney General Circuit Solicitor, Magistrate, or City Recorder, of the jurisdiction in which the crime occurred.

- According to policy, if allegations of conduct that 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.

- Regional 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.

115.71 (i)

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

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

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

for 99 years.

115.71 (j)

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

- Regional 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 investigative process.
- Regional 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 veering on the case.

115.71 (k)

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

- Agency PREA Coordinator: The agency PREA coordinator indicated that South Carolina Department of Corrections conducts investigations of all allegations that have allegations of events that have the potential to be deemed criminal in nature based on federal, state, and local laws. Those allegations that do not have criminal intent are investigated by internal administrative investigators that have completed specialized investigations training provided online by the National Institute of Corrections. SCDC policies are in line with the guidance and mandates of the PREA Standards and are reviewed by the agency PREA coordinator routinely to ensure consistency.

115.71 (l)

When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

- The South Carolina Department of Corrections Policy Number: POL-23.01 Investigations section 3.3 - A letter of agreement/memorandum of understanding will be developed and signed by the agency Director and the Chief of the State Law Enforcement Division (SLED) that delineates which allegations of potential criminal activity will be accepted for investigation by SLED. The Deputy Director of Policy Services will ensure that the provisions of this letter of agreement/memorandum of understanding are complied with by investigative personnel. In all cases that are investigated by SLED, Police Services and SCDC Agents will be available to assist SLED, as needed.

- Regional Investigator: Question, when an outside agency investigates an incident of sexual abuse in this facility, what role do you play? If should happen, OII 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 Investigations and Intelligence 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 Investigation and Intelligence handles all criminal investigations. They provided the institution with a final report.
- The agency/facility ensure that all allegations of sexual abuse and sexual harassment are investigated thoroughly and properly. The agency/facility when investigated can deter sexual abuse and sexual harassment by ensuring that investigations are documented and documentary evidence is preserved; investigations are completed regardless of the status of the victim or perpetrator, and all substantiated allegations that rise to the level of a criminal offense are referred for prosecution.
- The administrative investigations try to determine whether staff action or failures to act contributed to the abuse. The investigations documented in a written report that describes the physical and testimonial evidence if any, the reasoning behind assessments, and investigative facts and findings.
- The criminal investigations are also documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence. The agency/facility retains the investigations for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.
- 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.
- The investigators who manage sexual abuse incidents have training in sexual abuse investigations. Investigators are responsibility of 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.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.72	Evidentiary standard for administrative investigations
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview: • Reviewed Information in the Investigation Packages • 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 POL-23.01 Investigation • Online PREA Audit: Pre-Audit Questionnaire • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.72 (a)</p> <p>The agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.</p> <ul style="list-style-type: none"> • Policy: OII-23.01 Investigations – Purpose: To establish guidelines for investigating criminal cases. To establish guidelines for investigating allegations made against the Agency Director concerning criminal behavior/activity or unethical conduct within the South Carolina Department of Corrections (SCDC). • Policy Statement: To promote professional, ethical, lawful conduct, safety, and security throughout the agency, SCDC will authorize The Office of Investigations and Intelligence (OII) to conduct criminal and administrative investigations in compliance with all applicable SCDC policies, American Correctional Association standards, and state and federal statutes. OII will pursue criminal prosecution when warranted. • Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 2.3.1: SCDC’s Institutional PREA Compliance Managers are responsible for ensuring a thorough administrative investigation is completed for all inmate-on-inmate sexual harassment allegations. Administrative investigations must include the gathering and preservation of evidence and a detailed written report which describes the investigative method used, evidence collected, investigative facts and findings, and must describe the conclusion and disposition in detail. • 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.

- Policy: OII-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 Investigations and Intelligence (OII).
- Policy Statement: It is the policy of OII to ensure that evidence is properly secured and stored, readily retrievable, and that any changes in its custody have been properly and fully documented.
- Policy: OII-23.28 Evidence Protocol section 1.2 – The impounding agent shall properly handle, 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.
- Regional Investigator: Question, what standard of evidence do you require to substantiate allegations of sexual abuse or sex harassment? Preponderance of the evidence.

Below are the Sexual Abuse, Sexual Harassment Allegations, and Investigations Overview:

- The Total number of investigations for the past 12 months = 4
- Of the 4 the auditor reviewed = 4
- The total number of sexual abuse investigations = 2
- The total number of sexual harassment investigations = 2
- The number of criminal sexual abuse referred for prosecution = 0

Below are the Reviewed Information in the Investigation Packages:

- ◇ PREA Investigative Folder Checklist = 4
- ◇ Incident Report Checklist for PREA Issues = 4
- ◇ Incident reports = 4
- ◇ Transfer History – 3
- ◇ Classification Summary Reports = 3
- ◇ Voluntary Inmate Witness Statements = 3
- ◇ Report of Findings = 2
- ◇ Disposition of PREA Reports = 3
- ◇ Warden to Warden PREA Notification = 1
- ◇ Bed History = 2
- ◇ Sexual Abuse Retaliation Monitoring = 1
- ◇ Grievance Request = 1
- ◇ PREA Checklist for Medical Staff = 1
- ◇ Medical Visit = 1
- ◇ Additional Information and Support Services = 1
- ◇ Refusal of Medication or Medical Appointment = 1

◇ Evaluation of Protective Concerns = 1

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.73	Reporting to inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance:</p> <ul style="list-style-type: none"> • PREA Investigation Tracking Log • Documentation of Resident Notifications (Past 12 Months) • List of Resident that Receive PREA Notifications • 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 POL-23.01 Investigation • PREA Audit: Pre-Audit Questionnaire • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.73 (a)</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> <ul style="list-style-type: none"> • Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive 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. • Regional 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. OII has no procedure or policy that requires OII or its Special Agents to notify the alleged victim of the outcome, however, in most cases, the agency does. • 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.

- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment, indicated that following an investigation into an inmate's allegation that he or she suffered sexual abuse in an institution, the institution's PCM will ensure the alleged victim is provided notification of whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded by completing and having the inmate sign that he/she has received a copy of SCDC Form 19-165, "Disposition of PREA Report." The original is placed in the inmate's PREA case file in the PCM's office.

115.73 (b)

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

- If the agency did not conduct the investigation, the agency will use the same process as defined in section (a) of the standard.

115.73 (c)

Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever:

- The staff member is no longer posted within the inmate's unit.
- The staff member is no longer employed at the facility.
- The agency learns that the staff member has been indicated on a charge related to sexual abuse within the facility; or
- The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

115.73 (d)

Following an inmate's allegation that he or she has been sexually abused by another inmate, the agency shall subsequently inform the alleged victim whenever:

- The agency learns that the alleged abuser has been indicated on a charge related to sexual abuse within the facility; or
- The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020 section 3.4 indicated that following an investigation into an inmate's allegation that he or she suffered sexual abuse in an institution, the institution's PCM will ensure the alleged victim is provided notification of whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded by completing and having the inmate sign that he/she has received a copy of SCDC Form 19-165, "Disposition of PREA Report." The original is placed in the inmate's PREA case file in the PCM's office.

115.73 (e)

All such notifications or attempted notifications shall be documented.

- Policy requires the institution's PCM to ensure that alleged victim is provided notification of whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded by completing and have the inmate sign that he/she has received a copy of SCDC Form 19-165, "Disposition of PREA Report." The original is placed in the inmate's PREA case file in the PCM's office.

115.73 (f)

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

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

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.76	Disciplinary sanctions for staff
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • List / Documentation of Termination, Resignations, other Sanctions Against Staff • List of Staff Sent to a Relevant Licensing Body • SCDC Policy ADM-11.04 Employee Corrective Action • SCDC Policy ADM-11.17 Employee Conduct • 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-11.34 Employee Inmate Relations • SCDC Policy ADM-11.39 Staff Sexual Misconduct with Inmates • SCDC Policy POL-23.01 Investigation • Online PREA Audit: Pre-Audit Questionnaire • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.76 (a)</p> <p>Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.</p> <ul style="list-style-type: none"> • 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. • Policies ADM 11.17 Employee Conduct and ADM 11.04 Employee Corrective action were viewed and cover the details for termination. • According to policy, if allegations of conduct that appears to be criminal are substantiated, referral will be made to the appropriate solicitor for prosecution. Additionally, staff will be subject to Agency corrective action up to and including termination. <p>115.76 (b)</p> <p>Termination shall be the presumptive disciplinary sanction for having engaged in sexual abuse.</p>

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

The Facility PAQ Reported:

- In the past 12 months, the number of staff from the facility who have violated agency sexual abuse or sexual harassment policies: 0.
- In the past 12 months, the number of those staff from the facility who have been terminated (or resigned prior to termination) for violating agency sexual abuse or sexual harassment policies: 0.
- According to policy, if allegations of conduct that appears to be criminal are substantiated, referral will be made to the appropriate solicitor for prosecution. Additionally, staff will be subject to Agency corrective action up to and including termination.

115.76 (c)

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

- Through discussions with staff, violating agency sexual abuse and sexual harassment policies will be commensurate with past act in the personal files.

The Facility PAQ Reported:

- In the past 12 months, the number of staff from the facility who have been disciplined, short of termination, for violation of agency sexual abuse or sexual harassment policies (other than engaging in sexual abuse): 0.

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.

- 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.

The Facility PAQ Reported:

- 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.

- 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.
- Interviewed staff seemed aware of the fact that the individual would also need to be reported to the relevant licensing body.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.77	Corrective action for contractors and volunteers
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p>
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • Documentation of Termination, Resignations, other Sanctions Against Volunteers • List/Documentation of Termination, Resignations, other Sanctions Against Contractors • List of Contractors send to a Relevant Licensing Body • SCDC Policy PS-10.04 Volunteer Services Programs • 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 ADM-11.39, Staff Sexual Misconduct with Inmates • Volunteers Training Curriculum • Volunteers Orientation Training Power Point • Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended. • Online PREA Audit: Pre-Audit Questionnaire • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.77 (a)</p> <p>Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.</p> <p>The Facility PAQ Reported</p> <ul style="list-style-type: none"> • In the past 12 months, the number of contractor 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. <p>115.77 (b)</p> <p>The facility shall take appropriate remedial measures and shall consider whether to</p>

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.

- 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 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.

The Facility PAQ Reported:

- In the past 12 months, the number of contractors or volunteers reported to law enforcement for engaging in sexual abuse of inmates: 0.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.78	Disciplinary sanctions for inmates
	<p data-bbox="256 188 983 224">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="256 264 557 300">Auditor Discussion</p> <p data-bbox="256 340 1161 376">Evidence Relied Upon in Making the Compliance Determination:</p> <ul data-bbox="256 416 1474 1070" style="list-style-type: none"> • List of Inmates Convicted of PREA Related Disciplinary • 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 • SCDC Policy OP-21.04 Inmate Classification Plan • SCDC Policy OP-22.14 Inmate Disciplinary System • SCDC Policy POL-23.01 Investigation • SCDC Form 19-29A. • SCDC Policy Number: HS 19.01 Placement of Inmates in Mental Health Observation and Evaluation Status • Online PREA Audit: Pre-Audit Questionnaire • Interviews <p data-bbox="256 1111 782 1146">Reasoning and Analysis by Provision:</p> <p data-bbox="256 1182 408 1218">115.78 (a)</p> <p data-bbox="256 1254 1426 1415">Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.</p> <ul data-bbox="256 1451 1474 2038" style="list-style-type: none"> • The SCDC has a discipline process in place for inmates who violate the rules of the facility which includes incidents of sexual abuse. Sanctions for inmates violating agency policy vary depending upon the level of the violation. • 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 agency will not sanction inmates who have made an allegation in good faith, even if the investigation cannot substantiate the allegation. • According to policy, the inmate has the right to refuse administrative resolution and request that the incident be referred to a disciplinary hearing, however, the Hearing Officer has the authority to levy additional sanctions and to take accrued good time if the inmates is found guilty of the incident.

- 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.

- 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.

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.

- 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.

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.

- Agency PREA Coordinator: The Agency PREA Coordinator indicated that an inmate's mental disabilities or mental illness would be considered when determining the type of sanction, if any, should be imposed.

- Facility 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.

• 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).

115.78 (d)

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

- Facility 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?
- 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.
- 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.

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.

- 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.

115.78 (f)

To 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.

- 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 POL-23-01, Investigations, and OP-22.14 Inmate Disciplinary System.
- A report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred does not constitute falsely reporting an incident or lying, even if an investigation does not establish sufficient to substantiate the allegation. Any inmate conclusively found to have filed an intentionally false report alleging sexual abuse will be subject to disciplinary action through the Inmate Disciplinary System and /or criminal charges.
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment indicated that a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred does not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment indicated that any inmate conclusively found to have filed an intentionally false report alleging sexual abuse will be subject to disciplinary action through the Inmate Disciplinary System and/or criminal charges.

115.78 (g)

An agency may, in its discretion, prohibit all sexual activity between inmates and may discipline inmates for such activity. An agency may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

- 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.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.81	Medical and mental health screenings; history of sexual abuse
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • Documentation that the Inmates were seen within 72 hours - Spreadsheet. • Mental Health Screenings - PREA Related (Past 12 Months) for all Inmates Investigated -Log • Medical Screenings - PREA Related (Past 12 Months) for all Inmates Investigated -Log • List of Inmates Who Reported Yes to Prior Victimization (PREA Question from the system) • 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. • 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 • SCDC Policy GA-06.09 Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria • Online PREA Audit: Pre-Audit Questionnaire Prisons and Jails • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.81 (a)</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> <ul style="list-style-type: none"> • Policy: GA-06.11B, Applying 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.

- Auditor’s Review Notes from SCDC 2022 PREA Training Module Slide #15. PREA Risk Screening prior victimization or perpetration and follow up meeting completed within 14 days. Automatic Email Send to SCDC Sex Offender Coordinator which is responsible for conducting the followings.

- 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.

- Inmates Who Disclosed Sexual Victimization During Risk Screening: Five (5) inmates were interviewed. 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 stated yes and three stated yes.

Reasoning and Analysis by Provision:

- In the past 12 months, the percentage of inmates who disclosed prior victimization during screening who were offered a follow-up meeting with a medical or mental health practitioner: 2.

- Discussion: The SCDC system allows medical and mental health staff to provide an initial assessment and continued re-assessment and follow up services to the inmates.

Intake Screening: All newly admitted and interfacility transferred inmates are required to be screened by health services staff upon admission to the facility prior to placement in general population. A mental health referral and evaluation by mental health staff within 24 hours of referral is also required for the following circumstances:

- Inmates incarcerated for the first time.
- Inmates discharged from a psychiatric facility within the last 30 days.
- Inmates who, within 30 days of incarceration, have displayed or indicated a suicidal ideation but lacked a plan to carry out the suicide.
- Inmates with mental health concerns as identified by the court, or as reported by a concerned party.
- Inmates with a history (within the past three years) of suicide attempts or plans, either self-reported or reported by a concerned party.

SCDC Policy HS-18.13 Health Screening and Exams Section 1, states immediately upon an inmate’s arrival at an SCDC Reception and Evaluation Center, and upon transfer to any SCDC facility, preliminary medical screening will be completed to include:

- Inquiry into the inmate’s health history and observation of his/her current

appearance, behavior, and condition. SCDC Supply M-14, "Medical Screen, "will be completed by the medical staff or a health trained staff member.

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.

- 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.

The Facility PAQ Reported:

- In the past 12 months, the percent of inmates who have previously perpetrated sexual abuse, as indicated during the screening, who were offered a follow-up meeting with a mental health practitioner: 0.

- Discussion: 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.

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.

115.81 (d)

Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

115.81 (e)

Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting unless the inmate is under the age of 18.

- Facility Specialized Staff: Staff who conducts medical 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.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.82	Access to emergency medical and mental health services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • List and Documentation of Inmates Receiving Access to Outside for PREA Emergency Medical Services (PREA Only/Other Than SAFE/SANE) • List of Inmates that Received SAFE/SANE Services • 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-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 <p>Reasoning and Analysis by Provision:</p> <p>115.82 (a)</p> <p>Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.</p> <ul style="list-style-type: none"> • 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.

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.

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

- o Identify and separate the alleged perpetrator and alleged victim.
- o Immediately take the alleged victim to Medical.
- o Escort alleged inmate perpetrator (s) to an isolated area, preferably in a dry cell with restricted access to a toilet or water.
- o Notify the shift supervisor, PREA Compliance Manager, and Warden as well as Police Services.
- o Identify and isolate any witness.
- o Secure the crime scene.
- o Document all incidents promptly on SCDC Form 19-29A, "Incident Report"; and
- o 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.

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.

- 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.

115.82 (d)

Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

- Facility 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.

- These services will be provided to the victim at no cost, regardless of cooperation with the investigation. These services, according to policy, will be available on an ongoing basis, until the resident is released from the facility. Contact information is provided.

- The facility provides victims with medical and mental health services consistent with the community level of care through the nearest GDC prison. Inmate victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.83	Ongoing medical and mental health care for sexual abuse victims and abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • List of Inmates that Received SAFE/SANE Services • 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 • 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 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 <p>Reasoning and Analysis by Provision:</p> <p>115.83 (a)</p> <p>The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.</p> <ul style="list-style-type: none"> • Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 8.4: Consistent with SCDC Policy HS-18.09, Institutional Health Care Authority Responsibilities, and SCDC Policy HS-19.05, Mental Health Services- Treatment Plans and Treatment Team Meetings, inmates will receive a continuum of care as appropriate for victims of sexual offenses as outlined in SCDC Policy GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment. • 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. • The facility offers medical and mental health evaluations and, as appropriate,

treatment to all inmates who have been victimized by sexual abuse.

MOU between the Sexual Trauma Services of the Midlands (STSM). The STSM responsible for:

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

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

For providing services as the sole service provider of the STSM/The Pathway to Healing is responsible for:

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

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

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

- The Sexual Trauma Services of the Midlands (STSM) provided monthly reports to the SCDC.

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.

- 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.

115.83 (c)

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

- 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.

- SCDC Policy Number: HS 18.15 Level of Care policy statement – The Agency is committed to providing medically necessary care to inmates throughout their incarceration period. Services provided by Agency medical staff will be in keeping with accepted medical standards of the community and will be the most reasonable level of service available for the diagnosis, symptoms, and treatment of the medical condition.

115.83 (d)

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

- 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.

115.83 (e)

If pregnancy results from the conduct described in paragraph (d) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

- See Section (a) response. Male facility.

115.83 (f)

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

115.83 (g)

Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

- Facility Specialized Staff: The medical staff indicated the treatment services provided are without financial cost.

115.83 (h)

All prisons shall attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

- Facility 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.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.86	Sexual abuse incident reviews
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • Review Team Meetings (30 days) After Completing Investigations • Annual PREA Report 2020 – September 2021 • SSV Summary 2020 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 • Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended. • Online PREA Audit: Pre-Audit Questionnaire • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.86 (a)</p> <p>The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.</p> <ul style="list-style-type: none"> • 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. • Policy: GA-06.11B, Applying the Prison Rape Elimination Act (PREA) - 1, Preventive Planning Section 9.1: In accordance with the National PREA Standards, SCDC will collect data to accurately track all allegations and incidents of sexual abuse and sexual harassment. This data will be reviewed by the Agency’s PREA Coordinator and all institution level management teams on an annual basis to improve operations and services. • Discussion: GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment indicated that following an investigation into an allegation of sexual

abuse or sexual harassment, the institution's PMC will ensure an incident review is conducted with thirty (30) calendar days following the PCM receiving Police Services' written investigative report, or upon the PCM's completion of an administrative investigation and completing SCDC Form 19-188, "PCM Report of Findings".

115.86 (b)

Such review shall ordinarily occur within 30 days of the conclusion of the investigation.

- See section (a) response.

115.86 (c)

The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or 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.

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 caused 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.
- 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?

115.86 (e)

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

SCDC 2021 Annual Report Summary:

- 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 Investigations and Intelligence (OII) investigated 25% of the allegations of sexual abuse/sexual harassment for criminal intent. 75% 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.

The 2021 Annual Report included but not limited to:

- Introduction and Report Summary
 - 2021 PREA Audits
 - Aggregated Allegations of Sexual Abuse/Sexual Harassment with Female Victim v. Male Comparisons
 - Comparison Data 2019 - 2021
 - Data by institution
 - 2021 Allegations of Inmate-on-inmate Sexual Harassment
 - 2021 Allegations of Staff-On-Inmate Sexual Misconduct
 - 2021 Allegations of Staff-On-Inmate Sexual Harassment
 - Analysis
 - Allegation Breakdown
 - Corrective Actions
 - Notable Successes
 - Schedule of Audits
- Agency PREA Coordinator: The agency PREA coordinator indicated that SCDC Policy GA-06.11B, Applying the PREA Standard, Section 9.2 mandates that all SCDC Institutional SART's will conduct a sexual abuse incident review with 30 days of receiving a substantiated or substantiated investigation report of an allegation of sexual abuse or sexual harassment. Additionally, the incident review will be documented on SCDC Form 19-183. All SCDC Incident Reviews are conducted with the company of an SCDC attorney.
- 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.

Finding:

Above and Beyond: 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 requires an attorney from the legal office to service as a member of the incident review team for every review. The auditor met and interviewed the attorney. In the decision she was very knowledgeable about the PREA sexual abuse incident review process and confirmed she in on the facility conference calls.

115.87	Data collection
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • Annual PREA Report – September 2021 • CoreCive PREA Annual Report 2020 • SSV Summary 2020 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 • Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended. • Online PREA Audit: Pre-Audit Questionnaire • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.87 (a)</p> <p>The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.</p> <ul style="list-style-type: none"> • 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. • Discussion: 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.

These elements must be including:

- Date and time of incident.
- Person submitting the MIN, i.e., individual who observes/documents the incident.
- Codes denoting the type of incidents.
- Location where incident occurred.
- SCDC number (s) if inmate (s) are involved.
- Job titles (s) and location if employee (s) are involved.
- Race, sex, and age if inmate (s).
- Institutional assignment.
- SCDC vehicle number if vehicle involved.
- Concise factual description of the incident/accident, including steps taken to aid the inmate and/or employee involved; and
- Any additional pertinent information.

GA-06.11 Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment indicated the standardized set of definitions for sexual abuse and sexual harassment.

115.87 (b)

The agency shall aggregate the incident-based sexual abuse data at least annually.

SCDC 2021 Annual Report Summary:

- 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 Investigations and Intelligence (OII) investigated 25% of the allegations of sexual abuse/sexual harassment for criminal intent. 75% 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.

The 2021 Annual Report included but not limited to:

- Introduction and Report Summary
- 2021 PREA Audits
- Aggregated Allegations of Sexual Abuse/Sexual Harassment with Female Victim v. Male Comparisons
- Comparison Data 2019 - 2021
- Data by institution
- 2021 Allegations of Inmate-on-inmate Sexual Harassment
- 2021 Allegations of Staff-On-Inmate Sexual Misconduct
- 2021 Allegations of Staff-On-Inmate Sexual Harassment
- Analysis
- Allegation Breakdown
- Corrective Actions

- Notable Successes
- Schedule of Audits

Agency PREA Coordinator: The agency PREA coordinator indicated that the 2022 SCDC Annual Report is being reviewed by the SCDC Executive Management Team and will be published once the Executive Director has had an opportunity to review and sign.

115.87 (c)

The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

- 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.
- 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 2018 submitted to BJS.
- The agency PREA coordinator provided the auditor with the latest copy of the SSV Report.

115.87 (d)

The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

- Interviewed Specialized Staff: Staff indicated that the agency maintains, review, and collects the required data, including reports, investigation files, and sexual abuse incident reviews.

115.87 (e)

The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.

- The agency provided an Annual PREA Report Addendum dated September 16, 2019, stating that the SCDC (private facility) contract with 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 2020 PREA Annual Report.

115.87 (f)

Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

- 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 2019 submitted to BJS.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.88	Data review for corrective action
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Evidence Relied Upon in Making the Compliance Determination:</p> <ul style="list-style-type: none"> • Annual PREA Report 2020- September 2021 • CoreCivic PREA Annual Report 2020 • SSV Summary 2020 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 • Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79: Section 44-23-1150, South Carolina Code of Laws, 1076) as amended. • Online PREA Audit: Pre-Audit Questionnaire • Interviews <p>Reasoning and Analysis by Provision:</p> <p>115.88 (a)</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"> • Identifying problem areas. • Taking corrective action on an ongoing basis; and • Preparing an annual report of its findings and corrective actions for each facility, as well as the agency. <ul style="list-style-type: none"> • 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. • 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.

- Policy Discussion: GA-06.11 Prevention, Detection, and Response to Sexual Abuse/ Sexual Harassment (formerly numbered SCDC Policy OP-21.12) Updated July 8, 2020, indicated that the Institutional PCMs are responsible for the management and production of PREA files for auditing and reviewing purposes. As a means of ensuring PCMs have complete documentation in these PREA Case files, PCMs should utilize SCDC Form 19-189, PREA Investigative Folder Checklist.”

- The policy also requires the Institutional PCMs to provide the agency PC a Monthly Report of PREA Allegations in Excel spreadsheet format listing all allegations opened each month for review. Each SCDC institution is required to conduct quarterly PREA meetings with the intention of discussing each allegation and determining if changes are needed to the agency’s policies or institution’s procedures and/or practices.

- The PMCs are responsible for reviewing each allegation reported within the quarter with the institution’s Sexual Assault Response Team (SART) and document the meeting utilizing meeting notes, which will be filed in the institution’s provided electronic shared folder.

The PMC utilize the “PREA Quarterly Meeting” outline provided by the agency’s PREA coordinator’s office as a reference to ensure the meeting covers all aspects which include but are not limited to:

- Identifying problem areas.
- Training needs.
- Improvement needs.
- Corrective actions taken; and
- Corrective action plans.

The agency provided the auditor with a copy of the 2020 Annual PREA Report dated September 2021. A review of the report reveals that the Agency has identified areas of concern and provided corrective action.

SCDC 2021 Annual Report Summary:

- 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 Investigations and Intelligence (OII) investigated 25% of the allegations of sexual abuse/sexual harassment for criminal intent. 75% 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.

The 2021 Annual Report included but not limited to:

- Introduction and Report Summary
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The Facility PREA compliance manager forwards data to the SCDC PREA Coordinator. An annual report is prepared by the Agency PREA Coordinator and placed on the SCDC website after review and approval from upper management to the SCDC Director.

- 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: 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.

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.

- 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 PREA Report dated September 2021. The auditor reviews the following information within the report.

SCDC 2021 Annual Report Summary:

- 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 Investigations and Intelligence (OII) investigated 25% of the allegations of sexual abuse/sexual harassment for criminal intent. 75% 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.

The 2021 Annual Report included but not limited to:

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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.

- 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 (2020) was approved by the Agency Heard and the Chief Legal & Compliance Officer in September 2021 and posted on the agency website. Note: Signatures on File.

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.

- 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 (2021), 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.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.89 Data storage, publication, and destruction

Auditor Overall Determination: Meets Standard

Auditor Discussion

Evidence Relied Upon in Making the Compliance Determination:

- 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 Number: HS 18.07 Inmate Health Records
- Email: Retention Policy are not put in policies anymore
- PREA Audit: Pre-Audit Questionnaire for Community
- Online PREA Audit: Pre-Audit Questionnaire
- Interviews

Reasoning and Analysis by Provision:

115.89 (a)

The agency shall ensure that data collected pursuant to standard 115.87 are securely retained.

- 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.
- 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.
- 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 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.”

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.

- 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, 2019, 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 Auditor review the Corrective 2018 PREA Annual Report. The report provides a review of the incident-based and aggregated data for calendar year 2018 and a comparison of aggregated data for calendar years 2015, 2016, 2017 and 2018. The report provides corrective actions developed to further reduce sexual abuse and sexual harassment within Core Civic facilities.
- A review of the South Carolina Department of Corrections 2019 PREA Annual Report and the Core Civic 2018 PREA Annual Report indicated that both reports are located on the internet.

115.89 (c)

Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.

- Interview with the Agency PREA Coordinator and review of the Annual Report indicated that all personal identifiers were removed.

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.

- Interviewed staff indicated that the record retention standard is determined in state statutes and would require the legislature to make a change to the state law. This is an area that the SCDC and Police Services do not have control over. This provision will be rated compliance with the understanding that the PREA Coordinator explores options and recommendations to the SC legislators to change state law.
- 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.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.401	Frequency and scope of audits
	<p data-bbox="280 188 1007 221">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="280 264 579 297">Auditor Discussion</p> <p data-bbox="280 340 1182 374">Evidence Relied Upon in Making the Compliance Determination:</p> <ul data-bbox="280 412 1458 819" style="list-style-type: none"> • 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 2020 PREA Annual Report • Facility Past Final Audit Report • Agency PREA Website • Facility Posting of PREA Notices • Agency Annual PREA Report • Interviews <p data-bbox="280 860 804 893">Reasoning and Analysis by Provision:</p> <p data-bbox="280 931 448 965">115.401 (a)</p> <p data-bbox="280 1003 1449 1122">During the three-year period starting on August 20, 2013, and during each three-year period thereafter, the agency shall ensure that each facility operated by the agency, or a private organization on behalf of the agency, is audited at least once.</p> <ul data-bbox="280 1160 1466 1263" style="list-style-type: none"> • A review of the agency’s website provided PREA audit reports according to cycles. • The facility PREA reports are included on the agency website. <p data-bbox="280 1301 448 1335">115.401 (b)</p> <p data-bbox="280 1373 1449 1491">During each one-year period starting on August 20, 2013, the agency shall ensure that at least one third of each facility type operated by the agency, or by a private organization on behalf of the agency, is audited.</p> <ul data-bbox="280 1529 1466 1632" style="list-style-type: none"> • A review of the agency’s website provided PREA audit reports according to cycles. • The facility PREA reports are included on the agency website. <p data-bbox="280 1671 448 1704">115.401 (c)</p> <p data-bbox="280 1742 1458 1948">The Department of Justice may send a recommendation to an agency for an expedited audit if the department has reason to believe that a particular facility may be experiencing problems relating to sexual abuse. The recommendation may also include referrals to resources that may assist the agency with PREA-related issues.</p> <ul data-bbox="280 1986 1233 2020" style="list-style-type: none"> • The PREA coordinator and the facility acknowledge this provision. <p data-bbox="280 2058 448 2092">115.401 (d)</p>

The Department of Justice shall develop and issue an audit instrument that will provide guidance on the conduct of and contents of the audit.

- 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.

115.401 (e)

The agency shall bear the burden of demonstrating compliance with the standards.

- 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.

115.401 (f)

The auditor shall review all relevant agency-wide policies, procedures, reports, internal and external audits, and accreditation for each facility type.

- 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.

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.

- 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.

115.401 (h)

The auditor shall have access to, and shall observe, all areas of the audited facilities.

- 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.

115.401 (i)

The auditor shall be permitted to request and receive copies of any relevant documents (including electronically stored information).

- The PREA coordinator and the facility provided the auditor with all relevant documents to include electronically stored information through the Agency TEAMs system.

115.401 (j)

The auditor shall retain and preserve all documentation relied upon in making audit determinations. Such documentation shall be provided to the Department of Justice upon request.

- The auditor has uploaded additional information to OMS. Other reviewed information will be maintained for the required timeframe before destruction.

115.401 (k)

The auditor shall interview a representative sample of inmates, residents, and detainees, and of staff, supervisors, and administrators.

- The auditor requested and was provided with a staff roster with non-security and security staff. There was a total of 12 random staff interviewed.
- 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.

115.401 (l)

The auditor shall be permitted to conduct private interviews with inmates, residents, and detainees.

- 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. There was a total of 23 random, 11 target inmates interviewed and 11 informally interviewed.
- Inmates that were formally interviewed were asked the required random interview questions provided by the National PREA Resource Center.
- Inmates were respectful and cooperative with the auditor and the associate auditor. All inmates wore masks and maintained social distancing practices during the formal interviews. The inmate's uniforms were clean, and their hygiene satisfactory.

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

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.

- 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 1/9/23, there was no communication from inmates or 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.

115.401 (n)

Auditors shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility.

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

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

Contact: Just Detention International (JDI) / Wilshire Blvd., Suite 340 Los Angeles, CA 90010 / Email sent: 5/11/22 9:25am. Response received 5/11/22 2:15pm.

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

Contact: National Sexual Violence Resources Center (NSVRC) /2101 N. Front Street

Governor's Plaza North, building #2 Harrisburg, PA 17110 / Email sent: 10/16/22. On 11/20/22 the auditor received an email response for NSVRC.

- MOU between the Sexual Trauma Services of the Midlands (STSM). The STSM responsible for:

- o Responding to calls from inmates received on STSM's 24-hour crisis hotline.

- o Providing inmates with confidential emotional support services related to sexual abuse during their residency at an institution and during their transition from the corrections facility into the community.

- o Providing follow-up services to victims of sexual assault as resources allow, including in-person visits.

- o Maintaining confidentiality of communications with inmates.

- o Working with designated staff to obtain security clearance as needed and follow all facility guidelines for safety and security.

- o Attending any and all Sexual Abuse Incident Reviews at the request of an inmate with the understanding that STSM cannot disclose any communication with an inmate without a signed release from said inmate.

- o Communicating any questions or concerns to PREA Coordinator that are not in violation of confidentiality.

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

For providing services as the sole service provider of the STSM/The Pathway to Healing is responsible for:

- o Providing emotional support services to inmate and juveniles adjudicated to the SCDC and the SCDJJ for sexual assault and sexual misconduct.

- o Providing awareness and knowledge to inmates and juveniles about sexual assault, misconduct, and harassment through group education sessions provided by a qualified instructor.

- o Providing training and education to the staff of SCDC and SCDJJ, to included correctional officers, medical and mental health practitioners, and others (including train-the-trainer) regarding information on the PREA, sexual assault, trauma informed care, youth violence prevention, SAFE/SANE requirements, and how to assist survivors of sexual abuse.

- o Submitting monthly reports of services and those served.

- o Providing timely invoices for payment with descriptive line items describing services provided, dates, times, locations, and costs.

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

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

- The Sexual Trauma Services of the Midlands (STSM) provided monthly reports to the SCDC.

- 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.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

115.403	Audit contents and findings
	<p data-bbox="280 188 1007 221">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="280 264 579 297">Auditor Discussion</p> <hr/> <p data-bbox="280 340 1182 374">Evidence Relied Upon in Making the Compliance Determination:</p> <ul data-bbox="280 412 1458 819" style="list-style-type: none"> • 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 2020 PREA Annual Report • Facility Past Final Audit Report • Agency PREA Website • Facility Posting of PREA Notices • Agency Annual PREA Report • Interviews <p data-bbox="280 860 804 893">Reasoning and Analysis by Provision:</p> <p data-bbox="280 931 448 965">115.403 (a)</p> <p data-bbox="280 1003 1406 1120">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> <ul data-bbox="280 1158 459 1191" style="list-style-type: none"> • Compliant. <p data-bbox="280 1229 448 1263">115.403 (b)</p> <p data-bbox="280 1301 1458 1375">Audit reports shall state whether agency-wide policies and procedures comply with relevant PREA standards.</p> <ul data-bbox="280 1413 1426 1487" style="list-style-type: none"> • The auditor report states whether agency wide policies and procedures comply with relevant PREA standards. <p data-bbox="280 1525 448 1559">115.403 (c)</p> <p data-bbox="280 1597 1477 1760">For each PREA standard, the auditor shall determine whether the audited facility reaches one of the following findings: Exceeds Standards, Meets Standards; Or Does Not Meet Standard. The audit summary shall indicate, among other things, the number of provisions the facility has achieved at each grade level.</p> <ul data-bbox="280 1798 1050 1832" style="list-style-type: none"> • The auditor has assigned a finding to each standard. <p data-bbox="280 1870 448 1904">115.403 (d)</p> <p data-bbox="280 1942 1426 2060">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.</p>

- The auditor uses a triangular approach, by connecting the PREA audit documentation, on-site observation, site review of the entire facility and complex, determination of facility practice, interviewed staff and inmates, local and national advocates, etc. to make determinations for each standard. Each standard and/or provision is designed with documentation reviewed, online PREA Audit: Pre-Audit Questionnaire, overall findings, and interview results.
- The auditor is using the stylistic rules for the Field Training Program (FTP) Auditor Trainee Report Writing Reference Manual as best practice.
- 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.

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.

- 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.

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.

- The facility final PREA reports are published on the agency website.

Finding:

- Based on this analysis, the facility is compliant with all provisions in this standard.

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

115.12 (b)	Contracting with other entities for the confinement of inmates	
	Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	yes

115.13 (a)	Supervision and monitoring	
	Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or standards?	yes
	In calculating adequate staffing levels and determining the need	yes

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

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

115.15 (b)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.)	na
	Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the facility does not have female inmates.)	na
115.15 (c)	Limits to cross-gender viewing and searches	
	Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?	yes
	Does the facility document all cross-gender pat-down searches of female inmates (N/A if the facility does not have female inmates)?	na
115.15 (d)	Limits to cross-gender viewing and searches	
	Does the facility have policies that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility have procedures that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit?	yes
115.15 (e)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status?	yes
	If an inmate's genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner?	yes

115.15 (f)	Limits to cross-gender viewing and searches	
	Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes
	Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes

115.16 (a)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are blind or have low vision?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have intellectual disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have psychiatric disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have speech disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Other (if "other," please explain in overall determination notes.)	yes
	Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing?	yes
	Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication	yes

	with inmates with disabilities including inmates who: Have intellectual disabilities?	
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: are blind or have low vision?	yes
115.16 (b)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient?	yes
	Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes
115.16 (c)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations?	yes

115.17 (a) Hiring and promotion decisions		
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
115.17 (b) Hiring and promotion decisions		
	Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates?	yes
	Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with inmates?	yes

115.17 (c)	Hiring and promotion decisions	
	Before hiring new employees who may have contact with inmates, does the agency perform a criminal background records check?	yes
	Before hiring new employees who may have contact with inmates, does the agency, consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse?	yes
115.17 (d)	Hiring and promotion decisions	
	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates?	yes
115.17 (e)	Hiring and promotion decisions	
	Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees?	yes
115.17 (f)	Hiring and promotion decisions	
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions?	yes
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees?	yes
	Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?	yes
115.17 (g)	Hiring and promotion decisions	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes

115.17 (h)	Hiring and promotion decisions	
	Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.)	yes
115.18 (a)	Upgrades to facilities and technologies	
	If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)	na
115.18 (b)	Upgrades to facilities and technologies	
	If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)	yes
115.21 (a)	Evidence protocol and forensic medical examinations	
	If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes

115.21 (b) Evidence protocol and forensic medical examinations		
	Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
	Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
115.21 (c) Evidence protocol and forensic medical examinations		
	Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate?	yes
	Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?	yes
	If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?	yes
	Has the agency documented its efforts to provide SAFEs or SANEs?	yes
115.21 (d) Evidence protocol and forensic medical examinations		
	Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?	yes
	If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency always makes a victim advocate from a rape crisis center available to victims.)	yes
	Has the agency documented its efforts to secure services from rape crisis centers?	yes

115.21 (e)	Evidence protocol and forensic medical examinations	
	As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews?	yes
	As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?	yes
115.21 (f)	Evidence protocol and forensic medical examinations	
	If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.)	na
115.21 (h)	Evidence protocol and forensic medical examinations	
	If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency always makes a victim advocate from a rape crisis center available to victims.)	yes
115.22 (a)	Policies to ensure referrals of allegations for investigations	
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse?	yes
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment?	yes
115.22 (b)	Policies to ensure referrals of allegations for investigations	
	Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior?	yes
	Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?	yes
	Does the agency document all such referrals?	yes

115.22 (c)	Policies to ensure referrals of allegations for investigations	
	If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).)	na
115.31 (a)	Employee training	
	Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?	yes
	Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment	yes
	Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?	yes
	Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims?	yes
	Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse?	yes
	Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?	yes

115.31 (b)	Employee training	
	Is such training tailored to the gender of the inmates at the employee's facility?	yes
	Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa?	yes
115.31 (c)	Employee training	
	Have all current employees who may have contact with inmates received such training?	yes
	Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures?	yes
	In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies?	yes
115.31 (d)	Employee training	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes
115.32 (a)	Volunteer and contractor training	
	Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes
115.32 (b)	Volunteer and contractor training	
	Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)?	yes
115.32 (c)	Volunteer and contractor training	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes

115.33 (a) Inmate education		
	During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes
115.33 (b) Inmate education		
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents?	yes
115.33 (c) Inmate education		
	Have all inmates received the comprehensive education referenced in 115.33(b)?	yes
	Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility?	yes
115.33 (d) Inmate education		
	Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are deaf?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills?	yes

115.33 (e)	Inmate education	
	Does the agency maintain documentation of inmate participation in these education sessions?	yes
115.33 (f)	Inmate education	
	In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats?	yes
115.34 (a)	Specialized training: Investigations	
	In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators receive training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.34 (b)	Specialized training: Investigations	
	Does this specialized training include techniques for interviewing sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include proper use of Miranda and Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes

115.34 (c)	Specialized training: Investigations	
	Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.35 (a)	Specialized training: Medical and mental health care	
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
115.35 (b)	Specialized training: Medical and mental health care	
	If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.)	yes

115.35 (c)	Specialized training: Medical and mental health care	
	Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
115.35 (d)	Specialized training: Medical and mental health care	
	Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.)	yes
	Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.)	yes
115.41 (a)	Screening for risk of victimization and abusiveness	
	Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
	Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
115.41 (b)	Screening for risk of victimization and abusiveness	
	Do intake screenings ordinarily take place within 72 hours of arrival at the facility?	yes
115.41 (c)	Screening for risk of victimization and abusiveness	
	Are all PREA screening assessments conducted using an objective screening instrument?	yes

115.41 (d)	Screening for risk of victimization and abusiveness	
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes?	yes

115.41 (e)	Screening for risk of victimization and abusiveness	
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior acts of sexual abuse?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior convictions for violent offenses?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: history of prior institutional violence or sexual abuse?	yes
115.41 (f)	Screening for risk of victimization and abusiveness	
	Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening?	yes
115.41 (g)	Screening for risk of victimization and abusiveness	
	Does the facility reassess an inmate's risk level when warranted due to a referral?	yes
	Does the facility reassess an inmate's risk level when warranted due to a request?	yes
	Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse?	yes
	Does the facility reassess an inmate's risk level when warranted due to receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness?	yes
115.41 (h)	Screening for risk of victimization and abusiveness	
	Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section?	yes
115.41 (i)	Screening for risk of victimization and abusiveness	
	Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates?	yes

115.42 (a) Use of screening information		
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments?	yes
115.42 (b) Use of screening information		
	Does the agency make individualized determinations about how to ensure the safety of each inmate?	yes
115.42 (c) Use of screening information		
	When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)?	yes
	When making housing or other program assignments for transgender or intersex inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems?	yes

115.42 (d)	Use of screening information	
	Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate?	yes
115.42 (e)	Use of screening information	
	Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments?	yes
115.42 (f)	Use of screening information	
	Are transgender and intersex inmates given the opportunity to shower separately from other inmates?	yes
115.42 (g)	Use of screening information	
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes

115.43 (a)	Protective Custody	
	Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers?	yes
	If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment?	yes
115.43 (b)	Protective Custody	
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible?	yes
	If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes

115.43 (c)	Protective Custody	
	Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged?	yes
	Does such an assignment not ordinarily exceed a period of 30 days?	yes
115.43 (d)	Protective Custody	
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The basis for the facility's concern for the inmate's safety?	yes
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged?	yes
115.43 (e)	Protective Custody	
	In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS?	yes
115.51 (a)	Inmate reporting	
	Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?	yes

115.51 (b)	Inmate reporting	
	Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?	yes
	Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the inmate to remain anonymous upon request?	yes
	Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility never houses inmates detained solely for civil immigration purposes.)	na
115.51 (c)	Inmate reporting	
	Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Does staff promptly document any verbal reports of sexual abuse and sexual harassment?	yes
115.51 (d)	Inmate reporting	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?	yes
115.52 (a)	Exhaustion of administrative remedies	
	Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse.	yes

115.52 (b)	Exhaustion of administrative remedies	
	Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)	yes
	Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.)	yes
115.52 (c)	Exhaustion of administrative remedies	
	Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	yes
	Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	yes
115.52 (d)	Exhaustion of administrative remedies	
	Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)	yes
	If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)	yes
	At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)	yes

115.52 (e)	Exhaustion of administrative remedies	
	Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Are those third parties also permitted to file such requests on behalf of inmates? (If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.)	yes
	If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)	yes

115.52 (f)	Exhaustion of administrative remedies	
	Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)	yes
	Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
	Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
115.52 (g)	Exhaustion of administrative remedies	
	If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.)	yes

115.53 (a)	Inmate access to outside confidential support services	
	Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations?	yes
	Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, 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.)	na
	Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible?	yes
115.53 (b)	Inmate access to outside confidential support services	
	Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws?	yes
115.53 (c)	Inmate access to outside confidential support services	
	Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse?	yes
	Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements?	yes
115.54 (a)	Third-party reporting	
	Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment?	yes
	Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate?	yes

115.61 (a)	Staff and agency reporting duties	
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation?	yes
115.61 (b)	Staff and agency reporting duties	
	Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions?	yes
115.61 (c)	Staff and agency reporting duties	
	Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section?	yes
	Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services?	yes
115.61 (d)	Staff and agency reporting duties	
	If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws?	yes
115.61 (e)	Staff and agency reporting duties	
	Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators?	yes

115.62 (a)	Agency protection duties	
	When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate?	yes
115.63 (a)	Reporting to other confinement facilities	
	Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred?	yes
115.63 (b)	Reporting to other confinement facilities	
	Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?	yes
115.63 (c)	Reporting to other confinement facilities	
	Does the agency document that it has provided such notification?	yes
115.63 (d)	Reporting to other confinement facilities	
	Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?	yes

115.64 (a)	Staff first responder duties	
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes
115.64 (b)	Staff first responder duties	
	If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff?	yes
115.65 (a)	Coordinated response	
	Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse?	yes

115.66 (a)	Preservation of ability to protect inmates from contact with abusers	
	Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes
115.67 (a)	Agency protection against retaliation	
	Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff?	yes
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes
115.67 (b)	Agency protection against retaliation	
	Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations?	yes

115.67 (c)	Agency protection against retaliation	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff?	yes
	Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?	yes

115.67 (d)	Agency protection against retaliation	
	In the case of inmates, does such monitoring also include periodic status checks?	yes
115.67 (e)	Agency protection against retaliation	
	If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?	yes
115.68 (a)	Post-allegation protective custody	
	Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43?	yes
115.71 (a)	Criminal and administrative agency investigations	
	When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
	Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
115.71 (b)	Criminal and administrative agency investigations	
	Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34?	yes
115.71 (c)	Criminal and administrative agency investigations	
	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
	Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
	Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes

115.71 (d)	Criminal and administrative agency investigations	
	When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?	yes
115.71 (e)	Criminal and administrative agency investigations	
	Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes
115.71 (f)	Criminal and administrative agency investigations	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes
	Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?	yes
115.71 (g)	Criminal and administrative agency investigations	
	Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?	yes
115.71 (h)	Criminal and administrative agency investigations	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
115.71 (i)	Criminal and administrative agency investigations	
	Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	yes

115.71 (j)	Criminal and administrative agency investigations	
	Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?	yes
115.71 (l)	Criminal and administrative agency investigations	
	When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).)	na
115.72 (a)	Evidentiary standard for administrative investigations	
	Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?	yes
115.73 (a)	Reporting to inmates	
	Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	yes
115.73 (b)	Reporting to inmates	
	If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)	na

115.73 (c)	Reporting to inmates	
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the inmate's unit?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility?	yes
115.73 (d)	Reporting to inmates	
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility?	yes
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?	yes
115.73 (e)	Reporting to inmates	
	Does the agency document all such notifications or attempted notifications?	yes

115.76 (a)	Disciplinary sanctions for staff	
	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes
115.76 (b)	Disciplinary sanctions for staff	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes
115.76 (c)	Disciplinary sanctions for staff	
	Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories?	yes
115.76 (d)	Disciplinary sanctions for staff	
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?	yes
115.77 (a)	Corrective action for contractors and volunteers	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?	yes
115.77 (b)	Corrective action for contractors and volunteers	
	In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates?	yes

115.78 (a)	Disciplinary sanctions for inmates	
	Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process?	yes
115.78 (b)	Disciplinary sanctions for inmates	
	Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories?	yes
115.78 (c)	Disciplinary sanctions for inmates	
	When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior?	yes
115.78 (d)	Disciplinary sanctions for inmates	
	If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits?	yes
115.78 (e)	Disciplinary sanctions for inmates	
	Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact?	yes
115.78 (f)	Disciplinary sanctions for inmates	
	For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation?	yes
115.78 (g)	Disciplinary sanctions for inmates	
	If the agency prohibits all sexual activity between inmates, does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.)	yes

115.81 (a)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison).	yes
115.81 (b)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)	yes
115.81 (c)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a jail).	yes
115.81 (d)	Medical and mental health screenings; history of sexual abuse	
	Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?	yes
115.81 (e)	Medical and mental health screenings; history of sexual abuse	
	Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	yes

115.82 (a)	Access to emergency medical and mental health services	
	Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?	yes
115.82 (b)	Access to emergency medical and mental health services	
	If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62?	yes
	Do security staff first responders immediately notify the appropriate medical and mental health practitioners?	yes
115.82 (c)	Access to emergency medical and mental health services	
	Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate?	yes
115.82 (d)	Access to emergency medical and mental health services	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
115.83 (a)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?	yes
115.83 (b)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody?	yes

115.83 (c)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility provide such victims with medical and mental health services consistent with the community level of care?	yes
115.83 (d)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	na
115.83 (e)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	yes
115.83 (f)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes
115.83 (g)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes

115.83 (h)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)	yes
115.86 (a)	Sexual abuse incident reviews	
	Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded?	yes
115.86 (b)	Sexual abuse incident reviews	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes
115.86 (c)	Sexual abuse incident reviews	
	Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?	yes

115.86 (d)	Sexual abuse incident reviews	
	Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?	yes
	Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility?	yes
	Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?	yes
	Does the review team: Assess the adequacy of staffing levels in that area during different shifts?	yes
	Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?	yes
	Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?	yes
115.86 (e)	Sexual abuse incident reviews	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes
115.87 (a)	Data collection	
	Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions?	yes
115.87 (b)	Data collection	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes
115.87 (c)	Data collection	
	Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice?	yes

115.87 (d)	Data collection	
	Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?	yes
115.87 (e)	Data collection	
	Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.)	yes
115.87 (f)	Data collection	
	Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)	yes
115.88 (a)	Data review for corrective action	
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole?	yes
115.88 (b)	Data review for corrective action	
	Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse?	yes
115.88 (c)	Data review for corrective action	
	Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means?	yes

115.88 (d)	Data review for corrective action	
	Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility?	yes
115.89 (a)	Data storage, publication, and destruction	
	Does the agency ensure that data collected pursuant to § 115.87 are securely retained?	yes
115.89 (b)	Data storage, publication, and destruction	
	Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means?	yes
115.89 (c)	Data storage, publication, and destruction	
	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes
115.89 (d)	Data storage, publication, and destruction	
	Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise?	yes
115.401 (a)	Frequency and scope of audits	
	During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.)	yes

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

115.403 (f)	Audit contents and findings	
	<p>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.)</p>	yes