

PREA Facility Audit Report: Final

Name of Facility: Lumberton Correctional Institution

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 07/22/2023

Auditor Certification

The contents of this report are accurate to the best of my knowledge.



No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.



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.



Auditor Full Name as Signed: Wendy J. Hart

Date of Signature: 07/22/2023

AUDITOR INFORMATION

Auditor name: Hart, Wendy

Email: krijescat808498@gmail.com

Start Date of On-Site Audit: 06/05/2023

End Date of On-Site Audit: 06/07/2023

FACILITY INFORMATION

Facility name: Lumberton Correctional Institution

Facility physical address: 75 Legend Road, Lumberton, North Carolina - 28358

Facility mailing address:

Primary Contact

Name:	Eric Powell
Email Address:	Eric.Powell@dac.nc.gov
Telephone Number:	910-785-8533

Warden/Jail Administrator/Sheriff/Director

Name:	Mary Locklear
Email Address:	Mary.Locklear@dac.nc.gov
Telephone Number:	910-785-8191

Facility PREA Compliance Manager

Name:	Eric Powell
Email Address:	eric.powell@dac.nc.gov
Telephone Number:	
Name:	Brian Oxendine
Email Address:	brian.oxendine@dac.nc.gov
Telephone Number:	O: (910) 785-8200

Facility Health Service Administrator On-site

Name:	Regina Hooks
Email Address:	regina.hooks@dac.nc.gov
Telephone Number:	910-785-8320

Facility Characteristics

Designed facility capacity:	788
Current population of facility:	781
Average daily population for the past 12 months:	781

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:	18-99
Facility security levels/inmate custody levels:	Medium
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	191
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	7
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	56

AGENCY INFORMATION	
Name of agency:	North Carolina Department of Adult Correction
Governing authority or parent agency (if applicable):	
Physical Address:	214 West Jones Street , Raleigh , North Carolina - 27603
Mailing Address:	
Telephone number:	

Agency Chief Executive Officer Information:	
Name:	
Email Address:	
Telephone Number:	

Agency-Wide PREA Coordinator Information

Name:	Charlotte Jordan-Williams	Email Address:	charlotte.williams@dac.nc.gov
--------------	---------------------------	-----------------------	-------------------------------

Facility AUDIT FINDINGS

Summary of Audit Findings

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

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

Number of standards exceeded:

0

Number of standards met:

45

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:	2023-06-05
2. End date of the onsite portion of the audit:	2023-06-07

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?	☒ Yes ☐ No
a. Identify the community-based organization(s) or victim advocates with whom you communicated:	Had telephone conversation with Robeson County Rape Crisis Center Director. Indicated they have an MOU with the facility and have provided support for offenders during forensic exams and court. Confirmed they provide outside emotional support for offenders who have experienced sexual abuse. She indicated her staff may go inside facility to meet with individuals as appropriate. Reported communication is confidential unless a waiver is signed by resident.

AUDITED FACILITY INFORMATION

14. Designated facility capacity:	788
15. Average daily population for the past 12 months:	781
16. Number of inmate/resident/detainee housing units:	25

17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?	☐ Yes ☒ No ☐ 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:	768
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:	13
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:	10
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:	18
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:	24

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:	15
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:	15
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:	6
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:	3
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:	0
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:	0
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):	No text provided.

Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit	
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:	191
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:	56
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:	7
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:	No text provided.
INTERVIEWS	
Inmate/Resident/Detainee Interviews	
Random Inmate/Resident/Detainee Interviews	
53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:	15

54. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)	☒ Age ☒ Race ☒ Ethnicity (e.g., Hispanic, Non-Hispanic) ☐ Length of time in the facility ☒ Housing assignment ☐ Gender ☐ Other ☐ None
55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?	Selected offenders in randomly selected and those in targeted categories from a variety of housing units.
56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?	☒ Yes ☐ 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):	The interview process went very well. Offenders were cooperative and polite. Staff efficiently arranged for interviews and provided interview locations with security and privacy in mind.
Targeted Inmate/Resident/Detainee Interviews	
58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:	15

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".

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

a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:

☒ 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.

☐ The inmates/residents/detainees in this targeted category declined to be interviewed.

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).

Was unable to differentiate types of disabilities from list of ADA-qualified offenders provided.

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:

2

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:	1
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:	1
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:	5
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:	4
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:	3
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:	2
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:	1

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:	0
a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:	☒ 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. ☐ The inmates/residents/detainees in this targeted category declined to be interviewed.
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).	Staff interviewed indicated that there were no offenders in restrictive housing for risk of being sexually abused. They indicated it was not their practice to place individuals in restrictive housing due to risk of sexual victimization. Policy prohibits such placement unless lesser means are not appropriate.
70. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):	No text provided.
Staff, Volunteer, and Contractor Interviews	
Random Staff Interviews	
71. Enter the total number of RANDOM STAFF who were interviewed:	12

72. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)	☐ Length of tenure in the facility ☒ Shift assignment ☒ Work assignment ☒ Rank (or equivalent) ☐ Other (e.g., gender, race, ethnicity, languages spoken) ☐ None
73. Were you able to conduct the minimum number of RANDOM STAFF interviews?	☒ Yes ☐ No
74. Provide any additional comments regarding selecting or interviewing random staff (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):	No text provided.
Specialized Staff, Volunteers, and Contractor Interviews	
Staff in some facilities may be responsible for more than one of the specialized staff duties. Therefore, more than one interview protocol may apply to an interview with a single staff member and that information would satisfy multiple specialized staff interview requirements.	
75. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):	10
76. Were you able to interview the Agency Head?	☐ Yes ☒ No
a. Explain why it was not possible to interview the Agency Head:	An interview was conducted with designee.

77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?	☒ Yes ☐ No
78. Were you able to interview the PREA Coordinator?	☒ Yes ☐ No
79. Were you able to interview the PREA Compliance Manager?	☒ Yes ☐ No ☐ NA (NA if the agency is a single facility agency or is otherwise not required to have a PREA Compliance Manager per the Standards)

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

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

	☐ Other
81. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?	☒ Yes ☐ No
a. Enter the total number of VOLUNTEERS who were interviewed:	2
b. Select which specialized VOLUNTEER role(s) were interviewed as part of this audit from the list below: (select all that apply)	☐ Education/programming ☐ Medical/dental ☐ Mental health/counseling ☒ Religious ☐ Other
82. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility?	☒ Yes ☐ No
a. Enter the total number of CONTRACTORS who were interviewed:	2
b. Select which specialized CONTRACTOR role(s) were interviewed as part of this audit from the list below: (select all that apply)	☐ Security/detention ☐ Education/programming ☒ Medical/dental ☐ Food service ☐ Maintenance/construction ☐ Other
83. Provide any additional comments regarding selecting or interviewing specialized staff.	No text provided.

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

88. Informal conversations with staff during the site review (encouraged, not required)?

☒ Yes

☐ No

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).	No text provided.
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.	
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?	☒ Yes ☐ No
91. Provide any additional comments regarding selecting additional documentation (e.g., any documentation you oversampled, barriers to selecting additional documentation, etc.).	No text provided.
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	5	1	5	1
Staff-on-inmate sexual abuse	6	0	6	0
Total	11	1	11	1

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	8	0	8	0
Staff-on-inmate sexual harassment	7	0	7	0
Total	15	0	15	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	2	X	0	0
Staff-on-inmate sexual abuse	0	0	0	0	0
Total	1	2	X	0	0

You indicated that you are unable to provide information for one or more of the fields above. Explain why this information could not be provided.

Of substantiated inmate on inmate sexual abuse complaints, the victims either refused to talk to police or the criminal investigation remains with law enforcement for outcome decision.

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

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual abuse	0	0	3	2
Staff-on-inmate sexual abuse	0	2	4	0
Total	0	2	7	2

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	0	4	4
Staff-on-inmate sexual harassment	0	2	5	0
Total	0	2	9	4

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?	☒ Yes ☐ No ☐ 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:	3
101. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?	☒ Yes ☐ No ☐ 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?	☒ Yes ☐ No ☐ 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:	1
104. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?	☐ Yes ☒ No ☐ 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?	☒ Yes ☐ No ☐ 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:	1
107. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?	☐ Yes ☒ No ☐ 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:	1
109. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?	☐ Yes ☒ No ☐ NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)
110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?	☒ Yes ☐ No ☐ NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)

Staff-on-inmate sexual harassment investigation files

111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:

0

112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?

☐ Yes

☒ No

☐ NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)

113. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?

☒ Yes

☐ No

☐ NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)

114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.

No text provided.

SUPPORT STAFF INFORMATION**DOJ-certified PREA Auditors Support Staff**

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.

☐ Yes

☒ No

Non-certified Support Staff

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.

☐ Yes

☒ No

AUDITING ARRANGEMENTS AND COMPENSATION

121. Who paid you to conduct this audit?

☐ The audited facility or its parent agency

☐ My state/territory or county government employer (if you audit as part of a consortium or circular auditing arrangement, select this option)

☒ A third-party auditing entity (e.g., accreditation body, consulting firm)

☐ Other

Identify the name of the third-party auditing entity

KDM Consults

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: Meets Standard
	Auditor Discussion
	Document Review: - Lumberton Correctional Institution PAQ - NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 - NC DAC-PREA-100, PREA Prevention Planning, dated 1.1.2023 - NC DAC-PREA-200, PREA Reporting, dated 1.1.2023 - NC DAC-PREA-300, PREA Investigations, dated 1.1.23 - Lumberton Correctional Institution Standard Operating Procedure Chapter III, facility Operations, A. Security and Control, .4300 V. Policy - North Carolina Department of Adult Correction (NCDAC) Organization Chart, dated 4.17.2023 - Lumberton Correctional Institution Organizational Chart, 3.31.2023 - Memo from Warden "Audit Standard 115.11 (c) - 3" confirming designation of PREA Compliance Manager and Alternate, dated 5.7.2023 Interviews:

1. Random and Targeted Offenders
2. Random and Specialized Staff
3. Warden
4. PREA Coordinator
5. PREA Compliance Manager

North Carolina Department of Adult Corrections (NCDAC) is a new department, effective 1.1.2023. It was formerly part of North Carolina Department of Public Safety (NCDPS). The agency is in the process of updating policies to reflect the new department titles. Policies updated to reflect NCDAC, essentially contain the same verbiage as previously-established NCDPS policies, so may reflect an effective date prior to the effective date of the new department. Some documents included in the audit report retain the NCDPS titles.

Review of policies and procedures, standard operating procedures, and other documentation received demonstrates the agency and facility have institutionalized practices in accordance with the Prison Rape Elimination Act. During interviews, offenders and staff demonstrated an awareness and understanding of facility PREA-related practices and procedures being implemented as described in the agency's policies that support compliance with PREA Standards. The PREA Compliance Manager indicated he has enough time to manage PREA-related responsibilities and discussed that he talks to facility management to address any concerns, and that managers address with sections heads, and section head correct it. The auditor observed an excellent working relationship between staff, and that the PREA Compliance Manager demonstrated rapport and respect with the administrators and staff with whom he interacted. He indicated he could discuss required protocols and put them in to practice.

The NCDAC PREA Director reports to the Deputy Secretary, Professional Standards and supervises regional PREA Analysts in the agency PREA Office. The Analysts are responsible to assist and advise facility staff in their assigned regions in all matters related to PREA Compliance. The facility PREA Compliance Manager and alternate report directly to the Warden.

Site Review Observation:

During the onsite review of the facility, the auditor witnessed bulletin boards with reporting and crisis center information located in all units, and current agency/facility flyers describing the zero-tolerance policy and reporting methods throughout the facility. The location and content of each bulletin board was consistent, and there were boxes with PREA forms/information located in each housing unit. Each offender has recently been issued a tablet as an additional means of information and communication, which also provides a reminder of the zero-tolerance policy for sexual abuse and sexual harassment, along with the methods for reporting, each time the offender logs onto the system. Audit notices were posted visibly on pink paper throughout the facility, in English and Spanish. Advance notification and awareness of the audit was confirmed by staff and offenders during interviews.

(a) The Lumberton Correctional Institution PAQ states the agency policy has a written policy mandating zero-tolerance toward all forms of sexual abuse and sexual harassment in the facilities it operates, and supplied the following excerpt:

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 5, section .3404, states, "The North Carolina Department of Public Safety is committed to a standard of zero-tolerance of sexual abuse and sexual harassment toward offenders, either by staff, contractors, volunteers, or by offenders (5-ACI-3D-14). Therefore, it is the policy of Prisons to provide a safe, humane and appropriately secure environment, free from the threat of sexual abuse and sexual harassment for all offenders, by maintaining a program of prevention, detection, response, investigation, prosecution and tracking."

NCDAC Prisons Policy & Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy includes definitions of prohibited behaviors regarding sexual abuse and sexual harassment, sanctions for those found to have participated in prohibited behaviors, and the agency strategies and responses to reduce and prevent sexual abuse and sexual harassment of inmates.

(b) The Lumberton Correctional Institution PAQ states the agency employs or designates an upper-level, agency-wide PREA Coordinator. The position of the PREA Coordinator in the agency's organizational structure is the PREA Director.

The facility provided a NC Department of Adult Correction Organizational Chart. Page 2 of the organization chart demonstrates the PREA Director is in the agency organizational chart and reports directly to the Deputy Secretary, Professional Standards.

The agency demonstrates its dedication to ensuring PREA compliance by employing three full-time PREA Analysts within the agency "PREA Office" who report to the agency PREA Director. Interviews confirmed they are responsible to assist and advise facility staff in their respective geographic areas with achieving and maintaining PREA compliance.

(c) The Lumberton Correctional Institution PAQ indicates the facility has designated a PREA Compliance Manager who has sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards. This was confirmed during interviews as well.

The facility provided a memo from the Warden, confirming designation of the PREA Compliance Manager and alternate.

During interviews, both the PREA Compliance Manager and PREA Coordinator confirmed that they have sufficient time and authority to coordinate the facility's efforts to comply with the PREA Standards.

Based on the above information, the facility is found to be compliant with this standard

115.12	Contracting with other entities for the confinement of inmates
	Auditor Overall Determination: Meets Standard Auditor Discussion Document Review: 1. Lumberton Correctional Institution PAQ 2. Email from NCDAC PREA Office Staff with contract information Interviews: 1. PREA Coordinator 2. PREA Compliance Manager (a) The agency has entered into or renewed one contract for the confinement of inmates since the last PREA audit. All of the above contracts require contractors to adopt and comply with PREA standards. 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 is one. The number of above contracts that DID NOT require contractors to adopt and comply with PREA standards is zero. (b) All of the above contracts require the agency to monitor the contractor's compliance with PREA standards. The number of contracts referenced in 115.12 (a)-3 that DO NOT require the agency to monitor contractor's compliance with PREA standards is zero. During an interview, the PREA Coordinator (NCDAC PREA Director) indicated NCDAC has “only one private contract and it is easy to determine compliance as I stay in contact with the facility on an ongoing basis if they have action plans. If we have a new contract, I am in contact with the purchasing department throughout the development of the contract. The facility follows the department’s policy and training requirements. In rare occasions we monitor if they have an incident, we will monitor their response. We monitor the facility annually for compliance. PREA language is existing in their current and subsequent contracts and they are scheduled in our three-year audit cycle with the current contract held with the agency PREA Auditor.” NCDAC Prisons Policy & Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, pages 8 and 9, section (D) CONTRACT PERSONS/AGENCIES (who have direct contact with offenders): states, “(i) “Contracts will be modified to include language that reflects Prisons’ commitment to a zero-tolerance of sexual abuse and sexual harassment, the contract person’s duty to report any allegations of offender sexual abuse or sexual harassment either by another offender or by staff, and obligation to adopt and comply with the PREA standards. (ii) New contracts and contract renewals shall provide for agency contract monitoring to ensure that the

	contractor is complying with the PREA standards” Review of the contract documents demonstrated requirements to comply with PREA and to allow for monitoring by the NCDAC are part of the contract language. The contracted facility is scheduled for a PREA audit during this audit cycle. Based on the above information, the facility is found to be compliant with this standard.
--	---

115.13	Supervision and monitoring
	Auditor Overall Determination: Meets Standard
	Auditor Discussion Document Review: 1. Lumberton Correctional Institution PAQ 2. NC DAC-PREA-100, PREA Prevention Planning, dated 1.1.2023 3. Staffing Analysis, Lumberton Correctional Institution, dated May 8, 2023 4. Unit and Shift Narratives Documenting Unannounced Rounds Interviews: 1. Correctional Officers 2. Random and Targeted Offenders 3. Intermediate or higher-level supervisors 4. Warden 5. PREA Compliance Manager Staff interviewed verified supervisory staff conduct unannounced rounds throughout each day. In addition, during interviews, offenders indicated they see supervisors and facility leadership entering units often. During interviews, a supervisor explained they conduct supervisory rounds at staggered times each day, without notification to security staff and by varying the route they take to conduct rounds. The supervisor stated rounds are documented on their narrative and the dorm log. Samples of unannounced supervisory rounds were reviewed on site. During interviews, supervisors reported that staff can't really alert each other of an unannounced round because their order of rounds are varied, going to different places at different times, maybe starting a round then doing something else, then resuming the round later in the shift. It was noted that supervisors would also pick up any radio traffic that occurs during rounds. Site review observation: Unit Narratives were available in each unit at the staff desk. It is noted that narratives for supervisory rounds are usually completed in red ink. Through review of sample unit narratives and shift narratives on site, it was confirmed that multiple rounds are completed throughout each shift, daily, including unannounced rounds by supervisory

staff.

(a) The Lumberton Correctional Institution PAQ states the agency requires the facility to 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 abuse. Since August 20, 2012, or last PREA audit, whichever is later, the average daily number of inmates is 781. The average daily number of inmates on which the staffing plan was predicated is 788 (capacity).

NC DAC-PREA-100, PREA Prevention Planning, effective 1.1.2023, page 7-8, paragraph H requires that "Each facility shall develop, document, and make its best effort to comply with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect person in confinement, residents and safekeepers against sexual abuse and sexual harassment.

1. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration:

a) Community Confinement

- i. The physical layout of each facility;
- ii. The composition of the person in confinement population;
- iii. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- iv. Any other relevant factors.

b) Prisons

- i. Generally accepted detention and correctional practices;
- ii. Any judicial findings of inadequacy;
- iii. Any findings of inadequacy from federal investigative agencies;
- iv. Any findings of inadequacy from internal or external oversight bodies;
- v. All components of the facility's physical plant (including "blind-spots" or areas where employees, person in confinement or safekeepers may be isolated);
- vi. The composition of the person in confinement and safekeeper population;
- vii. The number and placement of supervisory employees;
- viii. Institutional programs occurring on a particular shift;
- ix. Any applicable State or local laws, regulations, or standards;
- x. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- xi. Any other relevant factors

(b) The Lumberton Correctional Institution PAQ states each time the staffing plan is not complied with, the facility documents and justifies deviations. The facility indicated it did not have deviations from their staffing plan during the audit period, because staffing is adjusted in accordance with the plan to cover essential posts, or call in overtime if there is an absence. It was demonstrated that adjustments are documented on the daily schedules.

(c) The Lumberton Correctional Institution PAQ states at least once every year the

facility/agency, in collaboration with the PREA coordinator, reviews the staffing plan to whether adjustments are needed in (a) the staffing, (b) the deployment of monitoring technology, or (c) the allocation of agency/facility resources to commit to the staffing plan to ensure compliance with the staffing plan. See provision (a) of this standard for the annual review of the staffing plan as it is combined with the staffing analysis.

During interviews, the warden (designee) indicated in reviewing the staffing plan, they take into account number of positions they have, along with various posts, and also their critical (level 3) posts. They also consider staff to offender ratios, blind spots, and high traffic areas. It was stated that video monitoring is part of the plan and that the plan is documented. It was stated they use an automated roster management system. It was stated they would document deviations to the staffing plan, but indicated they do not have deviations from essential posts, because required posts must always be filled.

The agency provided a 115.13 Staffing Plan Analysis, Lumberton Correctional Institution, dated 5.8.2023. The analysis demonstrates the following plan and review areas:

- NCDAC PREA Report: Staffing Analysis
- General Facility Information
 - o Mission
 - o Offender Population and Special Vulnerabilities
 - o Facility Program and Services
 - o Current Staffing Level
 - ◇ Facility management
 - ◇ Physical Plant Considerations
 - ◇ Housing
 - ◇ Special Populations
 - ◇ Programs
 - ◇ Medical/Mental Health
 - ◇ Judicial Findings of Inadequacy
- PREA
 - o Prevalence of Substantiated and Unsubstantiated Incidents of Sexual Abuse and Harassment
- Previous Audit Findings
- Additional Information and/or Recommendations
- Conclusion

The agency PREA Office Staffing Analysis for Lumberton Correctional Institution included guidance for facility consideration of additional relevant information in development/assessment of their staffing plan as follows:

“The following information should also be considered in the staffing plan development and/or review process.

1. Review the facility’s intake area and note/resolve any unique concerns about processing as it relates to staffing.
2. Movement requirements and practices.

	3. Current staffing shortages and staff on leave. 4. Offenders on high observation status- SIB. (if applicable) 5. Skill level of existing staff. 6. Search requirements after visitation, vocational school/transport. 7. The facility provides adequate privacy during showers and use of bathrooms to provide adequate supervision in a high-risk area. 8. Consulting with all facility housing units, and any specialized unit missions such as therapeutic community, gang management, protective custody, geriatrics, etc. to determine if there are any specific concerns relating to staffing." (d) The Lumberton Correctional Institution PAQ states the facility requires that intermediate level or higher-level staff conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment. NC DAC-PREA-100, PREA Prevention Planning, page 8, paragraph I, requires that, "Each facility shall implement a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter employee sexual abuse and sexual harassment. Such policy and practice shall: i. Be implemented for night shifts as well as day shifts, and ii. Prohibit employees from alerting one another that supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility." While on site, the auditor selected and reviewed shift narrative files and noted multiple unannounced rounds for various days and shifts. Page two of each narrative documents the supervisor's name and area where unannounced rounds were completed. Based on the above information, the facility is found to be compliant with the standard.
--	---

115.14	Youthful inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: 1. Lumberton Correctional Institution PAQ Interviews: 1. PREA Compliance Manager 2. Warden The PAQ documentation provided by the facility verified this facility does not house youthful inmates. Through discussions with both the PREA Compliance Manager and

	the Warden, it was confirmed that youthful inmates were not housed at this facility. Site Observation: The facility tour and formal and informal interviews with offenders and staff demonstrated youthful inmates were not housed at the facility. (a)-(c) The facility does not house youthful offenders. Based on the above information, the facility is found to be compliant with this standard.
--	---

115.15	Limits to cross-gender viewing and searches
	Auditor Overall Determination: Meets Standard
	Auditor Discussion Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC PREA Prevention Planning, Policy Number: DAC-PREA-100, dated 1.1.2023 3. NCDAC Form OPA-T30 Cross-Gender Viewing, Announcement & Acknowledgment, updated 1/12/2023 from Cross-Gender Viewing, Announcement & Acknowledgment, dated 4.19.2013 4. NCDAC Policy and Procedure, F .4300, Evaluation and Management of Transgender Offenders, dated 3.31.21 5. NCDPS Safe Search Practices Training Outline and PowerPoint Presentation, dated 7.1.2022 6. Correctional Officer Basic Training Syllabus that lists search training, 2021 7. Memo from Warden confirming zero cross gender strip or visual body cavity searches of inmates, dated 5.7.2023 8. NCDAC Standard Operating Procedures, Division of Prisons – Lumberton CI, Chapter III Facility Operations, B Post Orders, Post #8, Dormitory Wing Officer, dated 1/3/2023 Interviews: 1. Random offenders 2. Targeted offenders 3. Correctional Officers 4. PREA Compliance Manager Interviews with random offenders demonstrated searches were conducted by same sex staff and search procedures were conducted respectfully. Interviews with staff confirmed that cross gender searches had not taken place. Staff indicated they had been trained in cross gender search techniques, in the event of an emergency, but that they had not conducted them. Across the board, staff and offenders indicated that offenders are not viewed in a

state of undress by nonmedical staff of the opposite gender. They indicated that offenders shower individually. While it was noted there were multiple shower heads in each shower area, the offenders and staff indicated there is basically an understanding among the inmates, unwritten law or a code of respect that they don't shower together. It was also reported that offenders change in the bathroom and are not allowed to have shirts off in day room or bed area, unless asleep.

It was reported that transgender offenders could shower after showers were closed, to shower separately, but that all offenders shower individually, anyway.

Site Review Observation:

It was noted there were half-walls in front of shower openings, with a shower curtain with a privacy panel for the doorway and a window on each side above the solid walls for viewing for security purposes into the showers. In a couple units, offenders had placed "wet floor" signs or other items on the wall to raise the level of the privacy wall. It was discussed that a short portion of the windows into the shower should be made translucent to raise the height of the privacy measures while still allowing for monitoring of the showers. It was also noted in restricted housing, that shower cuff slots should be covered during showers. Facility staff immediately took action to address these issues.

Interviews with random offenders demonstrated searches were conducted by same sex staff and search procedures were conducted respectfully.

(a) Lumberton Correctional Institution PAQ states the facility does not conduct cross-gender strip or cross-gender visual body cavity searches of their inmates. In the past 12 months zero cross-gender strip or cross-gender visual body cavity searches of offenders.

NCDAC PREA Prevention Planning, Policy Number: DAC-PREA-100, page 8, section M. a., states, "Each facility shall limit cross-gender viewing and searches by: 1) Not conducting 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."

The facility provided an NCDAC Form OPA-T30, Cross Gender Announcement & Acknowledgment. This acknowledgment states, "The limits to cross gender viewing and searches by facilities include the following:

- A. Shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.
- B. Shall not permit cross-gender pat-down searches of female persons in confinements, absent exigent circumstances. Facilities shall not restrict female persons in confinements' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.
- C. 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 persons in confinements.

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

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

F. Shall conduct cross-gender pat-down searches, and searches of transgender and intersex persons in confinements, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

I acknowledge that I have been oriented and understand the limitations to cross gender viewing and searches under the standards for Prison Rape Elimination Act of 2003, and Division policy."

The acknowledgment provides the employee and witness printed names, signatures and date form completed.

(b) Lumberton Correctional Institution PAQ states this provision is not applicable as females are not housed at the Randolph Correctional Institution.

(c) Lumberton Correctional Institution PAQ states the facility policy requires that all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches be documented and justified.

NCDAC PREA Prevention Planning, Policy Number: DAC-PREA-100, page 9, section M. 3., requires, "Documenting all cross-gender strip searches and cross-gender visual body cavity searches, and documenting all cross-gender pat-down searches of female offenders, residents, and safekeepers."

(d) Lumberton Correctional Institution PAQ indicates the facility has implemented policies and procedures that enable Inmates to shower, perform bodily functions, and change clothing without non-medical 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 (this includes viewing via video camera). Policies and procedures require staff of the opposite gender to announce their presence when entering an inmate housing unit.

NCDAC PREA Prevention Planning, Policy Number: DAC-PREA-100, page 9, section M. 4., requires, "Implementing policies and procedures that enable offenders, residents, and safekeepers to shower, perform bodily functions, and change clothing without nonmedical employees 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 employees of the

opposite gender to announce their presence when entering an offender, resident, and safekeeper housing unit.”

During interviews, inmates confirmed they are able to shower, perform bodily functions and change clothes without non-medical staff of the opposite gender viewing their breasts, buttocks or genitalia. They indicated they are never naked in full view of staff of the opposite gender.

(e) The Lumberton Correctional Institution PAQ confirms the facility has a policy prohibiting staff from searching or physically examining a transgender or intersex Inmate for the sole purpose of determining the Inmate’s genital status. Such searches did not occur in the past 12 months.

NCDAC PREA Prevention Planning, Policy Number: DAC-PREA-100, page 9, section M. 5., prohibits “searching or physically examining transgender or intersex offenders, residents, and safekeepers for the sole purpose of determining their genital status. If the offender, resident, or safekeeper’s genital status is unknown, it may be determined during conversations with them, 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.”

During interviews, security staff confirmed that such a search would be prohibited.

(f) The Lumberton Correctional Institution PAQ states 100% of security staff at each facility receive training on conducting cross-gender pat-down searches and searches of transgender and intersex Inmates in a professional and respectful manner.

NCDAC PREA Prevention Planning, Policy Number: DAC-PREA-100, page 9, section M. 6., directs, “Training applicable employees in how to conduct cross-gender pat-down searches, and searches of transgender and intersex offenders, residents, or safekeepers, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.”

The facility provided an NCDPS Safe Search Practices Outline. The training objectives include the following:

- Define safe search practices as it relates to prison operations.
- Identify six (6) types of operational searches conducted by officers to control contraband.
- Identify the attitude an officer should have when inspecting for contraband.
- Identify the three (3) types of individual searches.
- Identify the five (5) rules to follow when conducting a body search.
- State the three (3) areas on a person that are common places to hide contraband.
- Identify things to avoid while conducting a routine body search.
- After instructor demonstration, trainees will conduct a routine body search.
- Describe the proper techniques for conducting a complete body search.
- State who is authorized to conduct body cavity searches.
- Describe the proper techniques for conducting a building and living quarters search.
- Describe the techniques used in the care of offender property.
- State the final action to be taken after the completion of a search.

	• List proper control of evidence. • State how correctional staff can control the flow of contraband inside the facility. During interviews, security staff confirmed that they receive in-person training on conducting patdown searches annually at in-service training as well as required computer-based training on LMS. They described using the back of the hands to conduct the pat searches. They indicated they do not do cross gender searches, but have been trained to do so. NCDAC Policy and Procedure F.4300, Evaluation & Management of Transgender Offenders, section .4307 ADDITIONAL CONSIDERATIONS AND PROVISIONS, page 9 ((b) Operations Management: (1) Search of offenders shall not be conducted for the purpose of determining the person's genital status. Based on the above information, the facility is found to be compliant with this standard.
--	--

115.16	Inmates with disabilities and inmates who are limited English proficient
	Auditor Overall Determination: Meets Standard
	Auditor Discussion Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 1.1.2023 3. NCDAC PREA Prevention Planning, Policy Number: DAC-PREA-100, dated 1.1.2023 4. NCDAC Reporting – Help Prevent Prison Sexual Violence Flyer, in English and Spanish, dated 1.24.2022 5. Language Resource Center Contact Instruction Sheet, not dated 6. NCDAC Prisons Policy and Procedure, Chapter P .0400, Non-English Speaking Offender Program, dated 8/25/22 7. NCDAC Prisons Policy and Procedure, Chapter E .2600 Reasonable Accommodations for Offenders with Disabilities, dated 3/31/2021 8. Memo from Warden, Re: Offender Translators, not to be used when conducting NCDAC business, dated 6.7.2023 Interviews: 1. Random Sample of Staff 2. Targeted Inmates

The auditor was able to interview offenders who were cognitively and physically impaired as well as those with limited English proficiency. PREA information and forms were provided in both Spanish and English. Interviews with staff and review of PREA Education forms completed upon arrival indicated that information was provided verbally and if an offender needed assistance with reading the information when signing the acknowledgment form, staff would read and explain it to them.

During interviews, staff indicated that materials are provided in English and Spanish, and information has also been provided with the assistance of the contracted language service as necessary. They indicated the acknowledgement forms for receipt of PREA information is also in Spanish.

The facility has contracted with an agency that provides telephone and video interpretation services and provided a poster with instructions for using the system.

It gives specific codes and instructions to staff calling from various positions, such as health care, mental health, dental, programs, ADA, and custody. The flyer indicates that American Sign Language (ASL) is available 24/7. The agency also has designated certain facilities to house non-English speaking offenders, with a view to offer English as a Second Language classes, and provide other services. This facility is one of those facilities. The auditor was able to interview several offenders using the language line, after they were unable to understand the interview questions in English. The language line worked perfectly, and staff were familiar with the process in setting up the calls. It was reported during interviews that there is a lot of information on the tablets about rules and regulations, but it is only in English.

Offenders reported that they feel safe from sexual abuse at this facility, including those who are limited English Proficient and those with physical disabilities.

Site Review Observation:

Zero Tolerance/How to Report posters and audit notices were visible in each housing unit and other common areas of the facility and were in both English and Spanish.

Flyers in English and Spanish were posted near the phones in each housing unit that provided information to offenders on how to contact the outside emotional support and outside reporting resources. During interviews, some staff indicated they would allow an offender to interpret for another offender when making a allegation of sexual abuse. It appears to be a practice at this facility for an offender to bring another offender when they want to communicate with staff. None of the randomly-interviewed staff had ever heard of one offender interpreting for another when making a report of sexual abuse at this facility.

It was requested that administration author a memo to all staff that inmates not be used to interpret for other inmates in accordance with NCDAC policy. The memo was immediately produced and provided to leadership to read at on all shifts at line-up (roll call).

The facility included the NCDAC Prisons Policy and Procedures, Chapter E .2600 Reasonable Accommodations for Americans with Disabilities Act (ADA), the last sentence of the Purpose (section .2602, states "Consistent with the ADA, the purpose of this policy is to ensure equal access with reasonable accommodations to all otherwise qualified individuals for existing jobs, programs, activities, or services

offered by Prisons” and .2603 APPLICABILITY “This policy is applicable to all offenders within the DOP.” (Division of Prisons, North Carolina Department of Adult Correction)

(a) The Lumberton Correctional Institution PAQ states the agency has established procedures to provide disabled Inmates equal opportunities to be provided with and learn about the agency’s efforts to prevent, detect and respond to sexual abuse and sexual harassment.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 10-11, section (d) Offender Education, 1-2, state, “

1. “RECEPTION: All offenders shall receive, during reception, information explaining the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment, how to report incidents or suspicions of sexual abuse and sexual harassment, prevention/intervention, self-protection, treatment, and counseling.”

2. INTAKE: All offenders shall receive comprehensive education about sexual abuse and sexual harassment. Such education shall be completed within 30 days of intake and upon transfer to a different facility.

(A) Comprehensive education shall include:

- (i) Offenders’ rights to be free from sexual abuse and sexual harassment;
- (ii) Offenders’ rights to be free from retaliation for reporting incidents of sexual abuse and sexual harassment; and
- (iii) Policies and procedures for responding to incidents of sexual abuse and sexual harassment.

(iv) Methods available to offenders for reporting incidents of sexual abuse or sexual harassment internally and to an external agency or entity. (B) Education for Offenders shall be offered by staff that have completed the PREA Train the Trainer Offender Education course.

3. TRANSFER: All offenders shall receive education about sexual abuse and sexual harassment upon transfer to a different facility.

(A) Education shall be completed utilizing the Offender FACTSHEET OPA-T101 Facilitator Talking Points.

(B) Each offender shall receive a copy of the PREA Brochure.

(C) Each offender will sign the Orientation Form and placed in his/her field jacket.

(D) Education for offenders shall be offered by a designated employee at the facility.

4. Appropriate provisions shall be made as necessary for offenders not fluent in English, persons with disabilities and those with low literacy levels.

5. Additional sexual abuse and sexual harassment information shall be provided through offender brochures, handbooks and posters.

6. All materials provided to offenders on the subject of sexual abuse and sexual harassment, and any lesson plans used during any presentations on this topic shall be approved by Department of Public Safety’s PREA Office.”

NCDAC PREA Prevention Planning, Policy Number: DAC-PREA-100, page 9-10, section N. 1-4 and O state,

N. “Each facility shall take appropriate steps to ensure that offenders, residents, and safekeepers with disabilities (including, for example, offenders, residents, and

	safekeepers who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) and offenders, residents, and safekeepers who are Limited English Proficient, have an equal opportunity to participate in or benefit from all aspects of DAC's efforts to prevent, detect, and respond to sexual abuse and sexual harassment by: 1. Ensuring effective communication with offenders, residents, and safekeepers who are deaf or hard of hearing, by providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary; 2. Ensuring that written materials are provided in formats or through methods that ensure effective communication with offenders, residents, and safekeepers with disabilities; 3. Providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary; and 4. Not relying on offender, resident or safekeeper interpreters, readers, or other types of assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the offender, resident, or safekeeper's safety, the performance of first-response duties under PREA standards §115.64, 115.264, and 115.364 or the investigation of the offender, resident, or safekeeper's allegations. O. Facilities are not required to take actions they can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under Title II of the Americans with Disabilities Act, 28 CFR 35.164." (b) The Lumberton Correctional Institution PAQ states the agency has established procedures to provide Inmates with limited English 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. (c) The Lumberton Correctional Institution PAQ states the agency prohibits the use of inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations. In the last 12 months the facility has had zero instances where inmates were used for interpreters. Policy compliance can be found in provision (a) of this standard. Recommendation: Add information to tablets related to facility rules and PREA information to tablets if it doesn't already exist. It would seem particularly relevant at this facility since it is designated to provide English as a Second Language programming. Based on the above information, the facility is found compliant with this standard.
--	--

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Lumberton Correctional Institution PAQ
2. NCDAC Prisons Policy & Procedures, Policy DAC-PREA-100, dated 1.1.2023
3. Employee Statement, PREA Hiring and Promotion Prohibitions, dated 12.2020
4. NCDPS Employment Statements form HR013, dated 9.2013, updated 12.2020
5. Professional Reference Check Form HR008
6. Criminal History Records Check Form, HR004, dated 9.2013
7. Applicant Verification Form, HR005, dated 9.2013, updated 9 December 2020

Interviews:

1. Human Resource Staff
2. Warden
3. PREA Compliance Manager

During an interview, the Human Resources staff indicated criminal background checks are conducted during the hiring process, criminal background checks are completed on each employee, contractor and volunteer and again upon employee promotions. Additionally, the facility completes criminal background checks every five years on all employees. During the hiring and promotion processes, applicants complete administrative adjudication questions in the application, including the three questions required by the PREA Standard. Human Resources completes reference checks from previous institutional employers for applicants. In addition, staff indicated the three questions are asked annually through LMS at annual in-service training. HR staff indicated staff have an affirmative duty to disclose such misconduct which is one of many acknowledgements documented when they are hired. The auditor was shown the database used by the Human Resources staff to document and track the 5-year criminal background checks for facility staff. It shows previous dates and next dates due. The Criminal History Record Check form is then completed. The facility was up-to-date on the 5-year background checks.

Site Review Observation:

Review of a sample of randomly selected personnel records for those whose hire/promotion date was after the last PREA audit, included two promotions and three new hires and demonstrated each had background checks upon hire. The PREA-required questions were asked during the application and promotion processes. The review demonstrated that institutional references are requested during the hiring process.

The Human Resource Officer indicated that interested individuals complete applications to initiate the process for hiring and promotions. Review of applications demonstrated that the administrative adjudication questions are included on each application. Additionally, staff are required to electronically respond to the same questions annually in an agency application. Background and reference checks are completed on all new hires and promotions. HR staff indicated that the background checks for contractors are completed at Raleigh. An FBI Rapback was completed in March of 2023 for all current employees. The facility also demonstrated how HR staff

track the 5-year background check requirement for current staff. Additionally, HR staff reported that background checks are completed with each contract and that each contract is for less than five years, so subsequent background checks are completed within less than five years for contractors.

(a) The Lumberton Correctional Institution PAQ states the agency policy prohibits hiring or promoting anyone who may have contact with inmates and prohibits enlisting the services of any contractor who may have contact with inmates who: (1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997); (2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or (3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.

NCDAC Prisons Policy & Procedures, Policy DAC-PREA-100, page 5, section IV C. 2., states,

1. "DAC shall not hire or promote anyone who may have contact with offenders, residents, or safekeepers, and shall not enlist the services of any contractor who may have contact with offenders, residents, or safekeepers, who:

i. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, or other institution (as defined in 42 U.S.C. 1997);

ii. 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;

iii. Has a substantiated finding of abuse, neglect, or other rights infringement on any applicable NC registry, criminal justice standards commission, or other licensing authorities or bodies; or

iv. Has been civilly or administratively adjudicated to have engaged in the activities described in this section.

2. In the event an employee is alleged to have engaged in any of the activities described in Sections IV.C.1.i-iv, they will be reassigned from all offender, resident, and safekeeper contact and management will consult with the DAC PREA Office, DAC Central Human Resources, and the DAC Office of the General Counsel to determine whether an internal investigation is required in accordance with the DAC-SI-100 OSI Authority to Conduct Investigations policy."

The agency provided an NCDPS Employee Statement, in which applicants affirmed they have not engaged in sexual harassment and sexual abuse, upon hire, as well as upon promotion. The facility provided NCDPS Applicant Verification where applicant affirms agreement with PREA hiring and Promotion Prohibitions in relation to 115.317.

The facility provided NCDPS Public Safety Professional Reference Check demonstrating institutional reference questions are asked for applicable applicants.

(b) The Lumberton Correctional Institution PAQ states agency policy requires the

consideration of any incidents of sexual harassment when determining to hire and or promote anyone, or to enlist services of any contractor, who may have contact with inmates.

NCDAC Prisons Policy & Procedures, Policy DAC-PREA-100, page 5, section IV C. 3., states, "DAC shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor or custodial agents, who may have contact with offenders, residents, or safekeepers."

(c) The Lumberton Correctional Institution PAQ states agency policy requires that before it hires any new employees who may have contact with inmates, it (a) conducts criminal background record checks, and (b) consistent with federal, state, and local law, makes 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. In the past 12 months, the number of persons hired who may have contact with inmates who have had criminal background record checks was 27 due to new hires and promotions. The agency conducts criminal background checks through NC DOJ Division of Criminal Information (DCI) Network.

NCDAC Prisons Policy & Procedures, Policy DAC-PREA-100, page 5, section IV C. 4., states, "Before hiring new employees who may have contact with offenders, residents, or safekeepers DAC shall:

- a. Perform a criminal and administrative background records check, to include any applicable North Carolina registry, criminal justice standards commission, or other licensing authorities or bodies; and
- b. Consistent with Federal, State, and local law, make its best effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse."

(d) The Lumberton Correctional Institution PAQ states the agency policy requires that a criminal background records check be completed before enlisting the services of any contractor who may have contact with inmates. In the past 12 months there were zero contracts for services where criminal background record checks were conducted on all contractors covered in the contract who might have contact with inmates. Policy compliance can be found in provision (c) of this standard.

(e) The Lumberton Correctional Institution PAQ states the agency requires background checks to be completed every five years. It was reported that two years ago an FBI rap-back was conducted for all staff at Granville. The staff member responsible for running the criminal history checks demonstrated his tracking sheet and how he uses it to ensure all are completed.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 6, section IV C. 5-6, state,

5. "DAC shall perform a criminal background records check before enlisting the services of any contractor who may have contact with offenders, residents, or

	safekeepers. 6. For current employees and contractors who may have contact with offenders, residents, or safekeepers, DAC shall conduct criminal background records checks at least once every five years.” (f) NCDAC Prisons Policy & Procedures, Policy DAC-PREA-100, page 6, section IV C. 7, states, “For all applicants and employees who may have contact with offenders, residents, or safekeepers, DAC shall ask about previous misconduct described in this section in written applications, in interviews for hiring or promotions, and in any interviews or written self- evaluations conducted as part of reviews of current employees.” (g) The Lumberton Correctional Institution PAQ states that agency policy states that material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination. NCDAC Prisons Policy & Procedures, Policy DAC-PREA-100, page 6, section IV C. 8, states, “All employees shall have a continuing affirmative duty to disclose sexual misconduct. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.” This was confirmed by the Human Resources staff during an interview. (h) NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 6, section IV C. 9, states, “Unless prohibited by law, upon receiving a request from an institutional employer for whom an employee or former employee has applied to work, DAC shall provide information on substantiated allegations of sexual abuse or sexual harassment involving the employee or former employee.” This was confirmed by information on required forms and the HR staff. Based on the above information, the facility is found compliant with this standard.
--	--

115.18 Upgrades to facilities and technologies	
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: 1. Lumberton Correctional Institution PAQ Interviews: 1. PREA Compliance Manager 2. Warden Observations Interviews with facility’s administrative staff demonstrated the facility has not

	acquired a new facility or made substantial expansions since the last PREA Audit. It was noted there was very good coverage with cameras and mirrors throughout the facility. In an interview it was discussed that the administration works to identify blind spots and how to mitigate the situation, considering cameras, mirrors, increased supervisory rounds or increased staff rounds or ratios. A blind spot was noted during the onsite review, and staff immediately responded by placing a hasp and lock on a door in that area. (a) The Lumberton Correctional Institution PAQ states the facility has not acquired a new facility or made substantial expansions or modifications to existing facilities since the last PREA audit. (b) The Lumberton Correctional Institution PAQ states the facility has not installed electronic surveillance system since the last PREA audit. Based on the above information, the facility is found to be compliant with this standard.
--	---

115.21	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion Document Review: 1. Lumberton Correctional Institution PAQ 2. Health Services Policy and Procedure Manual Policy #AD III-1, Subject: Offender Co-Pay, dated 1.2016 3. NCDPS Health Services Policy & Procedure Manual, Policy# CP-18, Subject: Sexual Abuse, dated 2.2014 4. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 5. Memorandum of Understanding with Robeson County Rape Crisis Center, renewed 2.1.23 6. Letter of confirmation from UNC Southeastern Medical Center for SANE support for offender victims of sexual abuse, dated 1.30.23 7. Letter of Support/Agreement between facility and Lumberton Police Department, dated 1.26.2023 8. Letter of Agreement between facility and Lumberton Police Department related to PREA standards 9. PREA Support Person Training Module and handouts, dated 4.15.2013 Interviews: 1. Health Care Staff 2. Mental Health Staff 3. Random Sample of Staff

4. Facility PREA Support Person (PSP)

During interviews, staff indicated that forensic exams would not be conducted at the facility, but the offender would be sent to a local hospital. It was confirmed with mental health/health care staff that victims of sexual abuse would be sent to University of North Carolina Southeastern. The facility entered into an agreement with Robeson County Rape Crisis Center, and provided a Letter of Agreement that lists responsibilities of both parties. Interviews and document review demonstrated that the agency assigns and trains a PREA Support Person (PSP) whose responsibilities may include providing victim advocacy support if an advocate from the rape crisis center is not available. In the PSP role, staff are assigned to monitor for retaliation against offenders who report an incident of sexual abuse or who participate in an investigation related to sexual abuse, and notifying victims of the status of the alleged abuser, as well as notifying the victim of the outcome of the investigation. PREA Support Persons receive specialized agency training to be able to perform those duties. The agency provided certification of the training of the facility PSPs.

(a) The Lumberton Correctional Institution PAQ states the facility is responsible for conducting administrative sexual abuse investigations (including inmate-on-inmate sexual abuse or staff sexual misconduct). The agency/facility is not responsible for conducting criminal sexual abuse investigations (including inmate-on-inmate sexual abuse or staff sexual misconduct).

The agency responsible for conducting either criminal sexual abuse investigations is the Lumberton Police Department.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 27, section A. i., states, "Investigations into allegations of sexual abuse and sexual harassment, shall be conducted promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports."

(b) The Lumberton Correctional Institution PAQ states the protocol is not developmentally appropriate for youth and indicates it is not applicable as this facility does not house youthful offenders.

NCDPS Health Services Policy & Procedure Manual, Policy#: CP-18, Purpose states, "To provide standardized clinical guidelines for the assessment and treatment of inmates who allege sexual abuse.

Note: This protocol is not intended to be applicable to every clinical situation which practitioners may encounter and is not meant as a substitute for individual judgment and professional expertise."

The facility does not house youthful offenders.

(c) The Lumberton Correctional Institution PAQ reflects that the facility does not offer all inmates who experience sexual abuse access to forensic medical examinations, but explained "Must be within the 72 hour time frame."

Forensic examinations are offered at no cost to the victim. Where possible, all examinations are conducted by SAFE or SANE examiners. There have been zero forensic medical exams performed by a SAFE/SANE exam performed in the last 12 months. It was further explained, "All reports have been outside the timeframe. Offenders were assessed by on-site medical only."

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 22-23, section 4. a-b., states,

a. "If an alleged act of sexual abuse has occurred and there may be forensic medical evidence, the offender may need medical assistance, or other circumstances dictate, arrangements shall be promptly made to have the alleged offender-victim examined by medical services.

b. Medical Services will follow medical protocol, which includes provisions for examination, documentation and transport to the local emergency department when appropriate, where the following will occur: collection of forensic evidence, testing for sexually transmitted diseases, counseling, and prophylactic treatment. Medical Services will ensure that the offender receives medical follow-up and is offered a referral for mental health services."

NCDPS Health Services Policy & Procedure Manual, Policy AD III-1, page 4, section 3, states, "If emergency evaluation and/or treatment is provided and the condition is determined to be an emergency or there is an admission to an infirmary or hospital there will be no co-payment charged."

(d) The Lumberton Correctional Institution PAQ indicates the facility attempts to make a victim advocate from a rape crisis center available to the victim, in person or by other means. All efforts are documented. If a rape crisis center is not available to provide victim advocate services, the facility provides a qualified staff or community member.

The facility provided a copy of the current MOU with the Robeson County Rape Crisis Center to support a sexual abuse victim during a forensic exam, and to provide outside emotional support.

(e) The Lumberton Correctional Institution PAQ states a qualified staff or community member accompanies and supports the victim through the forensic medical examination process and investigatory interviews and provides emotional support, crisis intervention, information and referrals.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 23-24, section (5), states, "Victim Support shall be offered by a PREA Support Person (PSP). The PSP shall:

(A) Be made available to provide victim advocate services.

(B) Offender victim of alleged sexual abuse by an employee, contractor, or volunteer, the PSP shall consult with the Warden on a weekly basis for three weeks following the report of sexual abuse to update the victim on the progress of the investigation, answer any questions of the offender victim and provide support.

	(C) As requested by the victim, the PREA support person, of the same gender, shall accompany and support the victim through the forensic medical examination process. (D)) As requested by the victim, the PREA support person shall accompany and support the victim through the investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals. (f,g,h) The Lumberton Correctional Institution PAQ states the agency is responsible for investigating administrative or criminal allegations of sexual abuse and relies on another agency to conduct criminal investigations, the agency has requested that the responsible agency follow the requirements of paragraphs §115.21 (a) through (e) of the standards. Based on the above information, the facility is found compliant with this standard.
--	---

115.22	Policies to ensure referrals of allegations for investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 3. NC DAC-PREA-300 Investigations, dated 1.1.2023 Interviews: 1. Agency Head/Designee 2. Correctional Officers 3. Health Care Staff 4. Mental Health Staff 5. Investigator Staff interviews demonstrated each would report all allegations to unit staff, medical, mental health, the Sergeant and law enforcement, if necessary, and that they had multiple ways to report. They discussed that they would report to their supervisor, OIC, or chain of command and would document information. Some indicated they could use the available hotlines. During an interview, the Agency Head designee indicated that the facility conducts administrative investigations and criminal cases are referred to the local law enforcement. It was affirmed that the warden and/or PCM would check in with the investigating law enforcement agency to receive and document status of investigations. Site Review Observation: There were 56 administrative investigations of sexual abuse and sexual harassment

reported in the last 12 months, demonstrating the facility has a reporting culture with an inmate understanding of reporting protocols.

(a) The Lumberton Correctional Institution PAQ reports the agency ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment (including inmate-on-inmate sexual abuse and staff sexual misconduct). In the past 12 months the facility has received 56 allegations of sexual abuse and sexual harassment. In the past 12 months, the number of allegations resulting in an administrative investigation was 56. In the past 12 months, the number of allegations referred for criminal investigation was two. As of the time of the audit, two of the 56 investigations were still in progress at the agency's Internal Affairs office.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 33-34, section K, states, "CONFIDENTIALITY: The Facility Investigator and all others involved in the PREA process, to the extent possible, will ensure the confidentiality of PREA complaints as well as all data collected through the investigation of those complaints except as required in the following circumstances: (1) to cooperate with law enforcement in any investigation and prosecution of the incidents alleged in such complaints; (2) to take and enforce disciplinary action against any staff member as a result of the incidents alleged in the complaints; (3) to defend against claims brought by the offender for violation of the offender's rights for having been subjected to sexual abuse; and (4) to otherwise comply with the law."

(b-c) The Lumberton Correctional Institution PAQ indicates the agency has a policy that requires allegations of sexual abuse or harassment to be referred for investigation to an agency with the legal authority to conduct criminal investigations.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 31, section C. ii., states, "All substantiated reports of staff on offender sexual abuse or sexual harassment shall be reported in writing to the Region Director who will in turn forward the report to the Commissioner of Prisons. The written report shall include evidence to support the substantiation. The Commissioner of Prisons will forward all substantiated incidents of sexual abuse of an offender by staff to the Secretary of the Department of Public Safety, or designee, for referral to the State Bureau of Investigation (SBI) or other law enforcement agency for further investigation."

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 30, section B. 1., states, "Reported allegations, including persons involved and preliminary steps taken, shall be documented in OPUS on the PR (PREA) Incident Report within 72 hours of receiving the report. All PREA investigations shall be consulted (referred) to the Region level for final decision."

(d) The Lumberton Correctional Institution PAQ states if the agency is not responsible for conducting administrative or criminal investigations of alleged sexual abuse, and another state entity has the responsibility, this other agency has a policy governing how such investigations are conducted.

	4. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022, Section 7C, Substantiated Allegations, page 31, requires “Substantiated Allegations (i) Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution. (ii) All substantiated reports of staff on offender sexual abuse or sexual harassment shall be reported in writing to the Region Director who will in turn forward the report to the Commissioner of Prisons. The written report shall include evidence to support the substantiation. The Commissioner of Prisons will forward all substantiated incidents of sexual abuse of an offender by staff to the Secretary of the Department of Public Safety, or designee, for referral to the State Bureau of Investigation (SBI) or other law enforcement agency for further investigation. (iii) In cases where forensic evidence may be available, or injury has occurred and there is not sufficient time to forward the report to the Commissioner of Prisons for referral to the SBI, local law enforcement may be contacted to conduct the initial criminal investigation. Local law enforcement may be asked to bring the SBI into the investigation as soon as practical. The incident information shall be forwarded to the Commissioner of Prisons as soon as possible for delivery to the Secretary of the Department of Public Safety, or designee, for referral to the SBI. The agency policies are available on the agency website at: https://www.dac.nc.gov/divisions-and-sections/administrative/prison-rape-elimination-act-prea-office. On right side of page, select Policy Manuals, then select DAC Policies/PREA and Prisons/ Policies/Chapter F - Operations/F .3400 Offender Sexual Abuse and Sexual Harassment Policy. Based on the above information, the facility is found compliant with this standard.
--	--

115.31	Employee training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 3. NCDPS Office of Staff Development and Training 101, 201, dated 7.1.2022 4. NCDPS Office of Staff Development and Training – Staff and Offender Relationships: Maintaining Professional Boundaries, dated 7.1.2022 5. PREA Staff Training Acknowledgment of Understanding, dated 6.19.17 6. NCDAC Prisons Policy and Procedure, Chapter K .0100, Employee Training, dated 1.7.2021 Interviews:

1. Facility staff
2. PREA Compliance Manager

Interviews with staff demonstrated each was aware of and received initial and refresher PREA training, and indicated they received one of the PREA trainings annually. It was reported they receive training annually, both in person at in-service training and on automated LMS, the agency computer-based learning platform and training database. Staff are registered for on-line trainings, and are responsible to log in to LMS to complete them. Staff also indicated they get updated information when new information is available, often at shift line-up. Review of the above training modules provided in the PAQ demonstrates that required topics are included. It was reported PREA 101 is the training conducted every two years; PREA 201 is the refresher training. No rosters of completed training were provided with the PAQ, but documentation of completion of training was received on site.

Site Observation:

When the PAQ was completed, the facility reported 191 staff. The auditor requested PREA Training records for staff interviewed, which included more than 10% of staff, and was provided with certificates generated from the LMS system to demonstrate PREA training had been completed for all of them during 2022 and 202

(a) The Lumberton Correctional Institution PAQ states the agency trains all employees who may have contact with Inmates in all required provisions of this standard.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 10, section 3., states, "Understanding the Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Population New and current employees shall receive training specific to the care and custody of LGBTI offenders as follows:

- a. Sexual Abuse and Harassment 101/201 in accordance with Chapter F .3400 policy (Annually).
- b. PREA Understanding the LGBTI Offender
- c. Multicultural Awareness training
- d. Professional Ethics in the Workplace
- e. Safe Search Practices (certified staff)
- f. Annual Refresher: All staff shall receive refresher training in accordance with policy."

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 6, section (a) (1) (A-L), states, "New Employees: shall receive the Sexual Abuse and Harassment 101 training that addresses the following:

- A. The agencies standard of zero-tolerance of sexual abuse and sexual harassment toward offenders, either by staff, contractors, volunteers, or by offenders.
- B. Employees' responsibilities when responding to sexual abuse and harassment;
- C. Offenders' right to be free from sexual abuse and sexual harassment;
- D. Offenders' and employees' right to be free from retaliation for reporting sexual abuse and harassment;
- E. The dynamics of sexual abuse and sexual harassment in confinement;
- F. Common reactions of sexual abuse and sexual harassment victims;

- G. Detect and respond to signs of threatened and actual sexual abuse;
- H. How to avoid inappropriate relationships with offenders;
- I. How to communicate effectively and professionally with offenders, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming offenders;
- J. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities;
- K. Relevant laws regarding age of consent; and
- L. Unique attributes of working with males and/or females in confinement/supervision."

The facility provided a NCDPS Office of Staff Development and Training Plan 101. The plan includes the following components:

1. Identify the "Prison Rape Elimination Act (PREA) of 2003" and the agency's zero-tolerance policy of sexual abuse and sexual harassment for offenders/persons under supervisions.
2. Define sexual abuse and sexual harassment.
3. Define offenders'/persons under supervisions' right to be free from sexual abuse and sexual harassment; and from retaliation for reporting.
4. Identify relevant laws.
5. Define employee responsibilities when responding to sexual abuse and sexual harassment.
6. Define the unique attributes of working with females in confinement/under supervision.
7. Define the unique attributes of working with males in confinement/under supervision.
8. Define the vulnerabilities of persons in confinement/under supervision.
9. Identify the dynamics of sexual abuse and sexual harassment in confinement/under supervision.
10. Identify how to detect signs of threatened and actual sexual abuse in confinement/under supervision.
11. Identify the common reactions to sexual abuse and sexual harassment.
12. Identify methods of avoiding inappropriate relationships with offenders/persons under supervisions. DPS In-Service Training PREA: Sexual Abuse and Sexual Harassment 101 Course Code: DPS-556 Revision Date: 07/01/2022 Academic Checklist Page 2
13. Identify techniques for communicating effectively and professionally with offenders/persons under supervisions including lesbian, gay, bisexual, transgender, intersex (LGBTI) and gender nonconforming populations.

(b) The Lumberton Correctional Institution PAQ states training is tailored to the unique needs and attributes and gender of Inmates at the facility. Employees who are reassigned from facilities housing the opposite gender are given additional training.

(c) The Lumberton Correctional Institution PAQ states between trainings the agency provides employees who may have contact with inmates with refresher information about current policies regarding sexual abuse and sexual harassment.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and

	Sexual Harassment Policy, page 7, section (2), states, "All staff shall receive SAH 101 refresher training every two years and receive SAH 201 refresher information during the alternate years on offender sexual abuse and sexual harassment issues emphasizing the zero-tolerance and duty to report, as well as covering current sexual abuse and sexual harassment policies and procedures." (d) The Lumberton Correctional Institution PAQ states the agency documents that employees who may have contact with Inmates, understand the training they have received through employee signature or electronic verification. The agency provided a PREA Acknowledgment Form. This form documents, "I acknowledge understanding of the Prison Rape Elimination Act of 2003, NC General Statute Chapter 14-27.31, and NCDAC zero-tolerance policy for sexual abuse and sexual harassment. I also acknowledge that I must report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment immediately." Based on the above information, the facility is found compliant with this standard.
--	---

115.32	Volunteer and contractor training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 3. PREA Staff Training Acknowledgment of Understanding, dated 6.19.17 4. PREA 101 and 201 Lesson Plans Interviews: 1. Volunteers 2. Contractors 3. PREA Compliance Manager The Lumberton Correctional Institution PAQ indicated that the facility had 7 contracted staff and 56 volunteers who could enter facility during the audit period. When interviewed, volunteers/contractors who have contact with offenders confirmed they have been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. The training was described as a classroom training discussing a variety of topics, including PREA topics such as zero tolerance and how to report. It was noted in the PAQ that volunteers and contractors receive PREA 101 and 201 training that staff receive. (a) The Lumberton Correctional Institution PAQ states all volunteers and contractors

who have contact with Inmates have been trained on their responsibilities under the agency's policies and procedures regarding sexual abuse and harassment prevention, detection, and response. It indicates 66 total contract staff and volunteers who have contact with Inmates, have completed the required training

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 7, section (b)(1)(A), states, "Volunteers (with the exception of One-Time volunteers who have no direct contact with offenders), custodial agents, contractors and other persons providing services to offenders:

(i) Shall receive the Sexual Abuse and Harassment 101 training as part of initial orientation which addresses:

- The agency's standard of zero-tolerance of sexual abuse and sexual harassment toward offenders, either by staff, contractors, volunteers, or by offenders; and
- Applicable methods to report incidents of sexual abuse and sexual harassment.

(ii) The application process will not be complete until the volunteer verifies understanding of training by signing the PREA Acknowledgement Form and returning the form to the facility."

(b) The Lumberton Correctional Institution PAQ states the level and type of training provided to volunteers and contractors is based on the services they provide and level of contact they have with inmates.

The facility provided a NCDPS Office of Staff Development and Training Plan 101. The plan includes the following components:

1. Identify the "Prison Rape Elimination Act (PREA) of 2003" and the agency's zero-tolerance policy of sexual abuse and sexual harassment for offenders/persons under supervisions.
2. Define sexual abuse and sexual harassment.
3. Define offenders'/persons under supervisions' right to be free from sexual abuse and sexual harassment; and from retaliation for reporting.
4. Identify relevant laws.
5. Define employee responsibilities when responding to sexual abuse and sexual harassment.
6. Define the unique attributes of working with females in confinement/under supervision.
7. Define the unique attributes of working with males in confinement/under supervision.
8. Define the vulnerabilities of persons in confinement/under supervision.
9. Identify the dynamics of sexual abuse and sexual harassment in confinement/under supervision.
10. Identify how to detect signs of threatened and actual sexual abuse in confinement/under supervision.
11. Identify the common reactions to sexual abuse and sexual harassment.
12. Identify methods of avoiding inappropriate relationships with offenders/persons under supervisions. DPS In-Service Training PREA: Sexual Abuse and Sexual Harassment 101 Course Code: DPS-556 Revision Date: 07/01/2022 Academic Checklist Page 2
13. Identify techniques for communicating effectively and professionally with

	offenders/persons under supervisions including lesbian, gay, bisexual, transgender, intersex (LGBTI) and gender nonconforming populations. (c) The Lumberton Correctional Institution PAQ states the agency maintains documentation confirming that the volunteers and contractors understand the training they have received. The agency provided an Acknowledgment of Community Volunteer Training Orientation and Refresher Form. The form includes the following information: • Volunteer/Contractor Name / Facility Name • Volunteer • Address / Home Phone / Cell Phone • I have read (or have had it read to me) and understand the following NC Department of Public Safety, Adult Correction, Prisons policies on: PREA, Non-Disclosure (Volunteer Privilege Community Form), Tobacco and Cell Phone • The form is signed and dated by the volunteer Based on the above information, the facility is found compliant with this standard.
--	---

115.33	Inmate education
	Auditor Overall Determination: Meets Standard
	Auditor Discussion Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 3. NCDAC PREA Prevention Planning DAC-PREA-100, dated 1.1.2023 4. NCDPS Reporting – Help Prevent Prison Sexual Violence Flyer, not dated 5. NCDPS End the Silence brochure, dated 1/2022 6. NCDPS Offender PREA Education Acknowledgment (English), dated 10.26.2017 7. NCDPS Offender PREA Education Acknowledgment (Spanish), dated 2.4.2014 8. OPA-T102 and OPA-T102S Ways to Report flyers, English 3.24.2023 and Spanish 1.1.2023 9. Interpreter/Translation Service flyer, undated Interviews: 1. Random offenders 2. Targeted offenders 3. Intake Staff 4. PREA Compliance Manager Interview with staff responsible for PREA education for offenders indicated all arriving offenders are provided with an End the Silence brochure with internal and external contact information. This is available in English and Spanish. At orientation,

offenders are provided with additional information related to sexual abuse and sexual harassment policies at the facility.

Interviews with 30 offenders demonstrated each can report incidents of sexual abuse and sexual harassment through the grievance process, mail, verbally telling staff of any level or telling a family member who could report on their behalf and most indicated they remembered receiving the information/education when they arrived at the facility. Offenders also indicated this information is posted throughout the facility. It was reported the PREA information is also available when they log on to their tablets.

Site Observation:

The agency provided a Language Resources flyer that contains contact information and instructions to staff to access interpretation and translation services.

(a) The Lumberton Correctional Institution PAQ states Inmates receive information at time of intake about the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment. The number of inmates admitted in the past 12 months who were given this information at intake was 839 which the PAQ calculated at 100% of arrivals.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 10, section (d) Education, 1-2, state,

1. "RECEPTION: All offenders shall receive, during reception, information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment, how to report incidents or suspicions of sexual abuse and sexual harassment, prevention/intervention, self-protection, treatment, and counseling (5-ACI-3D
2. INTAKE: All offenders shall receive comprehensive education about sexual abuse and sexual harassment. Such education shall be completed within 30 days of intake and upon transfer to a different facility. (A) Comprehensive education shall include: (i) Offenders' rights to be free from sexual abuse and sexual harassment; (ii) Offenders' rights to be free from retaliation for reporting incidents of sexual abuse and sexual harassment; and (iii) Policies and procedures for responding to incidents of sexual abuse and sexual harassment. (iv) Methods available to offenders for reporting incidents of sexual abuse or sexual harassment internally and to an external agency or entity."

(b) The Lumberton Correctional Institution PAQ states 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 rights 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 was 735, which the PAQ calculates as 100%.

From a sample of 28 offender risk screening histories reviewed, 26 were verified to have received PREA Education timely. Of those, 29 demonstrated evidence of orientation with PREA education within 30 days of arrival, which reflects a rate of approximately 93%. Most of them were the first or second day at the facility.

For the two remaining, 1 was not received with the batch and the other was from a previous stay at the facility.

(c) The Lumberton Correctional Institution PAQ states of those who were not educated during 30 days of intake, all inmates have been subsequently educated. Agency policy requires that inmates who are transferred from one facility to another be educated regarding their rights 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, to the extent that the policies and procedures of the new facility differ from those of the previous facility.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 10, section (d) Offender Education, 3, states, "TRANSFER: All offenders shall receive education about sexual abuse and sexual harassment upon transfer to a different facility.

a. Education shall be completed utilizing the Offender FACTSHEET OPA-T101 Facilitator Talking Points.

b. Each offender shall receive a copy of the PREA Brochure.

c. Each offender will sign the Orientation Form and placed in his/her field jacket.

d. Education for offenders shall be offered by a designated employee at the facility."

(d) The Lumberton Correctional Institution PAQ reports that inmate PREA education is available in accessible formats for all inmates including those who are limited English proficient, deaf, visually impaired, otherwise disabled or have limited reading skills.

NCDAC PREA Prevention Planning, Policy Number: DAC-PREA-100, page 10, section 9. a-e, states, "Each ACJJ facility shall take appropriate steps to ensure that offenders, residents, and safekeepers with disabilities (including, for example, offenders, residents, and safekeepers who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) and offenders, residents, and safekeepers who are Limited English Proficient, have an equal opportunity to participate in or benefit from all aspects of DAC's efforts to prevent, detect, and respond to sexual abuse and sexual harassment by:

a. Ensuring effective communication with offenders, residents, and safekeepers who are deaf or hard of hearing, by providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary;

b. Ensuring that written materials are provided in formats or through methods that ensure effective communication with offenders, residents, and safekeepers with disabilities;

c. Providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary; and

d. Not relying on offender, resident or safekeeper interpreters, readers, or other types of assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the offender, resident, or safekeeper's safety, the performance of first-response duties under PREA standards §115.64, 115.264, and 115.364 or the investigation of the offender, resident, or safekeeper's allegations.

e. ACJJ facilities are not required to take actions they can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under Title II of the Americans with Disabilities Act, 28 CFR 35.164.”

(e) The Lumberton Correctional Institution PAQ states the facility maintains documentation of inmate participation in PREA education sessions.

The facility provided a NCDPS Offender PREA Education Acknowledgment. The acknowledgment states “The North Carolina Department of Public Safety has committed to a standard of zero-tolerance of sexual abuse and sexual harassment of offenders either by staff, offenders, volunteers, contracted agents, or individuals having custody of or responsibility for the safety, security, care, and/or treatment of offenders. Sexual acts between an offender and departmental staff, correctional agents, agency vendors, and volunteers will not be tolerated and these relationships are criminal and may be prosecuted under state and federal statutes. I have received education on the Prison Rape Elimination Act, information on Rape Crisis Center services, and have been afforded an opportunity to ask questions related to the material presented. I understand that I am encouraged to report any threat or occurrence of undue familiarity or offender sexual abuse and harassment to Department of Public Safety staff so that any potential victim may be protected and the abuser can be prosecuted to the fullest extent of the law. By my signature below, I acknowledge that I received and understand the information provided on “SEXUAL ABUSE AWARENESS FOR THE OFFENDER”.

The acknowledgment is signed and dated by the Offender and staff witness.

During interviews, most offenders indicated they did receive this information upon arrival.

The auditor requested and received the signed acknowledgment for each offender interviewed on-site, which verified receipt of the information, as described above.

(f) The Lumberton Correctional Institution PAQ indicates the agency ensures that key information about the agency’s PREA policies is continuously and readily available or visible through posters, inmate handbooks, or other written formats.

The facility provided a NCDPS Reporting – Help Prevent Prison Sexual Violence Flyer. This flyer provides instruction on:

Offender Reporting

- To any departmental employee
- Through the administrative remedy process (grievance)By writing to the PREA Office at MSC 4201, Raleigh, NC
- a Third Party – including family members, friends, and outside organizations, or
- To the local rape crisis center
- Externally to Project Offender Reporting Sexual Abuse (Dial 1.972.535.3499)

	• Note: Anonymous reports will be investigated Based on the above information, the facility is found compliant with this standard.
--	---

115.34	Specialized training: Investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 3. NCDAC In-Service Specialized Investigations: Sexual Abuse and Harassment Response and Investigations, dated 1.31.2013 4. Documentation of completion of Specialized PREA Investigator Training Interviews: 1. Facility Investigator Interviews with the facility investigator and training documentation demonstrated that each investigator either interviewed or who had completed investigations, had completed investigator training. Investigators also completed the general PREA training as mandated in 115.31. The investigator interviewed clearly articulated his role in the investigation and process steps to be taken as is described in the agency coordinated response. (a) The Lumberton Correctional Institution PAQ states the agency policy requires that investigators are trained in conducting sexual abuse investigations in confinement settings. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 9, section C. 1., states, "Investigators: Sexual Abuse and Harassment (A) Shall complete appropriate employee training defined in section .3406(a) (B) Shall receive training on conducting sexual abuse and harassment investigations in a confinement setting. Such training shall include: (i) Techniques for interviewing sexual abuse victims; (ii) Proper use of Miranda and Garrity Warnings; (iii) Sexual abuse evidence collection in a confinement setting; and (iv) Criteria and evidence required to substantiate a case for administrative action or prosecution referral. (C) Completion of training shall be documented on form OSDT-1 and in appropriate

	agency training tracking system.” (b) The Lumberton Correctional Institution PAQ states investigator training includes 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. The agency provided a NCDPS In-Service Specialized Investigations: Sexual Abuse and Harassment Response and Investigations curriculum. The learner objectives include: 1. Identify the “Prison Rape Elimination Act (PREA) of 2003” and the National Standards 2. Identify North Carolina sexual offense statutes. 3. Identify Division Sexual Abuse and Harassment Policies. 4. Define Investigative Warnings. 5. Define Interviewing. 6. Identify the characteristics of a good interviewer. 7. Define the rules of successful Interviewing. 8. Define the Skill Learning Cycle. 9. Identify verbal behaviors of untruthfulness. 10. Identify the five basic types of lies. 11. Define a report and its purpose. 12. Identify responsibilities of the investigating officer in sexual abuse and harassment incidents. 13. Define Incident Scene and Evidence Processing. 14. Identify the role of the PREA Support Person. 15. Demonstrate how to conduct and document a proper investigation. 16. Demonstrate an understanding of preparing the investigating officer’s comments. 17. Define Investigation timeframes. 18. Identify the role of Department employees in Criminal Prosecutions. 19. Identify the applicability of the North Carolina Division of Adult Correction (Prisons & Community Corrections) and Division of Juvenile Justice Policy and Procedures. (c) The Lumberton Correctional Institution PAQ states the agency shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations. The facility has two employees who have completed investigator training. The facility provided an LMS report demonstrating current investigators have completed specialized PREA investigator training. Based on the above information, the facility is found compliant with this standard.
--	---

Auditor Overall Determination: Meets Standard
Auditor Discussion
Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 3. NC Department of Public Safety In-Service Training – Sexual Abuse and Harassment PREA Specialized Medical Training, dated 4.15.2013 4. PREA – Sexual Abuse and Sexual Harassment Medical & Mental Health Response Training Documentation Interviews: 1. Health Care Staff 2. Mental Health Staff Both medical and mental health staff interviewed spoke to completing annual PREA training. Each could speak to protocols for reporting to staff as they each attested to the positive relationships with facility staff. Each spoke to completing specialized medical and mental health PREA training and the proper protocols of reporting, separating victims from abusive situations, acute and follow up care in accordance with their department responsibilities. In addition, they confirmed that forensic exams are not conducted at this facility, and the offender victim would be transported to the local hospital for the exam. On Site Observation: A report from the agency’s training database was uploaded to the PAQ with documentation of 12 staff having completed the training. The PAQ reports there are 11 health care and mental health staff employed by the facility, some of which are contractors. Each also completes the required general PREA training as is mandated by §115.31. (a) The Lumberton Correctional Institution PAQ states the agency has a policy related to the training of medical and mental health practitioners who work regularly in its facilities. It indicates 11 staff, 100% of medical and mental health staff who work at the facility, have received training required by agency policy. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, pages 9-10, section 2. A-C, states, “Medical and Mental Health care practitioners: A. Shall complete mandated training defined in section .3406(a) for Employees; or mandated training defined in section .3406(b) for Volunteers, Custodial Agents, Contractors, and Other Persons Providing Services to Offenders for contractors. All full- and part-time medical and mental health care practitioners who work regularly in its facilities shall be trained in: I. Detecting and assessing signs of sexual abuse and sexual harassment; II. Preserving physical evidence of sexual abuse;

III. Responding effectively and professionally to victims of sexual abuse and sexual harassment; and
IV. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

B. Verification of employee training shall be documented on form OSDT-1 and in appropriate agency training tracking system.”

The agency provided the NC Department of Public Safety In-Service Training – Sexual Abuse and Harassment PREA Specialized Medical Training. Learner objectives include the following:

1. Identify the role of a nurse regarding an allegation or evidence of sexual abuse occurring at a Youth Development Center (YDC).
2. Identify the role of the Human Services Coordinator and contractual nurse regarding an allegation or evidence of sexual abuse occurring at a Detention Center (DC).
3. Understand how to detect and assess signs of sexual abuse and sexual harassment.
4. Understand the documentation required with an alleged sexual abuse incident.
5. Identify the reporting procedure required with an alleged sexual abuse incident.
6. Identify how to maintain evidence of sexual abuse.
7. Identify steps in preparing for transport to local Emergency Departments.
8. Review the aftercare and on-going treatment of juveniles following a sexual abuse or harassment incident.
9. Understand the rationale and requirement for informed consent or refusal for each component of the sexual abuse evaluation.

(b) The Lumberton Correctional Institution PAQ reports their medical staff do not conduct forensic medical exams.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 22, section 4 Medical Services, paragraph (B) states, “Medical Services will follow medical protocol, which includes provisions for examination, documentation and transport to the local emergency department when appropriate, where the following will occur: collection of forensic evidence, testing for sexually transmitted diseases, counseling, and prophylactic treatment. Medical Services will ensure that the offender receives medical follow-up and is offered a referral for mental health services.”

(c) The Lumberton Correctional Institution PAQ indicates the agency maintains documentation showing that medical and mental health practitioners have completed the required training.

The facility provided a report generated from their training database and training rosters to demonstrate documentation of training completion. See (a) above for policy language to support this provision.

Based on the above information, the facility is found compliant with this standard.

115.41	Screening for risk of victimization and abusiveness
	Auditor Overall Determination: Meets Standard Auditor Discussion Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 3. NCDAC OPA-S010 Screening for Risk, dated 10.18.2021 This is a manual (factsheet) for conducting risk screens using the agency's Offender Population Unified System (OPUS) 4. Screening questions upon intake and transfer, undated 5. Memo from Warden, re: PREA Risk Screening Questions, dated 6.7.2023 6. Risk Screen Samples, four batches between June - July, 2023 Interviews: 1. Random offenders 2. Targeted offenders 3. Staff who conduct risk screens During interviews with staff responsible for conducting risk screenings, it was reported that risk assessments are completed with each offender upon admission, within 72 hours of intake. The assessment uses an objective instrument. Information is entered into the agency's Offender Population Unified System (OPUS), which calculates those at high risk of victimization and high risk of abusiveness. Re-screenings are conducted in the same system. Responses to questions that are required to be affirmatively asked in both screenings are compiled with information previously entered into the system to determine whether an individual is at high risk for victimization or abusiveness. Staff stated that the inmate risk level is communicated to Mental Health, Medical and the Classification departments. Staff reported a second risk screening is completed within 30 days of intake, and that OPUS automatically triggers a reminder to staff that the rescreening is due to be completed after 15 days of arrival. Staff indicated offenders are present for both the risk screening upon arrival as well as the rescreening within 30 days. As described by staff and outlined in the OPA-S010 Screening for Risk document, the rescreening is automatically calculated in the Offender Population Unified System (OPUS) using previously compiled information and entry of responses to four questions asked of the offender. Staff indicated that offenders would not be disciplined for refusing to answer questions on the risk screen. During interviews with offenders, about a third confirmed they had been asked risk screening questions during the intake process. Another third had been at the facility longer than 12 months, and several indicated they answered the initial questions on a paper. One recalled having the questions asked more than once. It was described by staff that the initial screening questions are included with the packet at orientation,

and then are provided to a case manager for input into OPUS. It was also reported that the re-assessments conducted by the case manager are not on paper, but with the case manager, at the computer.

During the onsite audit, the warden issued a memo reminding staff that risk screenings must be conducted face-to-face. This is spelled out in policy and the OPUS fact sheet describing how to conduct risk screenings.

Records Review:

During review of risk screening history for a sample of 41 inmates whose arrival dates ranged from 2018 to the time of the onsite audit, it was noted that 29 were documented at the time of the batch to have had an initial assessment within 72 hours of arrival, a rate of about 70.8%. Of those conducted outside of the 72-hour window, it was noted that eight arrived on a Thursday or Friday and were conducted within three business days (19.5%), with the remaining three conducted within a week (9.7%).

A subsequent batch of 30 offender records were requested for individuals who had arrived since the onsite audit. It was composed of arrivals in June and early July, and reflected a similar trend to the first batch related to initial assessments completed within 3 days of arrival rather than 72 hours.

In discussion with the facility, it was confirmed that a previous practice had been to conduct the initial assessments within 3 business days of arrival, and it is apparent the facility would have been substantially compliant under those circumstances. The auditor requested that the facility provide a plan for timely conducting those end-of-the-week arrivals, and the facility later reported the administration had determined the goal was to have the initial assessment completed within a 24-hour window of arrival and that staff would be specifically assigned to conduct "face to face, one on one assessments" the day following arrival of each offender.

A review of records for arrivals the week of July 10th demonstrated 100% timeliness for initial assessments.

Until mid-2021, the agency did not require a follow-up screening for transferring offenders so nine arrivals prior to that were removed from the calculation, as well as three offenders who were within 30 days of arrival, leaving 29 offenders with rescreening dates. Of 29 rescreened, 21 were rescreened within 30 days, a rate of about 73%. Eight were late; five within one week (17%) of the 30-day requirement, three approximately a month or more (10%).

Most of the offenders in the subsequent batch of records were not yet due for a follow-up assessment (within 30 days of arrival). Of 30 records reviewed, 13 initial assessments had been completed timely, and 17 were not yet due. A subsequent request for risk screening records for those not yet due on previous reports resulted in documentation that, of 20 records reviewed, 5 were not yet due. Out of the remaining 15, 14 were timely, for a much-improved rate of approximately 93%.

It appears that with the renewed emphasis on timeliness of risk screens and the new

processes in place, the facility has institutionalized a process since the onsite audit that ensures timeliness of initial and follow-up risk screenings.

(a) The Lumberton Correctional Institution PAQ states the facility has a policy that requires screening, upon admission or transfer, for risk of sexual abuse victimization or sexual abusiveness toward other inmates.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, pages 11-12, section (e) General Provision, (1)(A) states, "Screening for risk of victimization and abusiveness:

A. All offenders and safekeepers shall receive a screening inventory, administered via the web-based OPUS intake system, within 24 hours after admission to Prisons (5-ACI-3D-10). Diagnostic Services staff shall conduct screening to determine an offender's risk of being sexually abused by other offenders or their risk of being sexually abusive towards other offenders (5-ACI-3D-12, 5-ACI-3D-13). The screening shall use an objective screening instrument that obtains the following minimum biographical data about the offender:

- (i) Whether the offender has a mental, physical, or developmental disability;
- (ii) The age of the offender;
- (iii) The physical build of the offender;
- (iv) Whether the offender has previously been incarcerated;
- (v) Whether the offender's criminal history is exclusively nonviolent;
- (vi) Whether the offender has prior convictions for sex offenses against an adult or child;
- (vii) Whether the offender is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- (viii) Whether the offender has previously experienced sexual victimization;
- (ix) The offender's own perception of vulnerability; (x) Whether the offender is detained solely for civil immigration purposes; and
- (x) 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 offenders for risk of being sexually abusive."

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 12, section (G), states, "Upon transfer to another facility, within 24 hours, the PCM and/or OIC shall review an offender's risk of victimization and abusiveness by reviewing the dashboard and acknowledging housing placement is appropriate."

(b) The Lumberton Correctional Institution PAQ states the number of inmates entering the facility (either through intake or transfer) within the past 12 months (whose length of stay in the facility was for 72 hours or more) who were screened for risk of sexual victimization or risk of sexually abusing other inmates with 72 hours of their entry into the facility was 830 which the PAQ calculates to be 100%. Policy cited in provision (a) above, addresses compliance with this provision.

(c-e) The Lumberton Correctional Institution PAQ indicates the facility conducts risk assessments by using an objective screening instrument and that the facility does not

detain offenders solely for immigration purposes.

The facility provided a NCDAC OPA-S010 Screening for Risk. This is a manual (called a fact sheet) for conducting the risk screening instrument in (OPUS). The screening includes the following components:

A. Ask the Person in Confinement

1. (§115.41(d)1-3 and 115.241(d)1-3 (fig.1, q.1-3, 10)

i. General information such as gender, body build, race, age, date of birth, and height

ii. Health class information to include physical capability and mental health

iii. Education level to include: Highest grade completed (if Person in Confinement is a HS graduate or has a GED? Years of college- if applicable

iv. If the Person in Confinement has any ADA status requirements?

v. Status as Developmental Disability?

2. (§115.41(d)4-6 and 115.241(d)4-6 (fig.1, q.4-6)

i. Previous incarceration

ii. Criminal History (Fig 2)

iii. Prior convictions for sex offenses against an adult or child

Note: This information reassesses in the event new charges have been added.

3. (§115.41(d)7-9 and 115.241(d)7-9 (fig.1, q.7,11-13)

i. If the Person in Confinement is gay, lesbian, bisexual, transgender, intersex, or gender non-conforming

ii. If the Person in Confinement has experienced prior sexual victimization

iii. Offender's/resident's own perception of vulnerability (115.81(a-c)), they will be afforded an opportunity for a follow-up meeting with mental health. (fig.1, q.13)

B. Observe the Person in Confinement

1. (§115.41(d)7 and 115.241(d)7 (fig.1, q.14)

Does the screener perceive the Person in Confinement to be gay, lesbian, bisexual, transgender, intersex or gender nonconforming?

C. Alerts and Referrals

1. An automatic referral is made to mental health when there is a "Yes" response to any question 1-6."

(f) The Lumberton Correctional Institution PAQ states the policy requires that the facility reassess each inmate's risk of victimization or abusiveness within a set time period, not to exceed 30 days after the inmate's arrival at the facility, based upon any additional, relevant information received by the facility since the intake screening. The number of inmates entering the facility (either through intake or transfer) within the past 12 months (whose length of stay in the facility was for 30 days or more) who were reassessed for their risk of sexual victimization or of being sexually abusive with 30 days after their arrival at the facility based upon any additional relevant information received since intake was 735, calculated by the PAQ as 100% rescreened.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 12, section (F), states, "Within a set time period, not to exceed 30 days from the offender's arrival at the facility, the facility will reassess the offender's risk of victimization or abusiveness based upon any additional, relevant

	information received by the facility since the intake screening.” (g) The Lumberton Correctional Institution PAQ affirms the policy requires that an inmate's risk level be reassessed when warranted 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. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 13, section (H), states, “An offender’s risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse and/or sexual harassment, or receipt of additional information that bears on the offender’s risk for sexual victimization or abusiveness.” (h) The Lumberton Correctional Institution PAQ reports the policy prohibits disciplining inmates for refusing to answer (or for not disclosing complete information related to) questions regarding: (a) whether or not the inmate has a mental, physical, or developmental disability; (b) whether or not the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming; (c) whether or not the inmate has previously experienced sexual victimization; and (d) the inmate's own perception of vulnerability. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 12, section (E), states, “Offenders may not be disciplined for refusing to answer or for not disclosing complete information during screening or assessment.” (i) NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 12, section (D), states, “The responses to the MHSI, are confidential; therefore, the facility shall implement appropriate controls on the dissemination of responses to questions asked in order to ensure that sensitive information is not exploited to the offender’s detriment by staff or other offenders.” (MHSI is the OPUS Mental Health Screening Inventory). Based on the above information, the facility is found to be compliant with this standard.
--	--

115.42	Use of screening information
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 3. NCDAC OPA-S010 Screening for Risk, dated 10.18.2021. This is a manual

(factsheet) for conducting risk screens using the agency's Offender Population Unified System (OPUS)

Interviews:

1. Warden
2. PREA Coordinator
3. PREA Compliance Manager
4. Case Manager

Interviews with administrative staff indicated that mental health and health care staff, PREA Compliance Manager and the Warden are the only personnel who have access to completed risk assessments showing the questions and responses. Upon transfer, an acknowledgement must be completed by facility leadership within 24 hours of arrival of those at high risk of victimization (HRV) and high risk of abusiveness (HRA), to ensure appropriate housing of those individuals immediately. A facility multidisciplinary team reviews housing and work assignments for offenders designated as HRA/HRV on a weekly basis, to ensure they are housed and assigned appropriately. Interviews demonstrated the facility houses those designated HRV separately from those designated as HRA. For those at high risk of victimization (HRV) or high risk of abusiveness (HRA), some work assignments are made unavailable through OPUS. Staff and offenders confirmed during interviews that transgender offenders may shower separately from other offenders.

Site Observation:

Review of staff protocols and inmate placement demonstrated that continuous oversight of housing and work assignments is conducted, with a view to keep separate those who are assessed to be at high risk of sexual victimization and high risk of sexual abusiveness. Interviews with specialized staff and targeted inmates demonstrated that the facility/agency does not place offenders who are members of the LGBTQ+ community in dedicated wings, units or facilities.

(a) The Lumberton Correctional Institution PAQ states the facility uses information from the risk screening required by §115.341 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.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, pages 13-14, section (3) Use of screening information, (C) states, "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."

(b) The Lumberton Correctional Institution PAQ states the agency/facility makes individualized determinations about how to ensure the safety of each inmate. Policy compliance can be found in provision (a) of this standard.

	NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 15, section 3 (B)(iv), states, “) The facility shall make individualized determination for bed assignments, based on facility housing designs, to ensure the safety of each offender.” (c) The Lumberton Correctional Institution PAQ affirms the agency/facility makes housing and program assignments for transgender, or intersex inmates in the facility on a case-by-case basis. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 15, section (E) states, “In deciding whether to assign a transgender or intersex offender to a facility for male or female offenders, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the offender’s health and safety, and whether the placement would present management or security problems.” (d) NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 15, section (F) states, “Placement and programming assignments for each transgender or intersex offender shall be reassessed by the case manager at least twice each year to review any threats to safety experienced by the offender.” (e) NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 15, section (G) states, “A transgender or intersex offender’s own views with respect to his or her own safety shall be given serious consideration.” (f) NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 16, section (H) states, “Transgender and intersex offenders shall be given the opportunity to shower separately from other offenders.” (g) NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 14, section (I) states, “The agency shall not place lesbian, gay, bisexual, transgender, or intersex offenders in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such offenders.” Based on the above information, the facility is found compliant with this standard.
--	---

115.43	Protective Custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

Document Review:

1. Lumberton Correctional Institution PAQ
2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022

Interviews:

1. Targeted offenders
2. Correctional Officers
3. Supervisory staff
4. Warden

Interviews with staff and review of policies demonstrated offenders who are alleged perpetrators of sexual abuse may be placed in involuntary restrictive housing until they are cleared of the allegation or transferred to another unit. It was reported other means of separation from threat of sexual abuse would be accomplished, such as moving the alleged aggressor or changing housing units. Random staff did not suggest a person at risk could be placed in restrictive housing, unless voluntary.

(a) The Lumberton Correctional Institution PAQ states the agency has a policy prohibiting the placement of inmates at high risk for sexual victimization in involuntary segregated housing unless and 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. The number of inmates at risk of sexual victimization who were held in involuntary segregated housing the past 12 months for one to 24 hours awaiting completion of assessment was zero.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 16, section (4)(A) Protective Custody A., states, "Offenders at high risk for sexual victimization shall not be placed in restrictive 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 (5-ACI-4B-34). If a facility cannot conduct such an assessment immediately, the facility may hold the offender in restrictive housing for less than 24 hours while completing the assessment."

(b) NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 16, section (4) (B)., states, "Offenders placed in restrictive 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:

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

(c) The Lumberton Correctional Institution PAQ states the number of inmates at risk of sexual victimization who were assigned to involuntary segregated housing in the past 12 months, for longer than 30 days while awaiting alternative placement was zero.

	NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 17, section (4) (C)., states, “The facility shall assign such offenders to restrictive 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. (i) Alternative placements can include, but are not limited to, the following temporary options: • Relocation to a different housing unit; • Placement in a cell or bed closer to the Corrections Officer’s desk within the unit; • Any other housing area that the facility head or designee deems appropriate to separate from likely abusers.” (d) The Lumberton Correctional Institution PAQ reports from a review of case files of inmates at risk of sexual victimization 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 why alternative means of separation could not be arranged was zero. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 17, section (4)(D), states, “If a restrictive housing assignment is made pursuant to paragraph (a) of this section, the facility shall clearly document: i. The basis for the facility’s concern for the offender’s safety; and ii. The reason why no alternative means of separation can be arranged. iii. The other alternative means for separation that were explored; (e) The Lumberton Correctional Institution PAQ states if an involuntary segregated housing assignment is made, the facility affords each such inmate a review every 30 days to determine whether there is a continuing need for separation from the general population. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 17, section (4)(E), states, “Every 30 days, the facility shall afford each such offender a review to determine whether there is a continuing need for separation from the general population.” Based on the above information, the facility is found compliant with this standard.
--	--

115.51	Inmate reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review:

1. Lumberton Correctional Institution PAQ
2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022
3. NCDPS PREA 101 and 201 lesson plans.
4. Prison Rape Elimination Act (PREA): Ways to Report flyer, OPA-T102 and OPA-T102S 2.11.2014, updated English 3.24.2023 and Spanish 1.1.2023
5. NCDAC Flyer With Rape Crisis and Law enforcement information

Interviews:

1. Random offenders
2. Targeted offenders
3. Correctional Officers

Staff and offenders indicated they were comfortable reporting verbally to staff and several mentioned the hotline numbers and forms available for reporting. Inmates were aware they could report through the grievance process, mail, calling the posted hotline number or telling a family member. Staff and offenders are provided brochures with contact information for reporting sexual abuse and sexual harassment.

Site Observations:

Standardized bulletin boards that included posters with current Zero Tolerance posters, agency reporting information and victim advocate information were located in the housing units as well as in the Administration Building, Dining Hall, Programs area, and other common areas throughout the facility. Comprehensive information was placed in consistent locations in each housing unit, in a large wooden frame with a glass front so that the information would not be damaged or torn down and would be constantly available to offenders.

(a) The Lumberton Correctional Institution PAQ states the agency has established procedures allowing for multiple internal ways for inmates to report privately to agency officials about: (a) sexual abuse or sexual harassment; (b) retaliation by other inmates or staff for reporting sexual abuse and sexual harassment; and (c) staff neglect or violation of responsibilities that may have contributed to such incidents.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 18, section (f)(1)(A)(i), states, "Multiple internal ways shall be provided for offenders to privately report sexual abuse and sexual harassment, retaliation by other offenders or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents."

The facility provided flyer with reporting information. Methods listed included:

- By writing to the PREA Office at MSC 4201, Raleigh, NC
- Report to any staff, volunteer, contractor, or medical or mental health staff.
- Submit a grievance or sick call slip
- Report to the PREA Coordinator or PREA Compliance Manager
- Tell a family member, friend, legal counsel, or anyone else outside the facility. They can report on your behalf by calling 1(844) 208-4018

(b) The Lumberton Correctional Institution PAQ indicates the facility provides 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. The agency does not have a policy requiring inmates detained solely for civil immigration purposes be provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 18, section (f)(ii), states, "At least one way shall be provided for offenders to report abuse or sexual 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 offender reports of sexual abuse and sexual harassment to agency officials, allowing the offender to remain anonymous upon request. There shall also be no time limit on when an offender may report sexual misconduct."

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 18, section (f) Reporting and Investigation of Sexual Abuse and Sexual Harassment, (1)(A)(iii), states, "Offenders detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the US Department of Homeland Security."

(b) The Lumberton Correctional Institution PAQ states the agency has a policy mandating that staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties. Staff are required to document verbal reports.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 18, section (f) Reporting and Investigation of Sexual Abuse and Sexual Harassment, (1)(A)(iv), states, "Ways of reporting incidents of sexual abuse and harassment:

- i. To any Department of Public Safety employee;
- ii. Administrative remedy process;
- iii. PREA/Grievance locked box where applicable; and
- iv. Toll free telephone number for reporting directly to an external agency or entity, incidents of sexual abuse and sexual harassment."

(d) The Lumberton Correctional Institution PAQ reports the agency has established procedures for staff to privately report sexual abuse and sexual harassment of inmates. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 17, section (C) Staff and Agency Reporting Duties, state,

- (i) All staff are required to report immediately 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.
- (ii) Staff has a duty to report any allegations that offenders are having sexual relationships with other offenders or with staff.
- (iii) Any retaliation against offenders or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident

	or retaliation. (iv) Staff may report allegations privately. Ways to report include but are not limited to: i. The PREA office by email at PREA@ncDAC.gov, or by telephone at (919) 825-2754. ii. Anonymously by contacting the Fraud, Waste, Abuse & Misconduct Hotline at (844) 208-4018. iii. Local law enforcement agency. (v) All reports of sexual abuse and sexual harassment, however made, are to be forwarded to the Facility Head and the PREA Office.” Based on the above information, the facility is found to be in compliance with this standard.
--	--

115.52	Exhaustion of administrative remedies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Policy & Procedures Chapter G.0300 Administrative Remedy Procedure, dated 12.18.2021 Interviews: 1. Random offenders 2. Targeted offenders 3. PREA Compliance Manager Offenders interviewed were aware of the grievance procedures and understood they could complete a grievance and place it in the box available. During interviews with staff responsible for processing grievances, it was indicated that there is an indefinite timeline for grievances alleging sexual abuse and sexual harassment, and that grievances would not be denied administratively for sexual abuse and sexual harassment. (a) The Lumberton Correctional Institution PAQ reports the agency has an administrative procedure for dealing with Inmate grievances regarding sexual abuse. NCDAC Policy & Procedures Chapter G.0300 Administrative Remedy Procedure, page 1, section (a)-(d), state: (a) “The policy of the North Carolina Department of Public Safety is to provide inmates an opportunity for administrative settlement of legitimate grievances. Most

grievances can be resolved quickly through informal communication with responsible authorities at the facility in which the problem arose. An inmate should be encouraged to use this method prior to the initiation of a formal grievance. When this method is not possible, the Department of Public Safety seeks to reduce tension and provide a stable atmosphere by providing formal channels of communication of grievances.

(b) A grievance is a written complaint by an inmate on the inmate's own behalf concerning an action, incident, policy, or condition within the facility or within Prisons as a whole.

(c) The Administrative Remedy Procedure shall afford a successful grievant a meaningful remedy to include but not be limited to, an order requiring that specific action be taken, modification of Prisons policy, restoration or restitution for personal property, and such other remedies that will meaningfully resolve the grievance presented.

(d) Employees who intentionally obstruct the grievance process shall be subject to disciplinary action.”

(b) The Lumberton Correctional Institution PAQ states agency policy or procedure allows an inmate to submit a grievance regarding an allegation of sexual abuse at any time, regardless of when the incident is alleged to have occurred.

NCDAC Policies & Procedures Chapter G Section .0300, page 6, section (c) 1-3, states, “If an emergency grievance alleges an inmate is subject to a substantial risk for imminent sexual abuse, the facility shall:

1. immediately forward the grievance (or any portion thereof that alleges such substantial risk) to a level of review at which immediate corrective action can be taken,
2. provide an initial response within 48 hours, and
3. issue a final agency decision within 5 calendar days.

The initial response and final agency decision shall document the agency’s determination that the inmate is at substantial risk of imminent sexual abuse about and the action taken in response to the emergency grievance.”

(c) The Lumberton Correctional Institution PAQ indicates the agency’s policy and procedure allows an inmate to submit a grievance alleging sexual abuse without submitting it to the staff member who is the subject of the complaint. The agency’s policy and procedure require that an inmate grievance alleging sexual abuse not be referred to the staff member who is the subject of the complaint.

NCDAC Policies & Procedures Chapter G Section .0300, page 3, section .0305 Screening Officer, states, “Facility Heads will appoint one or more screening officers to review grievances and decide whether they should be accepted or rejected under the criteria set forth in Sections .0304 and .0306 herein. Facility Heads may designate screening officers or screen grievances themselves. The appointment of fair and knowledgeable screening officers will insure compliance with the grievance procedure and facilitate mediation of grievances at the facility level. No employee who appears to be involved in a grievance shall participate in any capacity in the resolution

process, except as a witness where necessary. In addition, no employee who appears to be involved in an inmate sexual abuse or harassment allegation shall accept a grievance which suggests such personal involvement or shall participate in any capacity in the response to the grievance.”

(d) The Lumberton Correctional Institution PAQ the affirms the agency’s policy and procedures require a decision on the merits of any grievance or portion of a grievance alleging sexual abuse be made within 90 days of the filing of the grievance. In the past 12 months there have been three grievances filed alleging sexual abuse and that they all reached a final decision within 90 days, resulting in no requests for extensions. The PAQ indicates that offenders would be notified if an extension is requested.

NCDAC Policy & Procedures Chapter G.0300 Administrative Remedy Procedure, page 4, section .0307 Time Limits (a), states, “From filing to final disposition, all grievances shall be processed within ninety (90) days. For purpose of counting days under the grievance procedure, all references to days shall be interpreted to mean calendar days. The 90-day period commences the day after the grievance has been accepted.”

NCDAC Policy & Procedures Chapter G.0300 Administrative Remedy Procedure, page 5-6, section .0307 Time Limits (5)(6), state,

4. “If at any level of the administrative remedy process, including the final level, the inmate does not receive a response within the time provided for reply, including any properly noticed extension, the absence of a response shall be a denial at that level which the inmate may appeal, but the 24 hours’ time limit to request an appeal does not begin until the inmate receives a written denial.

5. Prisons may grant an extension of time to respond for up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the inmate in writing of any such extension and provide a date by which a decision will be made.”

(e) The Lumberton Correctional Institution PAQ states agency policy and procedure permits third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and to file such requests on behalf of inmates. Agency policy and procedure requires that if an inmate declines to have third-party assistance in filing a grievance alleging sexual abuse, the agency documents the inmate’s decision to decline. 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 inmate’s decision to decline was zero.

NCDAC Policy & Procedures Chapter G.0300 Administrative Remedy Procedure, page 2, section .0302 Accessibility, section (4), states, “Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates shall be permitted to assist inmates in submitting a grievance relating to allegations of sexual abuse and shall be permitted to submit such a grievance on behalf of an inmate. If a third party submits a grievance on behalf of an inmate, the facility may require, as a

condition of processing the grievance, that the alleged victim agree to have the grievance submitted on his or her behalf and also may require the alleged victim personally to pursue any subsequent steps in the grievance process. If the inmate declines to have the grievance processed on his or her behalf, the facility shall document the inmate's decision. (A)

If the inmate declines to have the grievance processed on his or her behalf, the facility shall document the inmate's decision."

(f) The Lumberton Correctional Institution PAQ states the facility has a policy and established procedures for filing an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse. The facilities policy and procedures for emergency grievances alleging substantial risk of imminent sexual abuse require an initial response within 48 hours. The facilities policy and procedure for emergency grievances alleging substantial risk of imminent sexual abuse require that a final agency decision be issued within five days. Zero grievances were received alleging substantial risk of imminent sexual abuse, that were filed in the past 12 months. The number of grievances alleging substantial risk of imminent sexual abuse filed in the past 12 months that reached final decisions within 5 days was zero.

NCDAC Policy & Procedures Chapter G.0300 Administrative Remedy Procedure, page 2, section .0308 Emergency Grievances, section (e), states, "If an emergency grievance alleges an inmate is subject to a substantial risk for imminent sexual abuse, the facility shall:

1. immediately forward the grievance (or any portion thereof that alleges such substantial risk) to a level of review at which immediate corrective action can be taken,
2. provide an initial response with 48 hours, and
3. issue a final agency decision with 5 calendar days.

The initial response and final agency decision shall document the agency's determination that the inmate is at substantial risk of imminent sexual abuse about and. the action taken in response to the emergency grievance."

(g) The Lumberton Correctional Institution PAQ states the facility has a written policy that limits its ability to discipline an inmate for filing a grievance alleging sexual abuse to occasions where the agency demonstrates that the Inmate filed the grievance in bad faith. In the past 12 months, there have been zero grievances alleging sexual abuse to occasions where the agency demonstrated that the Inmate filed the grievance in bad faith.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 31, section (4) Offenders, (e), states, "For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation."

Based on the above information, the facility is found to be compliant with this

	standard.
--	-----------

115.53	Inmate access to outside confidential support services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 3. NCDAC Policy – DAC-PREA-200, PREA Reporting, dated 1.1.2003 4. Memorandum of Understanding Robeson County Rape Crisis Center, dated 2.1.2023 5. NCDAC Flyer with Law Enforcement and Rape Crisis agency contact information. 6. NCDAC PREA Director Memorandum RE: PREA Compliance CFR §115.41(d), dated 3.20.2023. Interviews: 2. Random offenders 3. Targeted offenders 4. Correctional Officers 5. Specialized staff Interviews indicated that offenders were vaguely aware of the outside emotional support hotline, and understood that that if they wanted specific information about contacting the outside emotional support services, the information was available on the boards in their housing units. The facility does not house offenders solely for immigration purposes per the above NC DAC PREA Director memo discussing that offenders are never held in a NCDAC facility solely for immigration purposes. Site Observation: During the onsite review, the auditor observed that the facility had posted advocate and hotline calling instructions posted in each living unit of the facility. The auditor tested the *63 hotline number for the Robeson County Rape Crisis Center and verified they would indeed assist an inmate who was calling for emotional support related to sexual abuse. (a) The Lumberton Correctional Institution PAQ states the facility provides Inmates with access to outside victim advocates for emotional support services related to sexual abuse by: • The facility provides inmates with access to such services by giving inmates mailing addresses and telephone numbers (including toll-free hotline numbers where available) for local, state, or national victim advocacy or rape crisis organizations. • The facility provides inmates with access to such services by giving inmates mailing addresses and telephone numbers (including toll-free hotline numbers where

	available) for immigrant services agencies for persons detained solely for civil immigration purposes. • The facility provides inmates with access to such services by enabling reasonable communication between inmates and these organizations in as confidential a manner as possible. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 23, section (5)(E), states, "Offender victim shall be provided access to outside victim advocates for emotional support services related to sexual abuse by giving the offenders mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations. The facility shall enable reasonable communication between offenders and these organizations and agencies, in as confidential a manner as possible." (b) The Lumberton Correctional Institution PAQ states the facility informs Inmates, prior to giving them access to outside support services, the extent to which such communications will be monitored. The facility informs inmates, prior to giving them access to outside support services, of the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply for disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant Federal, State, or local law. zNCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 23, section (F), states, "The facility shall inform the offenders, 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." (c) The Lumberton Correctional Institution PAQ states the facility maintains memoranda of understanding with community service providers that are able to provide inmates with emotional support services related to sexual abuse. The facility provided a Memorandum of Understanding between the Lumberton Correctional Institution and the Robeson County Rape Crisis Center to confirm their agreement. The memorandum is signed by representatives of the agency and the facility. Based on the above information, the facility is found compliant with this standard.
--	--

115.54	Third-party reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review:

1. Lumberton Correctional Institution PAQ
2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022
3. NCDAC Reporting – Help Prevent Prison Sexual Violence Flyer, dated 1.21.2023
4. NCDAC Website pages with PREA information

Interviews:

1. Random offenders
2. Targeted offenders
3. Correctional Officers
4. Supervisory staff

Offenders and staff interviewed confirmed they understood the agency's policies to accept and respond to all allegations, including third party and anonymous reports. They indicated family or friends could report sexual abuse or sexual harassment to the agency or facility on an offender's behalf.

Site Observation:

Informational posters included on the standardized bulletin boards demonstrated included information about how to make a third-party report.

(a) The Lumberton Correctional Institution PAQ states the facility provides a method to receive third-party reports of inmate sexual abuse or sexual harassment. The agency publicly distributes information on how to report Inmate sexual abuse or sexual harassment on behalf of Inmates.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, pages 18-19, (f)(1)(A) Offender Reporting:

(iv) Ways of reporting incidents of sexual abuse and harassment (5-ACI-3D-15):

- To any NCDAC employee;
- Administrative remedy process;
- PREA/Grievance locked box where applicable; and
- Toll free telephone number for reporting directly to an external agency or entity, incidents of sexual abuse and sexual harassment.

(B) Third Party Reporting: can be made via email, phone or letter.

Fraud, Waste, Abuse and Misconduct Website Link: <https://www.ncdps.gov/contact/report-fraud-waste-or-financial-mismanagement-department-assets>

Website Link: <https://www.dac.nc.gov/divisions-and-sections/administrative/prison-rape-elimination-act-prea-office>

The facility provided a NCDPS Reporting – Help Prevent Prison Sexual Violence Flyer. This flyer provides instruction on:

- Offender Reporting
 - To any departmental employee
 - Through the administrative remedy process (grievance)

	• By writing to the PREA Office at MSC 4201, Raleigh, NC • To a Third Party – including family members, friends, and outside organizations, or • To the local rape crisis center • Externally to Project Offender Reporting Sexual Abuse (Dial 1.972.535.3499) • Note: Anonymous reports will be investigated On March 7, 2023, this auditor tested the online third party reporting link and received the following reply. Automatic reply: [External] Fwd: PREA report Inbox DAC.PREA via ncconnect.onmicrosoft.com Tue, Mar 7, 1:28 PM ****AUTOMATED MAIL RESPONSE FROM PREA ADMINISTRATION**** Please keep this email for future references. Your mail to PREA Administration has been received. This is a receipt notification only. A personal response will be made by PREA Administration as soon as possible. If your request is urgent, please call PREA Administration at 919-825-2757. Please leave a message on the voicemail if we are unavailable. Slowly say your name, staff id and phone number. On 3.8.2023 a staff member from the DAC PREA office responded via email. Based on the above information, the facility is found to be compliant with this standard.
--	--

115.61	Staff and agency reporting duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 3. NC DAC-PREA-200 Reporting, originally issued 9.17.2021; updated 1.1.2023 Interviews: 1. Correctional Officers

2. Medical and Mental Health staff
3. Facility Investigator
4. PREA Compliance Manager
5. Warden

Interviews with the facility staff demonstrated each actively practices and understood the importance of immediately reporting all allegations of sexual abuse and sexual harassment, any retaliation for participating in an allegation, and any staff neglect or failure to act that may have led to an incident or retaliation. Staff affirmed the importance of confidentiality of reports, relating that only supervisors and those with a need to know in order to respond to the allegation would be provided with information about an allegation. Staff and offenders reported their understanding that third party and anonymous reports would be responded to as any report received in person or in writing.

The facility does not house youthful offenders.

(a) The Lumberton Correctional Institution PAQ indicates the agency requires all staff to report immediately and according to agency policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency. The agency requires all staff to report immediately and according to agency policy any retaliation against Inmates or staff who reported such an incident. The agency requires all staff to report immediately and according to agency policy any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 19, section (C) Staff and Agency Reporting Duties, (i)-(iii), state,

- i. "All staff are required to report immediately 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.
- ii. Staff has a duty to report any allegations that offenders are having sexual relationships with other offenders or with staff.
- iii. Any retaliation against offenders or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation."

NC DAC-PREA-200 Reporting, page 4-5, IV Policy, section D. Employee, Volunteer, Contractor, and Custodial Agent Reporting, states

1. Employees, volunteers, contractors, and custodial agents shall immediately report:
 - a) Any knowledge, suspicion, or information regarding an incident of person in confinement, resident, or safekeeper sexual abuse or sexual harassment involving a person in confinement, resident, or safekeeper;
 - b) Any allegation that a person in confinement, resident, or safekeeper is having a sexual relationship with another person in confinement, resident or safekeeper, or with an employee, volunteer, contractor or custodial agent;

c) Any retaliation against persons in confinement, residents, or safekeepers, or employees, volunteers, contractors, and custodial agents who reported such an incident; and any employee neglect or violation of responsibilities that may have contributed to an incident or retaliation;

d) Any allegations involving an alleged victim that is under the age of 18 or considered a vulnerable adult; and

e) To local law enforcement if there is evidence or suspicion that criminal conduct may have occurred.

(b) The Lumberton Correctional Institution PAQ affirms, apart from reporting to designated supervisors or officials and designated state or local service agencies, that agency policy prohibits staff from revealing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.

(c) NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 19, section (vi), states, "Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse to inform offenders of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services."

NC DAC-PREA-200 Reporting, page 4-5, IV Policy, section D. Employee, Volunteer, Contractor, and Custodial Agent Reporting, states, "2. Unless otherwise precluded by federal, State, or local law, medical and mental health practitioners shall at the initiation of services inform persons in confinement, residents, and safekeepers of the practitioner's duty to report, and the limitations of confidentiality.

(d) NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 19, section (vii), states, "If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person's statute, reporting such allegation to the local NC Department of Social Services is required."

(e) NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 19, section (viii) Staff and Agency Reporting Duties, states, "The facility shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators."

NC DAC-PREA-200 Reporting, page 4-5, IV Policy, section D. Employee, Volunteer, Contractor, and Custodial Agent Reporting, states, "

3. Failure to report alleged incidents of sexual abuse and/or sexual harassment may result in disciplinary action up to and including dismissal or termination of contract.

Based on the above information, the facility is found compliant with this standard.

115.62	Agency protection duties
	Auditor Overall Determination: Meets Standard Auditor Discussion Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 3. NCDAC PREA-200, PREA Reporting, Originally issued 9.17.2023; updated 1.1.2023 Interviews: 1. Agency Head 2. Warden 3. Correctional Officers 4. Facility Investigator 5. PREA Compliance Manager Interviews with staff demonstrated the facility staff act promptly and respond properly at the discovery of any incident involving sexual harassment or sexual abuse, to include separating the alleged offender victim from the alleged perpetrator, reporting immediately to supervisor and referring to health care if applicable. Site Observation: The facility indicates there were zero instances where an offender was determined to be at substantial risk of imminent sexual abuse during the audit period. The facility reports there were no offenders who had reported sexual abuse at the facility who were housed at the facility during the onsite portion of the audit, and no offender interviewed indicated that they had reported sexual abuse at the facility. Most interviewed offenders indicated they do not hear of sexual abuse happening at this facility. (a) The Lumberton Correctional Institution PAQ indicates when the agency or facility learns that an inmate is subject to a substantial risk of imminent sexual abuse, it takes immediate action to protect the Inmate. In the past 12 months, the facility reports zero inmates at the facility were subject to substantial risk of imminent sexual abuse. Upon discovery of an inmate being subject to substantial risk, the facility would immediately separate the victim from the perpetrator, make notification and completed incident reporting requirements. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 20, section (2), states, "Protection Duties: When the staff learns that an offender is subject to a substantial risk of imminent sexual abuse immediate action shall be taken to protect the offender." NCDAC PREA-200 PREA Reporting, page 5, Section IV Policy, states, "E. When an employee, volunteer, contractor, or custodial agent learns that a person in confinement, resident, or safekeeper is subject to a substantial risk of imminent

	sexual abuse, immediate action shall be taken to protect the person in confinement, resident, or safekeeper.” Based on the above information, the facility is found compliant with this standard.
--	---

115.63	Reporting to other confinement facilities
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 3. Memo from Warden RE: PREA Standard 115.63 (a) - 3, describing notification process, dated 5.7.20234. 4. Letter of notification of allegation to another facility, dated 2/2023. Interviews: 1. Agency Head 2. Warden Interviews with the Agency Head designee and the Warden demonstrated awareness that upon receiving an allegation that an inmate was sexually abused while confined at another facility, notification must be made to the other facility. The warden indicated the process would include a telephone call followed by a letter sent to the Facility / External Agency where the alleged incident occurred. Any collected information is copied and sent to that facility through the agency’s Correspondence Tracking System (CTS) or for an external agency by US Mail. She also indicated a copy of the letter and collected information is held on-site. A sample of notifications to another facility was provided by the facility. Site Observations: It was reported that during the audit period there were three allegations received at this facility during the audit period regarding incidents of sexual abuse of offenders that occurred at this facility or another facility, and two from another facility that an inmate was sexually abused at this facility. (a) The Lumberton Correctional Institution PAQ states the agency has a policy requiring that, upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility must notify the head of the facility or appropriate office of the agency or facility where sexual abuse is alleged to have occurred. The agency’s policy also requires that the head of the facility notify the

	appropriate investigative agency. In the past 12 months the facility has received three allegations that an inmate was abused while in confinement at another facility. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 20, section (D)(i), states, "Upon receiving an allegation that an offender was sexually abused while confined at another facility, the Warden of the facility that received the allegation shall notify the Warden of the facility or appropriate office of the agency where the alleged abuse occurred." (b) The Lumberton Correctional Institution PAQ states agency policy requires that the facility head provides such notification as soon as possible, but no later than 72 hours after receiving the allegation. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 18, section (D)(ii), states, "Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation." (c) The Lumberton Correctional Institution PAQ states the facility documents that it has not had a need to provide such notification within 72 hours of receiving the allegation. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 20, section (D)(iii), states, "The Facility Head shall document such notification by completing a memorandum to file, and uploading into the correspondence tracking system (CTS)." (d) The Lumberton Correctional Institution PAQ states facility policy requires that allegations received from other agencies or facilities are investigated in accordance with the PREA standards. In the last 12 months, there have been two allegations of sexual abuse received from other facilities. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 20, section (D)(iv), states, "Upon receiving notification from another facility or agency that an allegation of sexual abuse or sexual harassment has been reported, the Warden shall ensure that the allegation is investigated in accordance with these standards." Based on the above information, the facility is found compliant with this standard.
--	--

115.64	Staff first responder duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

Document Review:

1. Lumberton Correctional Institution PAQ
2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022

Interviews:

1. Correctional Officers
2. Compliance Specialist
3. PREA Compliance Manager

Interviews with staff demonstrated they were aware of their first responder responsibilities as described in the policies below. The facility reports that there were no allegations of sexual abuse of offenders during the audit period.

Site Observations:

There were no offenders housed at the facility who had reported sexual abuse that occurred at the facility during the onsite audit.

(a) The Lumberton Correctional Institution PAQ reports the agency has a first responder policy for allegations of sexual abuse. The policy requires that, 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 victim and suspect, preserve evidence, protect the scene, collect 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. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

It is reported in the PAQ that there were no incidents of sexual abuse in the last 12 months that were reported within a timeframe that would allow for physical evidence to be collected, or where a staff member was required to take first responder steps, other than to report and document the allegation for investigation.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 20-22, section (3)(A), states, "Upon learning of an allegation that an offender was sexually abused, the first security staff member to respond to the report shall be required to:

- i. Take necessary steps to separate the alleged victim and abuser. If the Facility Head, in consultation with the PREA Support Person, determines that the safety of the offender victim requires placement in administrative segregation, then:
 - Such restrictive housing shall be administered in accordance with the applicable policies and procedures for restrictive housing for administrative purposes.
 - The Warden has the discretion regarding how separation occurs, who is moved, and where. Should the alleged victim be placed in restrictive housing, then an analysis of 1) information from the Preliminary Review to include the type of allegation, 2) prior complaints filed against the alleged abuser, 3) will the movement appear punitive

	toward an alleged victim shall be considered, and 4) documentation of the decision to move the alleged victim. • The Region Director and the DAC PREA Office shall be notified of the use of restrictive housing and the reasons therefore. • To the maximum extent possible, the offender victim while in restrictive housing for administrative purposes shall have the same privileges of access to the canteen, telephone, visitation and property as they were afforded prior to reporting. • Within 3 business days of the offender victim's release from restrictive housing for administrative purposes, the Warden or designee will return the offender victim to the gain time job assignment the offender victim had prior to period of restrictive housing for administrative purposes, if available. If, for operational reasons, the offender victim's prior job assignment is unavailable, the Warden or designee will place the offender victim in another gain time job assignment that is at least equal to the prior gain time job assignment. • The Warden or designee will notify the Region Director in writing, that the offender victim has either been returned to prior job assignment or placed in equivalent one. • Within three business days of the receipt of the written notification from the Warden or designee, the Region Director, or their designee will request in writing to the Director of Rehabilitative Services that the offender victim's gain time be restored. • When offender victim is released from restrictive housing, whenever possible shall be allowed to return to previously assigned housing unit unless, in the discretion of the Warden, doing so exposes the offender to an increased risk to the offender victim's safety and security or the orderly operation of the facility." (b) The Lumberton Correctional Institution PAQ states the facility's' policy requires that if the first staff responder is not a security staff member, that responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence and notify security staff. 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 was ten. It should be noted that none of these reports occurred within a timeframe that still allowed for the collection of physical evidence. It was reported that all ten were reported to security staff upon receiving the report of sexual abuse. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 22, section (3) First Responder, (B) states, "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." Based on the above information, the facility is found compliant with this standard.
--	--

	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Lumberton Correctional Institution .5200 PREA Sexual Abuse Institution Response Plan, signed, undated Interviews: 1. Correctional Officers 2. PREA Compliance Manager 3. Warden During an interview, the Warden confirmed that, in addition to agency policies, the facility has a written plan relating to the response to allegations of sexual abuse, in order to coordinate actions taken in response to sexual abuse and sexual harassment incidents. This is a facility SOP signed by the Warden. Site Observation: Review of the facilities Coordinated Response Plan demonstrates clear direction to staff to ensure first responder duties, medical a are fulfilled. (a) The Lumberton Correctional Institution PAQ states the facility developed 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. Review of the plan includes duties of the first responder, facility PREA Support Person, medical staff, mental health staff, and the PREA Compliance Manager. The facility sexual assault response team (SART) consists of the warden, PCM, assigned investigator and PSP and medical or metal health practitioners who also participate in post incident reviews facilitated by the PCM. It also includes information about notifications, mental health aftercare, and external reporting. Based on the above information, the facility is found compliant with this standard.

115.66	Preservation of ability to protect inmates from contact with abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review:

	1. Lumberton Correctional Institution PAQ Interviews: Agency Head During the Agency Head interview, it was confirmed that there is nothing to 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 to what extent discipline is warranted. (a) The Lumberton Correctional Institution PAQ states the agency, facility, or any other governmental entity responsible for collective bargaining on the agency's behalf has not entered into or renewed any collective bargaining agreement or other agreement since August 20, 2012, or since the last PREA audit, whichever is later. (b) The Lumberton Correctional Institution PAQ reports that Nothing in this standard shall restrict the entering into or renewal of agreements that govern: (1) The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §§ 115.72 and 115.76; or (2) Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated. Based on the above information, the facility is found compliant with this standard.
--	---

115.67	Agency protection against retaliation
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 3. Form Prison Rape Elimination Act (PREA) Retaliation Monitoring – (Staff) OPA-I22, revised 1.1.2023 4. Form Prison Rape Elimination Act (PREA) Retaliation Monitoring – (Persons in Confinement) OPA-I24, revised 1.1.2023 Interviews: 1. Agency Head 2. Warden

- 3. PREA Compliance Manager
- 4. PREA Support Person

The interview with agency and facility staff demonstrated that the facility and agency take very seriously the responsibility to protect those who report sexual abuse or participate in the investigation of an allegation from retaliation. It was described that the PREA Compliance Manager is assigned to monitor for staff participants, and the PREA Support Person would monitor for retaliation of offender reporters or participants.

On Site Observation:

Review of investigation files and conversations with the PREA Compliance Manager and PREA Support Persons demonstrated this facility continues retaliation monitoring until the 90-day requirement has been met, or longer if required. Retaliation monitoring is documented on the PREA Retaliation monitoring forms OPA-I22 (staff) and OPA-I24 (offenders). The form guides the retaliation monitor, listing requirements, timelines and allowing for comments to document the monitoring, and allows for documentation of periodic status checks.

(a) The Lumberton Correctional Institution PAQ states the agency has 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.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 31, section (g)(1) -(2), state, "RETALIATION: Retaliation against staff or offenders making an allegation of offender sexual abuse or sexual harassment is prohibited.

(1) Offender monitoring – see section .3406 (f)5 victim support.

(2) Staff monitoring – see section .3406 (f)6 PREA compliance manager."

The facility provided an NCDAC Prison Rape Elimination Act (PREA) Retaliation Monitoring Persons in Confinement Form OPA-I24. This form states, "periodic status checks are "required weekly for the first three weeks, and a minimum of once every 30 days thereafter." The form provides an area to include the date, comments and PSP Initials, signs of retaliation, yes or no and any additional comments.

(b) NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 24, section (I)(v), states, "Continue monitoring for a minimum of 90 days or beyond 90 days if the initial monitoring indicates a continuing need."

(c) The Lumberton Correctional Institution PAQ reports the facility monitors the conduct or treatment of inmates or staff who reported sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are any changes that may suggest possible retaliation by inmates or staff. The length of time that the facility monitors the conduct of treatment is 90 days. The facility acts promptly to remedy any such retaliation. The agency/facility continues such monitoring beyond 90 days if the initial monitoring indicates a continuing need. In the past 12 months,

	the facility has had zero incidents of retaliation. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 24, section (I)(i)(ii), state, i. "Upon notification of a Sexual Abuse or Sexual Harassment allegation the PSP will initiate monitoring the alleged victim and offender who reported the allegation or cooperated with officials during the investigation. ii. The PSP shall monitor retaliation against the victim and the offender who either report allegations, or cooperate with investigations, of sexual abuse or sexual harassment." (e) NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 22, section (I) Monitor for Retaliation, (ii), states, "In the case of offenders, such monitoring shall also include periodic status checks." (f) NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 24, section (I) Monitor for Retaliation, (v), states, "Termination of monitoring prior to minimum of 90 days requires: I. Allegation to be determined unfounded II. Approval by Warden" Based on the above information, the facility is found to be compliant with this standard.
--	---

115.68	Post-allegation protective custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 3. NCDPS Prisons Policy and Procedure, Chapter O.0300 Condition of Confinement, reviewed 11.5.2021 Interviews: 1. Warden 2. Staff Who Supervise Offenders in Segregation During interviews, facility staff reported that there have been no instances during the audit period where an offender has been placed in the restricted housing because they were a victim of sexual abuse. It was reported such would only be used if there was no less restrictive means of protection, and that it would be for less than 24 hours, and the reasons for not placing in less restrictive housing would be documented. It was reported that, while access to work opportunities would be

limited, such offenders would still have access to programs, privileges and education.

(a) The Lumberton Correctional Institution PAQ states the agency has a policy prohibiting the placement of inmates who allege to have suffered sexual abuse 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. The number of inmates who allege 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 was zero.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, pages 16-17, section 4, Protective Custody requires:

(A) Offenders at high risk for sexual victimization shall not be placed in restrictive 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 (5-ACI4B-34). If a facility cannot conduct such an assessment immediately, the facility may hold the offender in restrictive housing for less than 24 hours while completing the assessment.

(B) Offenders placed in restrictive 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:

- (i) The opportunities that have been limited;
- (ii) The duration of the limitation; and
- (iii) The reasons for such limitations.

(C) The facility shall assign such offenders to restrictive 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. (i) Alternative placements can include, but are not limited to, the following temporary options:

- Relocation to a different housing unit;
- Placement in a cell or bed closer to the Corrections Officer's desk within the unit;
- Any other housing area that the facility head or designee deems appropriate to separate from likely abusers.

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

- (i) The basis for the facility's concern for the offender's safety; and
- (ii) The reason why no alternative means of separation can be arranged.

(iii) The other alternative means for separation that were explored; (E) Every 30 days, the facility shall afford each such offender a review to determine whether there is a continuing need for separation from the general population.

NCDPS Prisons Policy and Procedure, Chapter O.0300 Condition of Confinement, page 4, paragraph (g) Offenders in Restrictive Housing for Administrative Purposes, Restrictive Housing for Control Purposes, and Protective Custody will have their status reviewed and documented by designated staff every seven days for the first two (2)

	months and at least every thirty (30) days thereafter. This review schedule will be continuous for offenders who moved from RHAP to Control status, etc. Based on the above information, the facility is found compliant with this standard.
--	--

115.71	Criminal and administrative agency investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 3. NCDAC DAC-PREA-300 Investigations, dated 1.1.2023 Interviews: 1. Investigative Staff 2. PREA Compliance Manager The above-listed policy reflects requirements for investigations into sexual abuse and sexual harassment of offenders housed in the agency facilities. It requires that investigations will be conducted thoroughly, promptly and objectively for all allegations. Staff confirmed during interviews that all reports of sexual abuse, sexual harassment, retaliation related to reporting or participating in a sexual abuse or harassment investigation, and staff neglect that may have led to an incident or retaliation shall all be reported and investigated as indicated in policy. Interviews with the facility investigator and PREA Compliance Manager, indicated each PREA investigator completed initial and specialized investigator training. The investigator discussed processes required during an investigation, to include the notification requirements to victims. Investigation-related information is documented in the agency database, OPUS. Site Observation: Staff confirmed that when an outside entity is conducting an investigation of sexual abuse, the PREA Compliance Managers and Compliance Specialists are directed to stay in contact with investigators for updated information, that the law enforcement investigators would be the primary investigators with facility investigators in a secondary and supporting role. Facility investigators would enter updated information into OPUS to include in the report. Investigators indicated in interviews that credibility assessments were based on the evidence, and on each person as individuals, not based on their position as staff or offenders. (a) The Lumberton Correctional Institution PAQ states the agency/facility has a policy

related to criminal and administrative agency investigations.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 27, section (7) Investigations (A)(i) states, "Investigations into allegations of sexual abuse and sexual harassment, shall be conducted promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports."

(b) NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 9, section (c) Specialized Training, (1) (A-B), states, "Investigators: Sexual Abuse and Harassment

A. Shall complete appropriate employee training defined in section .3406(a).

B. Shall receive training on conducting sexual abuse and harassment investigations in a confinement setting. Such training shall include:

(i) Techniques for interviewing sexual abuse victims;

(ii) Proper use of Miranda and Garrity Warnings;

(iii) Sexual abuse evidence collection in a confinement setting; and

(iv) Criteria and evidence required to substantiate a case for administrative action or prosecution referral."

(c) NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 28, section (viii), states, "Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data including video and/or audio recordings; shall interview alleged victims, suspected perpetrators, and witnesses."

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 29, section (x), states, "Review prior complaints and reports of sexual abuse involving the suspected perpetrator, included in the incident package and considered when determining credibility of the allegations."

(d) NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 29, section (x), states, "When the quality of evidence appears to support criminal prosecution, the Department of Public Safety sexual abuse and harassment investigators shall only be permitted to continue interviews after consulting with local law enforcement agency as to whether interviews may be an obstacle for subsequent criminal prosecution."

(e) NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 29-30, section (xii), states, "When the quality of evidence appears to support criminal prosecution, the Department of Public Safety sexual abuse and harassment investigators shall only be permitted to continue interviews after consulting with local law enforcement agency as to whether interviews may be an obstacle for subsequent criminal prosecution examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation."

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and

Sexual Harassment Policy, page 30, section (xiv), states, "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. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution."

(f) NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 30, section (xiii), states, "Shall include an effort to determine whether staff actions or failures to act contributed to the abuse."

(g) NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 30, section (xiv), states, "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. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution."

(h) The Lumberton Correctional Institution PAQ states there were three substantiated allegations of sexual conduct that were referred for prosecution during this audit period.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 31, section (C)(i), states, "Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution."

(i) The Lumberton Correctional Institution PAQ states the agency retains all written reports pertaining to administrative or criminal investigation of alleged sexual abuse or sexual harassment for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 33, section (J)(1), states, "Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution."

(j) NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 29, section (xvi), states, "The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation."

(l) NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 29, section (xvii), states, "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."

Based on the above information, the facility is found compliant with this standard.

115.72	Evidentiary standard for administrative investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 Interviews: 1. Facility Investigator The interview with the facility investigator demonstrated the facility shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. (a) The Lumberton Correctional Institution PAQ states the agency imposes a standard of a preponderance of the evidence or a lower standard of proof for determining whether allegations of sexual abuse or sexual harassment are substantiated. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 3, section (t)(4) "The agency shall impose no standard higher than a preponderance of evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated, §115.72 of the national standards." Based on the above information, the facility is found compliant with this standard.

115.73	Reporting to inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 3. NCDAC-PREA-300, PREA Investigations, dated 1.1.2023 4. NCDAC PREA Support Services Status Notification, OPA-I31, dated 1.1.2023 5. PREA Incident Detail Report Interviews: 1. Warden

2. Facility Investigator
3. PREA Compliance Manager
4. PREA Support Person

The interviews with a facility investigator, PREA Support Person and facility leadership demonstrated notification to offenders as required by standards is provided by the PREA Compliance Manager or PREA Support Person assigned to support the offender through the investigation.

The agency provided blank OPA-I30 and OPA-I30S Support Services for Persons in Confinement forms in English and Spanish, respectively; as well as OPA-I31 Support Services Status Notification for Persons in Confinement which is used to provide to alleged victims with the required notifications related to the status of the alleged perpetrator as a result of the investigation. The forms provide a space for both the PREA Support person and the alleged victim to sign and date for verification of each notification.

On Site Observation:

The facility maintains documentation of notifications as prescribed in this policy.

Completed forms were reviewed on site for a sample of PREA investigations. PREA Support Staff delivered the status notifications and outcome notifications to the offender at various times throughout the investigation process.

(a) The Lumberton Correctional Institution PAQ states the agency has a policy requiring that any inmate who makes an allegation that he or she suffered sexual abuse in an agency facility is informed, verbally or in writing, as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded following an investigation by the agency. The number of criminal and/or administrative investigations of alleged inmate sexual abuse that were completed by the agency/facility in the past 12 months was 5. Of the alleged sexual abuse investigations that were completed in the past 12 months, the number of inmates who were notified, verbally or in writing, of the results of the investigations was 5.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 24, section (J)(i), states, "Following an investigation into an offender's allegation that he or she suffered sexual abuse in a facility, the PSP shall inform the offender as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. Notification shall be documented on Form OPA-I30 Support Services."

(b) The Lumberton Correctional Institution PAQ states If an outside entity conducts such investigations, the agency requests the relevant information from the investigative entity in order to inform the Inmate as to the outcome of the investigation. The PAQ indicated N/A for this element, indicating the facility conducts investigations; however, the facility does not conduct criminal investigations. The number of investigations of alleged inmate sexual abuse in the facility that were completed by an outside agency in the past 12 months was zero.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and

Sexual Harassment Policy, page 24-25, section (J)(ii), states, "If the Department of Public Safety did not conduct the investigation, the PSP shall request, through the chain of command, the relevant information from the investigative agency in order to inform the offender."

(c) The Lumberton Correctional Institution PAQ states following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency/facility subsequently informs 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 indicted 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."

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 25, section (J)(iii), states, "Following an offender's allegation that a staff member has committed sexual abuse against the offender, the PSP shall subsequently inform the offender (unless the allegation is unfounded) whenever:

- The staff member is no longer posted within the offender's unit;
- The staff member is no longer employed at the facility;
- The agency learns that the staff member has been indicted 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.

Notification shall be documented on Form OPA-I30A PREA Support Person Services."

(d) The Lumberton Correctional Institution PAQ states following an inmate's allegation that he or she has been sexually abused by another Inmate in an agency facility, the agency subsequently informs the alleged victim whenever: the agency learns that the alleged abuser has been indicted 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. Policy compliance can be found in provision (c) of this standard.

(e) The Lumberton Correctional Institution PAQ states the agency has a policy that all notifications to inmates described under this standard are documented. Notification forms were included with the reviewed investigations.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 26, section (J)(v), states, "All such notifications or attempted notifications shall be documented."

The facility provided a NCDPS PREA Support Services Status Notification. The notification documents the following:

Note, the OPA-I30A Support Services form is used to document the following:

	Staff • The staff member is temporarily reassigned away from the alleged victim's housing until • The staff member is no longer posted within the alleged victims housing unit. • The staff member is no longer employed at the facility. • NCDPS has learned that the staff member has been indicted on a charge related to sexual abuse within the facility. • NCDPS has learned that the staff member has been convicted on a charge related to sexual abuse within the facility. Offender/Juvenile • The alleged abuser has been temporarily reassigned away from the alleged victims housing unit. • NCDPS has learned the alleged abuser has been indicted on a charge related to sexual abuse within the facility • NCDPS has learned that the alleged abuser has been convicted on a charge related to sexual abuse within the facility. The notification is signed and dated by the alleged victim and PREA Support Person. (f) NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 25, section (J)(vi), states, "Obligation to report shall terminate if the offender is released from NC Department of Public Safety custody." Based on the above information, the facility is found compliant with this standard.
--	--

115.76	Disciplinary sanctions for staff
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 3. State Human Resources Manual, Disciplinary Action Policy, effective 10.1.2017. Site Observation: In the last 12 months, the facility had zero staff disciplined for violation of an agency sexual abuse or sexual harassment policy. (a) The Lumberton Correctional Institution PAQ states staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 31, section (h)(2)(A), states, "Staff shall be subject to

	disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.” (b) The Lumberton Correctional Institution PAQ states in the last 12 months, there has been no staff from the facility that had violated agency sexual abuse or sexual harassment policies. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 32, section (h)(2)(B), states, “Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.” (c) The Lumberton Correctional Institution PAQ states disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are 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. 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 actually engaging in sexual abuse) is zero. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 32, section (h)(2)(C), states, “Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member’s disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.” (d) The Lumberton Correctional Institution PAQ states 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, are reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. In the past 12 months, zero staff have been terminated for sexual abuse or harassment. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 32, section (h)(2)(D), states, “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.” Based on the above information, the facility is found compliant with this standard.
--	--

115.77	Corrective action for contractors and volunteers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

	Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 Interviews: 1. Warden The interview with the Warden demonstrated any volunteer or contractor who engaged in sexual abuse would be removed from the facility and reported to law enforcement, if applicable. Site Observation: During the audit period, the facility did not have any volunteers or contractors subject to disciplinary action due to violating sexual abuse or sexual harassment policies. (a) The Lumberton Correctional Institution PAQ states agency policy requires that any contractor or volunteer who engages in sexual abuse be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. agency policy requires that any contractor or volunteer who engages in sexual abuse be prohibited from contact with Inmates. In the past 12 months, there have been zero contractors or volunteers reported to law enforcement or relevant licensing bodies for engaging in sexual abuse of inmates. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 32, section (3)(A), states, "Any contractor or volunteer who engages in sexual abuse shall be immediately prohibited from contact with offenders and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. (b) The Lumberton Correctional Institution PAQ states the facility takes appropriate remedial measures and considers whether to prohibit further contact with Inmates in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 32, section (3) (B-C), states, B. "Appropriate remedial measures shall be considered whether to prohibit further contact with offenders in the case of any other violation of sexual abuse or sexual harassment policies. C. If an allegation of sexual abuse is which a volunteer or contracting agent is the alleged abuser is substantiated the volunteer or contracting agent shall be terminated from the relationship with NCDAC." Based on the above information, the facility is found compliant with this standard.
--	--

	Auditor Overall Determination: Meets Standard Auditor Discussion Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6.9.2022 3. NCDAC Policy and Procedure Chapter B .0300 Offender Conduct Rules, dated 1.19.2022 Interviews: 1. Warden The interview with the Warden demonstrated any volunteer or contractor who engaged in sexual abuse would be removed from the facility and reported to law enforcement, if applicable. Site Observation: During the audit period, the facility did not have any volunteers or contractors subject to disciplinary action due to violating sexual abuse or sexual harassment policies. (a) The Lumberton Correctional Institution PAQ states agency policy requires that any contractor or volunteer who engages in sexual abuse be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. agency policy requires that any contractor or volunteer who engages in sexual abuse be prohibited from contact with Inmates. In the past 12 months, there have been zero contractors or volunteers reported to law enforcement or relevant licensing bodies for engaging in sexual abuse of inmates. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 32, section (3)(A), states, “Any contractor or volunteer who engages in sexual abuse shall be immediately prohibited from contact with offenders and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. (b) The Lumberton Correctional Institution PAQ states the facility takes appropriate remedial measures and considers whether to prohibit further contact with Inmates in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 32, section (3) (B-C), states, B. “Appropriate remedial measures shall be considered whether to prohibit further contact with offenders in the case of any other violation of sexual abuse or sexual harassment policies. C. If an allegation of sexual abuse is which a volunteer or contracting agent is the alleged abuser is substantiated the volunteer or contracting agent shall be
--	---

	terminated from the relationship with NCDAC.” Based on the above information, the facility is found compliant with this standard.
--	---

115.81	Medical and mental health screenings; history of sexual abuse
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 Interviews: 1. Health Care Staff 2. PREA Compliance Manager 3. Staff Responsible for Risk Screening During interviews, staff indicated that an automatic referral to health/mental health care staff is triggered when an inmate discloses during a risk screen that they have been previously sexually victimized, or perpetrated sexual abuse. Health care is required to follow up with the individual within 14 days. The facility also indicated that there were no offenders who had disclosed previous sexual abuse during a risk screening currently housed at the facility at the time of the audit. When interviewed, health care staff indicated they do obtain informed consent prior to reporting sexual abuse that did not occur in an institutional setting. This facility does not house individuals under the age of 18. Health information is recorded in their electronic health record system (HERO). (a, c) The Lumberton Correctional Institution PAQ states all Inmates at this facility who have disclosed any prior sexual victimization during a screening pursuant to §115.341 are offered a follow-up meeting with a medical or mental health practitioner. Follow up meetings are offered within 14 days of the intake screening. Medical and mental health staff maintain secondary materials in HERO, documenting compliance with the above required services. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 14, section (2)(A), states, “If the screening for risk of victimization and abusiveness indicates that a prison offender has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the offender is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.” (b) The Lumberton Correctional Institution PAQ states all Inmates who have previously

	perpetrated sexual abuse, as indicated during the screening pursuant to § 115.41, are offered a follow-up meeting with a mental health practitioner. All Inmates are allowed a follow-up meeting offered within 14 days of the intake screening. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 14, section (2)(B), states, “If the screening for risk of victimization and abusiveness indicates that a prison offender has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the offender is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.” (d) The Lumberton Correctional Institution PAQ states, information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 14, section (2)(C), states, “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.” (e) The Lumberton Correctional Institution PAQ states, Medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institution setting unless the inmate is under the age of 18. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 14, section (2)(D), states, “Medical and mental health practitioners shall obtain informed consent from offenders before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the offender is under the age of 18.” Based on the above information, the facility is found compliant with this standard.
--	---

115.82	Access to emergency medical and mental health services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 3. NCDAC Health Services Policy & Procedures Manual Administrative Managed Care,

dated 1.2016

4. Health Services Policy and Procedure Manual, Clinical Practice Guidelines, Policy #CP-18, Sexual Abuse, dated 2.2014

5. Health Services Policy and Procedure Manual, Administrative – Managed Care Section, Policy #ADIII-1, Offender Co-Pay, dated 2.2014

Interviews:

1. Correctional Officers
2. Health Care Staff
3. Mental Health Staff

Staff indicated that offender victims of sexual abuse would be offered timely information about sexually transmitted infection prophylaxis and information about emergency contraception. It was also reported that access to emergency treatment and crisis intervention services for sexual abuse would be provided at a local hospital and would be immediate. Health care staff indicated the nature and scope of their services would be determined according to their professional judgment. It was reported onsite and in the PAQ that none of the sexual abuse reports during the audit period were made during the timeframe when physical evidence could be obtained.

(a) The Lumberton Correctional Institution PAQ states inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The nature and scope of such services are determined by medical and mental health practitioners according to their professional judgment. Medical and mental health staff maintain secondary materials (e.g., form, log) documenting the timeliness of emergency medical treatment and crisis intervention services that were provided; the appropriate response by non-health staff in the event health staff are not present at the time the incident is reported; and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection prophylaxis.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 20, section (4) (a-b), state, “

A. “If an alleged act of sexual abuse has occurred and there may be forensic medical evidence, the offender may need medical assistance, or other circumstances dictate, arrangements shall be promptly made to have the alleged offender-victim examined by medical services.

B. Medical Services will follow medical protocol, which includes provisions for examination, documentation and transport to the local emergency department when appropriate, where the following will occur: collection of forensic evidence, testing for sexually transmitted diseases, counseling, and prophylactic treatment. Medical Services will ensure that the offender receives medical follow-up and is offered a referral for mental health services.”

(b) The Lumberton Correctional Institution PAQ states 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 § 115.62 and shall immediately notify the appropriate medical and

	mental health practitioners. (c) The Lumberton Correctional Institution PAQ states inmate victims of sexual abuse while incarcerated are 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. Policy compliance can be found in provision (a) of this standard. Health Services Policy and Procedure Manual, Clinical Practice Guidelines, Policy #CP-18, Sexual Abuse, dated 2.2014, page 2, paragraph F and H indicate, "F. The inmate will be transported to the local Emergency Department (ED) for: 1. Examination, treatment, prophylactic treatment, and counseling. 2. Collection of lab specimen for forensic purposes." "H. 1. Emergency contraception will be approved if ordered in the Emergency Department. 2. For sexual abuse reported within 72 hours, consideration of post-exposure prophylaxis (PEP) for HIV, chlamydia, gonorrhea, trichomonas, and bacterial vaginosis, will be based on current CDC guidelines. 3. The inmate will be offered a referral for mental health crisis intervention. If inmate accepts referral, appropriate mental health services will be arranged." (d) The Lumberton Correctional Institution PAQ states treatment services are provided to every victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. Health Services Policy and Procedure Manual, Administrative – Managed Care Section, Policy #ADIII-1, Offender Co-Pay, page 4, paragraph C(3) indicates there will be no for emergency care or admission to a hospital. It also requires that information about copays be posted in facilities and provided to inmates upon arrival at a facility. Based on the above information, the facility is found compliant with this standard.
--	--

115.83	Ongoing medical and mental health care for sexual abuse victims and abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 3. NCDPS Health Services Policy & Procedure, Section Clinical Practice Guidelines #CP-18, Sexual Abuse section, dated 2.2014

Interviews:

1. Health Care Staff
2. Mental Health Staff

Interviews with staff and review of policy and clinical practice guidelines for victims of sexual abuse demonstrated medical and mental health treatment be consistent with the community level of care and aftercare would continue following allegations of sexual abuse.

(a-b) The Lumberton Correctional Institution PAQ states the facility offers 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.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 33, section (4)(D), states, "A mental health evaluation shall be conducted after a substantiated incident and the offender shall be offered treatment when deemed appropriate by mental health practitioners. 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 offender to participate in such interventions as a condition of access to programming or other benefits."

NCDPS Health Services Policy & Procedure, Section Clinical Practice Guidelines #CP-18, page 1, section B. 2, states, "The nurse's exam will be documented in the medical record using the DC-387D 'Use of Force / Trauma Assessment Form;' and DC-387 'Chronological Record of Health Care Inpatient / Outpatient Notes' if additional space is needed."

(c) Per NCDPS Health Services Policy & Procedure Manual Policy #CP-18, the facility provides victims with medical and mental health services consistent with the community level of care.

(d) This provision is not applicable as the Lumberton Correctional Institution does not house females.

(e) This provision is not applicable as the Lumberton Correctional Institution does not house females.

(f) The Lumberton Correctional Institution PAQ states inmate victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate.

NCDPS Health Services Policy & Procedure Manual Policy #CP-18, page 2, section H. 2, states, "For sexual abuse reported within 72 hours, consideration of post-exposure prophylaxis (PEP) for HIV, chlamydia, gonorrhea trichomonas and bacterial vaginosis, will be based on current CDC guidelines."

(g) The Lumberton Correctional Institution PAQ states treatment services are provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

	(h) The Lumberton Correctional Institution PAQ states they attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offers treatment when deemed appropriate by mental health practitioners. NCDPS Health Services Policy & Procedure, Section Clinical Practice Guidelines, page 4, section 5. F., states, "Once an investigation has been completed and an inmate has been determined to be an inmate-on-inmate abuser, within 60 days, a mental health clinician will attempt to conduct an evaluation and offer treatment when deemed appropriate. Based on the above information, the facility is found compliant with this standard.
--	---

115.86	Sexual abuse incident reviews
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 3. NCDAC OPA-I10 PREA Post Incident Review, dated 1.1.2023 Interviews: 1. PREA Compliance Manager 2. Warden 3. Incident Review Team Member During interviews, staff indicated they conduct reviews of incidents within 30 days of completion of a sexual abuse investigation. It was also reported the meetings are conducted using a form as a guide to make sure all of the potential motivations for sexual abuse mentioned in the standard are considered, a copy of which was provided with the PAQ. The staff indicated that review includes examination of the location the facility for any physical barriers that may enable abuse, assessment of staffing levels and monitoring technology. The form serves as a report that includes a summary of the meeting and documents recommendations for change. (a) The Lumberton Correctional Institution PAQ states the facility conducts a sexual abuse incident review at the conclusion of every criminal or administrative sexual abuse investigation, unless the allegation has been determined to be unfounded. In the past 12 months there have been 33 incident reviews of alleged sexual abuse completed within 30 days of completion of the investigation. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 26, section (B)(i), states, "A PIR shall be completed

for all substantiated and unsubstantiated allegations of sexual abuse, and documented on Form OPA-I10 Post Incident Review (PIR)."

(b) The Lumberton Correctional Institution PAQ states sexual abuse incident reviews are ordinarily conducted within 30 days of concluding the criminal or administrative investigation. In the past 12 months, the number of criminal and/or administrative investigations of alleged sexual abuse completed at the facility that were followed by a sexual abuse incident review within 30 days, excluding only "unfounded" incidents was 6.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 26, section (B)(iv), states, "The PIR shall be completed by the facility within 30 days of the conclusion of the sexual abuse investigation."

(c) The Lumberton Correctional Institution PAQ states the sexual abuse incident review team includes upper-level management officials and allows for input from line supervisors, investigators, and medical or mental health practitioners.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 26, section B. (ii), states, "The PIR is completed with input from upper-level management officials, investigators, and medical or mental health practitioners."

(d) The Lumberton Correctional Institution PAQ states the facility prepares a report of its findings from sexual abuse incident reviews, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1) -(d)(5) of this section, and any recommendations for improvement and submits such report to the facility head and PREA Compliance Manager.

NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 26-27, section (B)(iii), states, "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 motivated or otherwise caused by other group dynamics in 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 the different shifts; and assess whether monitoring technology should be deployed or augmented to supplement supervision by staff and prepare a report of its findings pursuant to standards, and any recommendations for improvement. Submit such reports to the Warden and PREA compliance manager."

(e) The Lumberton Correctional Institution PAQ states, the facility implements the recommendations for improvement or documents its reasons for not doing so. Policy compliance can be found in provision (d) of this standard.

Based on the above information, the facility is found compliant with this standard.

115.87	Data collection
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 Interviews: PREA Coordinator Review of the NCDAC Website PREA page confirmed the agency has been collecting uniform data that corresponds with the information required to complete the annual Survey of Sexual Victimization and publishing those reports annually to the website. Interviews with staff demonstrate information is collected and stored in secure electronic systems. It was reported that these reports don't require redacting because they are compiled without identifying data. (a) The Lumberton Correctional Institution PAQ states the agency collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 33, section (j) (1-3), state, (1) "All written investigation reports will be retained as long as the alleged abuser is incarcerated or employed by the agency, plus five years; or sexual abuse data collected for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise, whichever is greater (5-ACI-3D-16). (2) Accurate, uniform data for every allegation of sexual abuse shall be documented in OPUS by all facilities. (3) Ensure that data is securely retained." (b) The Lumberton Correctional Institution PAQ states the agency aggregates the incident-based sexual abuse data at least annually. (c) The Lumberton Correctional Institution PAQ states the standardized instrument includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice. (d) The Lumberton Correctional Institution PAQ states the agency maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. Policy compliance can be found in provision (a) of this standard. (e) The Lumberton Correctional Institution PAQ states the agency obtains incident-

	based and aggregated data from every private facility with which it contracts for the confinement of its inmates as the agency does not have private contracts. (f) The Lumberton Correctional Institution PAQ states the Department of Justice has not requested agency data for the previous calendar year. Based on the above information, the facility is found compliant with the standard.
--	---

115.88	Data review for corrective action
	Auditor Overall Determination: Meets Standard
	Auditor Discussion Document Review: 1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 3. NCDPS Prison Rape Elimination Act (PREA) of 2003 Sexual Abuse Annual Report 2021 Through review of the annual reports on the NCDAC website PREA page, it was determined that information provided in the report conforms to requirements in this standard, including comparisons of current and previous year data and discussion of action taken by facilities in support of PREA compliance. Annual reports posted on the website date back to 2015. Staff indicated they do not redact material, because the reports are completed without identifying data. (a) The Lumberton Correctional Institution PAQ states the agency reviews data collected and aggregated pursuant to §115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, and training, including: • Identifying problem areas; • Taking corrective action on an ongoing basis; and • Preparing an annual report of its findings from its data review and any corrective actions for each facility, as well as the agency as a whole. Review of the NCDAC Website, PREA Page, https://www.dac.nc.gov/divisions-and-sections/administrative/prison-rape-elimination-act-prea-office showed a history of PREA Annual Reports for the department dating back to 2015. The NCDPS Prison Rape Elimination Act (PREA) of 2003 Sexual Abuse Annual Report 2021 demonstrates the following information is documented in the annual report. • Overview: North Carolina Department of Public Safety • Division of Adult Correction (DAC) • Adult Correction • Juvenile Justice

	• Departmental Accomplishments • Definitions Related to Sexual Abuse and Sexual Harassment • SEXUAL ABUSE • SEXUAL HARASSMENT • Comparative Data • 2021: The Department's Year in Review • 2021 Adult Correction Facilities: Substantiated Sexual Abuse Cases with Corrective Actions • 2021 Juvenile Justice Facilities: Substantiated Sexual Abuse Cases with Corrective Actions • 2020: The Department's Year in Review • 2020 Juvenile Justice Facilities: Substantiated Sexual Abuse Cases with Corrective Actions • 2020 Adult Correction Facilities: Substantiated Sexual Abuse Cases with Corrective Actions • Comparison Charts for Years 2020-2021 • Victim Data Overview • Audit Findings • Conclusion • Agency Information (b) The Lumberton Correctional Institution PAQ states the annual report includes a comparison of the current year's data and corrective actions to those from prior years. The annual report provides an assessment of the agency's progress in addressing sexual abuse. (c) The Lumberton Correctional Institution PAQ states the agency makes its annual report readily available to the public, at least annually, through its website. Annual reports are approved by the agency head. Policy compliance can be found in provision (a) of this standard. (d) The Lumberton Correctional Institution PAQ states when the agency redacts material from an annual report for publication, the redactions are limited to specific materials where publication would present a clear and specific threat to the safety and security of the facility. The agency indicates the nature of material redacted. Based on the above information, the facility is found compliant with this standard.
--	---

115.89	Data storage, publication, and destruction
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review:

	1. Lumberton Correctional Institution PAQ 2. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, dated 6/9/2022 3. NCDAC Website, PREA Page, https://www.dac.nc.gov/divisions-and-sections/administrative/prison-rape-elimination-act-prea-office (a) The Lumberton Correctional Institution PAQ states the agency ensures that incident-based and aggregate data are securely retained. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 33, section (j)(1), states, "All written investigation reports will be retained as long as the alleged abuser is incarcerated or employed by the agency, plus five years; or sexual abuse data collected for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise, whichever is greater." (b) The Lumberton Correctional Institution PAQ states agency policy requires that aggregated sexual abuse data from facilities under its direct control and private facilities with which it contracts be made readily available to the public at least annually through its website. NCDAC Prisons Policy and Procedure, Chapter F.3400 Offender Sexual Abuse and Sexual Harassment Policy, page 32, section (j) Record Retention and Data Collection, (2)(D), states, "The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its offenders." (c-d) The Lumberton Correctional Institution PAQ states before making aggregated sexual abuse data publicly available, the agency removes all personal identifiers. The agency maintains sexual abuse data collected pursuant to §115.87 for at least 10 years after the date of initial collection, unless federal, state, or local law requires otherwise. Policy compliance can be found in provision (a) of this standard. Agency staff indicate there is no need to redact information from the reports because personally identifying or sensitive information is not included in the reports. Based on the above information, the facility is found to be compliant with this standard.
--	--

115.401	Frequency and scope of audits
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Upon completion of the audit, auditor confirms (a) During the prior three-year audit period, the agency ensured that each facility operated was audited, once.

	(b) This is the third audit cycle for Lumberton Correctional Institution and the first year of the fourth audit cycle. (h) The Auditor was granted complete access to, and the ability to observe, all areas of the facility. (i) The Auditor was permitted to request and receive copies of any relevant documents (including electronically stored information). (m) The Auditor was permitted to conduct private interviews with offenders. (n) Offenders were permitted to send confidential information or correspondence to the Auditor in the same manner as if they were communicating with legal counsel. Based on the above information, the facility is found to be compliant with this standard.
--	--

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	(b) The agency has posted on their website audit reports for Lumberton Correctional Institution completed in the first audit year of the past two audit cycles. PREA audit reports are published on the North Carolina Department of Adult Correction website: Prison Rape Elimination Act (PREA) Office NC DAC . Based on the above information, the facility is found to be compliant with 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	yes

	that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	
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	yes

	consideration: Any applicable State or local laws, regulations, or standards?	
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors?	yes
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.)	na
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	na

	facility does not have female inmates.)	
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	yes

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

	Garrrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	
	Does this specialized training include sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
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	yes

	suspicious of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	
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.)	na
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	yes

	screening instrument?	
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)	yes

	Whether the inmate is detained solely for civil immigration purposes?	
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	yes

	information is not exploited to the inmate's detriment by staff or other inmates?	
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	yes

	present management or security problems?	
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	yes

	solely for the placement of LGBT or I inmates pursuant to a consent degree, legal settlement, or legal judgement.)	
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	yes

	anonymous upon request?	
	Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility never houses inmates detained solely for civil immigration purposes.)	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	yes

	this standard.)	
	Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	yes
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,	na

	including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility never has persons detained solely for civil immigration purposes.)	
	Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible?	yes
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	yes

	abuse or sexual harassment or retaliation?	
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	yes

	response to an incident of sexual abuse?	
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	yes

	sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff?	yes
	Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?	yes
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	yes

	of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	
	Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
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).)	yes
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.)	yes
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	yes

	abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?	
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	yes

	evidence sufficient to substantiate the allegation?	
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).	na
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	yes

	sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	
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.)	na
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	yes

	to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole?	
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.)	na
	If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)	na
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	Audit contents and findings	

(f)			
	<table><tr><td data-bbox="316 174 1289 568"> 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.) </td><td data-bbox="1289 174 1490 568">yes</td></tr></table>	The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or, in the case of single facility agencies, there has never been a Final Audit Report issued.)	yes
The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or, in the case of single facility agencies, there has never been a Final Audit Report issued.)	yes		