

**PREA AUDIT REPORT** Interim Final**ADULT PRISONS & JAILS****Date of report:** November 9, 2015

<b>Auditor Information</b>			
<b>Auditor name:</b> Jeffery L. Newton, CJM			
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<b>Email:</b> jeff@bighouseLLC.com			
<b>Telephone number:</b> 757-377-6789			
<b>Date of facility visit:</b> June 21-22, 2015			
<b>Facility Information</b>			
<b>Facility name:</b> Southwest Regional Jail (Abingdon Facility)			
<b>Facility physical address:</b> 15205 Joe Derting Drive, Abingdon, VA 24210			
<b>Facility mailing address:</b> (if different from above) P.O. Box 280, Meadowview, VA 24361			
<b>Facility telephone number:</b> 276-739-3520			
<b>The facility is:</b>	<input type="checkbox"/> Federal	<input type="checkbox"/> State	<input checked="" type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private for profit
	<input type="checkbox"/> Private not for profit		
<b>Facility type:</b>	<input type="checkbox"/> Prison	<input checked="" type="checkbox"/> Jail	
<b>Name of facility's Chief Executive Officer:</b> Matthew Pilkenton			
<b>Number of staff assigned to the facility in the last 12 months:</b> 163			
<b>Designed facility capacity:</b> 620			
<b>Current population of facility:</b> 640			
<b>Facility security levels/inmate custody levels:</b> Minimum, Medium & Maximum			
<b>Age range of the population:</b> 18+ (Youthfull Offenders are occasionally housed)			
<b>Name of PREA Compliance Manager:</b> Dwayne Lockhart		<b>Title:</b> Chief of Security Captain	
<b>Email address:</b> <a href="mailto:dlockhart@swvrja.com">dlockhart@swvrja.com</a>		<b>Telephone number:</b> 276-739-3520 ext 1015	
<b>Agency Information</b>			
<b>Name of agency:</b> Southwest Regional Jail Authority			
<b>Governing authority or parent agency:</b> (if applicable) Click here to enter text.			
<b>Physical address:</b> 15205 Joe Derting Drive, Abingdon, VA 24210			
<b>Mailing address:</b> (if different from above) Click here to enter text.			
<b>Telephone number:</b> 276-739-3520			
<b>Agency Chief Executive Officer</b>			
<b>Name:</b> Stephen Clear		<b>Title:</b> Superintendent	
<b>Email address:</b> <a href="mailto:sclear@swvrja.com">sclar@swvrja.com</a>		<b>Telephone number:</b> 276-739-3520 ext 1063	
<b>Agency-Wide PREA Coordinator</b>			
<b>Name:</b> David Bowman		<b>Title:</b> Lieutenant	
<b>Email address:</b> <a href="mailto:dbowman@swvrja.com">dbowman@swvrja.com</a>		<b>Telephone number:</b> 276-739-3520 ext 1023	

## **AUDIT FINDINGS**

### **NARRATIVE**

The audit of the Southwest Regional Jail (Abingdon Facility) here after referred to as SWRJA was conducted on June 21-22, 2015 by Jeffery L. Newton, Certified PREA auditor.

An entrance meeting was held with Agency-wide PREA Coordinator Lieutenant David Bowman. Following the entrance meeting I toured the SWRJA from 8:30 – 10:30.

I requested an alpha listing of all inmates housed at SWRJA and randomly selected at least one inmate from each housing unit. There were no hearing/vision impairment inmates, there were two non-English speaking inmates and, there were no mentally disabled inmates, transgender, intersex, gender nonconforming or identified lesbian or gay inmates present in the facility. I also asked for a shift roster and selected supervisors and officers to be interviewed; I interviewed a total of three supervisors and ten officers.

There were no founded sexual assault/harassment allegation cases reported within the past year. However, a recent allegation of sexual harrasment had been made within seven days of the scheduled audit. The allegation was investigation by one of the SWRJA, PREA Investigators. The investigation was founded and one inmate was administratively sanctioned, the inmates were placed in separate housing units and the victim was monitored for the next 90 days for any form of retaliation.

Since the on-site audit I received a letter from an inmate complaining of the facilities response to his allegation of inappropriate comments by an officer. I was provided copies of the complaint, the PREA investigators investigation and an independent supervisor review of the complaint. It appears the facility followed their establishes policies and procedures in how this complaint was resolved. I responded to the inmate in writing that my review found the facility followed established policies and procedures in responding to his complaint.

## **DESCRIPTION OF FACILITY CHARACTERISTICS**

The date of substantial completion was April 8, 2005. The original operating capacity, as established by the Virginia Department of Corrections (DOC), was 366 general population beds.

The facility was originally a single story structure with primarily 2 level housing units containing approximately 159, 853 square feet. One two level section includes dormitory style general population housing. There were a total of 10 general population housing units, 3 dormitories, and 3 multipurpose housing units. The facility was equipped with a combination of video monitoring and other monitoring devices to include 90 cameras, intercom systems, and domed mirrors throughout the facility to aid in the monitoring of staff and inmates.

The facility has a Medical Department staffed with licensed medical professionals and provides inmates 24 hour emergency access to medical services.

On February 12, 2015 construction on the expansion of the Abingdon Facility was completed. The new operating capacity, as established by the Virginia Department of Corrections (DOC), is now 620 general population beds. The facility modifications added an additional 7 housing units to include 4 general population housing units, 1 dormitory, a new SHU (Special Housing Unit), and the conversion of court holding into a dormitory. There were no changes made to other existing departments.

The facility video monitoring system was updated to add an additional 109 cameras for the purpose of eliminating blind spots within the facility and to aid in monitoring of facility staff and inmates.

## **SUMMARY OF AUDIT FINDINGS**

See detailed explanation for each standard.

Number of standards exceeded: 1 (115.31)

Number of standards met: 39

Number of standards not met: 0

Number of standards not applicable: 3 (115.12, 115.52 & 115.66)

### **Standard 115.11 Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator**

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

**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.**

Based on review of SOP 2.01 Prison Rape Elimination Act. Based on interviews with the Facility Command Staff, SWRJA PREA Coordinator, SWRJA PREA Compliance Manager, staff and inmates.

The Southwest Regional Jail, Abingdon Facility has a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlines Southwest Regional Jail's approach to preventing, detecting, and responding to such conduct.

Southwest Regional Jail employs and designates an upper-level, agency-wide SWRJA PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards as well as appointing a SWRJA PREA Compliance Manager with sufficient time to oversee the facility's efforts to comply with the PREA standards.

### **Standard 115.12 Contracting with other entities for the confinement of inmates**

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

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Based on interviews with the Facility Command Staff, SWRJA PREA Coordinator, and SWRJA PREA Compliance Manager there are no contracts for the confinement of their inmates.

### **Standard 115.13 Supervision and monitoring**

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

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**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.**

Based on SOP 12.12 Facility Training, Supervision and Control of Inmates and interviews with the Superintendent, SWRJA PREA Coordinator, SWRJA PREA Compliance Manager and SWRJA Facility Administrator. Additionally, I reviewed the Southwest Regional Jail, Abingdon Facility 2015 Staffing Analysis, the SWRJA memorandum documenting annual review and shift rosters.

The Southwest Regional Jail, Abingdon Facility, has developed, documented, and made its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing and uses video monitoring, to protect inmates against sexual abuse.

In circumstances where the staffing plan was not complied with, Southwest Regional Jail, Abingdon Facility, will document and justify all deviations from the plan. I reviewed shift rosters demonstrating the Southwest Regional Jail, Abingdon Facility had not had any documented deviations from the plan in the last 12 months.

#### **Standard 115.14 Youthful inmates**

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

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Based on review of SOP 28.01 Juveniles and interviews with the Facility Command Staff, SWRJA PREA Coordinator, SWRJA PREA Compliance Manager, and staff.

The Southwest Regional Jail, Abingdon Facility does not house youthful offenders with adult inmates. Youthful offenders have sight and sound separation from adult inmates. Youthful offenders do not have physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters. Youthful offenders are accompanied by staff whenever escorted outside their housing unit. There were no youthful offenders housed at the Southwest Regional Jail, Abingdon Facility at the time of the on-site audit.

#### **Standard 115.15 Limits to cross-gender viewing and searches**

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

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### **corrective actions taken by the facility.**

Based on SOP 12.10 Searches of Inmates and Facility, SOP 10.02 Bathing, Hair Care and Water Facilities, interviews with the SWRJA facility PREA Compliance Manager, SWRJA Facility Administrator, random staff and inmates.

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

The Southwest Regional Jail, Abingdon Facility, does not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it is determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. The Southwest Regional Jail, Abingdon Facility, trains female correctional staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

### **Standard 115.16 Inmates with disabilities and inmates who are limited English proficient**

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

**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.**

Based on review of SOP 2.01 Prison Rape Elimination Act and interviews with the Southwest Regional Jail, Abingdon Facility Command Staff, SWRJA PREA Coordinator, SWRJA PREA Compliance Manager, staff and inmates. Procedures for interpreting services are available to all staff from Certified Languages International. I was able to interview two inmates with limited English speaking ability. On duty staff was able to provide adequate interpreting services to complete the interview.

The Southwest Regional Jail, Abingdon Facility, takes appropriate steps to ensure inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of Southwest Regional Jail, Abingdon Facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In the unlikely event that a visually impaired individual is admitted to the facility, staff will read the required information to the offender to ensure they understand the rules of facility, have access to information about services and understand their rights related to PREA. A English/Spanish handbook is available. Inmate video is done in English with English/Spanish subtitles, any other language barrier training is provided by the translation service.

The Southwest Regional Jail, Abingdon Facility does not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety.

#### **Standard 115.17 Hiring and promotion decisions**

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

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Based on review of SOP 3.03 Recruitment and Selection and interviews with the Southwest Regional Jail, Abingdon Facility Command Staff, SWRJA PREA Coordinator, and SWRJA PREA Compliance Manager. Review of personnel files, employment applications, documentation of five-year background screenings and background screenings for contractors.

Southwest Regional Jail, Abingdon Facility does not hire or promote anyone who may have contact with inmates, and does not enlist the services of any contractor who may have contact with inmates, who has engaged in sexual abuse in any criminal justice facility, has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or has been civilly or administratively adjudicated to have engaged in the activity described above.

Southwest Regional Jail, Abingdon Facility considers any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.

Southwest Regional Jail, Abingdon Facility performs a criminal background records check before enlisting the services of any contractor who may have contact with inmates and performs a records check at least every five years of current employees and contractors who may have contact with inmates.

#### **Standard 115.18 Upgrades to facilities and technologies**

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

**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.**

Based on review of SOP 115.18 Facility Modification, interviews with the Southwest Regional Jail, Abingdon Facility Command Staff, SWRJA PREA Coordinator, and SWRJA PREA Compliance Manager, the Southwest

Regional Jail, Abingdon Facility considers how such technology may enhance Southwest Regional Jail, Abingdon Facility's, ability to protect inmates from sexual abuse. In 2015 the Southwest Regional Jail, Abingdon Facility completed substantial modifications to existing facility. Even though over 100 cameras were added to the facility during the recent facility upgrade, a recommendation was made to add cameras to the warehouse dry storage area, female chapel and inmate library.

#### **Standard 115.21 Evidence protocol and forensic medical examinations**

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

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Based on review of SOP 18.06 Inmate Access to Medical Services, MG-03TF Procedures in Event of Sexual Abuse and interviews with the Facility Command Staff, SWRJA PREA Coordinator, and SWRJA PREA Compliance Manager. Review of efforts to establish an MOU between Virginia State Police and the Southwest Regional Jail, Abingdon Facility and the MOU between the Southwest Regional Jail, Abingdon Facility and the Crisis Center of Bristol, Virginia.

To the extent Southwest Regional Jail, Abingdon Facility is responsible for investigating allegations of sexual abuse; Southwest Regional Jail, Abingdon Facility follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions

Southwest Regional Jail, Abingdon Facility offers all victims of sexual abuse access to forensic medical examinations, at the Johnston Memorial Hospital, Abingdon Virginia without financial cost, where evidentiary or medically appropriate. Examinations are not performed by Sexual Assault Forensice Examiners (SAFE) or Sexual Assualt Nurse Examiners (SANE) as this level of qualification is not available at the Johnston Memorial Hospital.

Southwest Regional Jail, Abingdon Facility makes available to the victim a victim advocate from the Crisis Center of Bristol. As requested by the victim, a victim advocate, accompanies and supports the victim through the forensic medical examination process and investigatory interviews and are provide emotional support, crisis intervention, information, and referrals.

To the extent Southwest Regional Jail, Abingdon Facility itself is not responsible for investigating allegations of sexual abuse, Southwest Regional Jail, Abingdon Facility requests that the investigating agency follow the requirements listed above. The Virginia State Police conducts all investigations once they are deemed criminal, based on preponderance of the evidence. The Southwest Regional Jail, Abingdon Facility is currently engaged in efforts to establish an MOU with the Virginia State Police outlining the investigative responsibilities of each agency.

#### **Standard 115.22 Policies to ensure referrals of allegations for investigations**

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

- Does Not Meet Standard (requires corrective action)

**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.**

Based on review of SOP 2.01 Prison Rape Elimination Act, and interviews with the Superintendent, SWRJA Facility Command Staff, and SWRJA PREA Coordinator, SWRJA PREA Compliance Manager.

Southwest Regional Jail, Abingdon Facility ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

Southwest Regional Jail, Abingdon Facility has a policy that ensures 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. Southwest Regional Jail, Abingdon Facility documents all such referrals and has engaged the Virginia State Police in discussion to establish a Memorandum of Understanding.

### **Standard 115.31 Employee training**

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

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Based on review of SOP 2.01 Prison Rape Elimination Act, SOP 4.02 General Training Standards and Methods, review of training curriculum and interviews with the SWRJA Facility Command Staff, SWRJA PREA Coordinator, SWRJA PREA Compliance Manager and interviews with random staff. Southwest Regional Jail, Abingdon Facility trains all employees who have contact with inmates on:

- (1) Its zero-tolerance policy for sexual abuse and sexual harassment;
- (2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
- (3) Inmates' right to be free from sexual abuse and sexual harassment;
- (4) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- (5) The dynamics of sexual abuse and sexual harassment in confinement;
- (6) The common reactions of sexual abuse and sexual harassment victims;
- (7) How to detect and respond to signs of threatened and actual sexual abuse;
- (8) How to avoid inappropriate relationships with inmates;
- (9) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and

- (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities. Officers receive 8 hours of training during orientation (prior to having unsupervised contact with inmates) and 4 hours annual training to ensure all employees remain current on their responsibilities related to ensuring inmates rights related to PREA.
- Southwest Regional Jail, Abingdon Facility documents, through employee signature the employee's understanding of training they have received.

### **Standard 115.32 Volunteer and contractor training**

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

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Based on review of SOP 4.02 General Training Standards and Methods, review of training curriculum, volunteer and contractor training records and interviews of volunteers and contractors.

Southwest Regional Jail, Abingdon Facility ensures all volunteers and contractors who have contact with inmates have been trained on their responsibilities under Southwest Regional Jail, Abingdon Facility sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

Volunteers and contractors receive the same training as line staff. All volunteers and contractors who have contact with inmates are notified of Southwest Regional Jail, Abingdon Facility's, zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

Southwest Regional Jail, Abingdon Facility has documentation confirming that volunteers and contractors understand the training they have received.

### **Standard 115.33 Inmate education**

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

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Based on review of SOP 2.01 Prison Rape Elimination Act and interviews SWRJA Facility Command Staff, SWRJA PREA Coordinator, SWRJA PREA Compliance Manager with random inmates and intake staff.

During the intake process, inmates receive information explaining Southwest Regional Jail, Abingdon Facility's, zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. Weekenders are processed through intake the same as other inmates.

Southwest Regional Jail, Abingdon Facility provides a comprehensive education to inmates through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.

Southwest Regional Jail, Abingdon Facility provides inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills. There is documentation of inmate participation in these education sessions. In the unlikely event that a visually impaired individual is admitted to the facility, staff will read the required information to the offender to ensure they understand the rules of facility, have access to information about services and understand their rights related to PREA. A English/Spanish handbook is available. Inmate video is done in English with Spanish subtitles, any other language barrier training is provided by the translation service.

#### **Standard 115.34 Specialized training: Investigations**

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

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Based on review of SOP 4.02 General Training Standards and Methods and review of the SWRJA PREA Investigator training certificate from the ***PREA: Investigating Sexual Abuse in Confinement Settings*** training conducted by the National Institute of Corrections and interview with one of the SWRJA PREA Investigator.

In addition to the general training provided to all employees Southwest Regional Jail, Abingdon Facility ensures that the in-house investigator has received training in conducting investigations in confinement settings.

Specialized 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. Southwest Regional Jail, Abingdon Facility maintains documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.

#### **Standard 115.35 Specialized training: Medical and mental health care**

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

**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.**

Based on review of SOP 4.02 General Training Standards and Methods and review of curriculum provided based on the following resources Sexual Assault in Jail and Juvenile Facilities: Promising Practices for Prevention and Response Final Report, June 2010 Preventing and Responding to Corrections-Based Sexual Abuse: A Guide for Community Corrections Professionals and review of training attendance rosters.

Southwest Regional Jail, Abingdon Facility ensures that all full and part-time medical and mental health care practitioners who work regularly have been trained in how to: detect and assess signs of sexual abuse and sexual harassment; preserve physical evidence of sexual abuse; respond effectively and professionally to victims of sexual abuse and sexual harassment; and how and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

Southwest Regional Jail, Abingdon Facility maintains documentation that medical and mental health practitioners have received the training. Medical and mental health care practitioners also receive the training mandated for employees, contractors and volunteers.

#### **Standard 115.41 Screening for risk of victimization and abusiveness**

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

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Based on review of SOP 9.01 Classification the Southwest Regional Jail, Abingdon Facility uses an Objective Jail Classification process an Initial Custody & Classification questionnaire and Sexual Predation and Victimization Assessment. Based on interviews with random inmates, Classification Corporal, Counselor and the SWRJA PREA Compliance Manager.

All inmates are assessed during an intake screening and upon transfer to another facility for risk of being sexually abused by other inmates or sexually abusive toward other inmates.

Intake screenings take place within 72 hours of arrival at Southwest Regional Jail, Abingdon Facility. Southwest Regional Jail, Abingdon Facility uses an objective screening instrument.

The intake screening considers, 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;
- (2) The age of the inmate;
- (3) The physical build of the inmate;
- (4) Whether the inmate has previously been incarcerated;
- (5) Whether the inmate's criminal history is exclusively nonviolent;

- (6) Whether the inmate has prior convictions for sex offenses against an adult or child;
- (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- (8) Whether the inmate has previously experienced sexual victimization;
- (9) The inmate's own perception of vulnerability; and
- (10) Whether the inmate is detained solely for civil immigration purposes.

The initial screening considers prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to Southwest Regional Jail, Abingdon Facility in assessing inmates for risk of being sexually abusive.

Within 30 days from the inmate's arrival at Southwest Regional Jail, Abingdon Facility a reassessment of the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by Southwest Regional Jail, Abingdon Facility since the intake screening.

An inmate's risk level is 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.

Inmates are not disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked.

Southwest Regional Jail, Abingdon Facility implements appropriate controls on the dissemination within Southwest Regional Jail, Abingdon Facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates. All files are controlled by administrative personnel behind locked doors and maintained in each inmates Classification files.

#### **Corrective Action Plan:**

1. Without data for at least 90-120 days to prove that you've actually done the assessment it's difficult to determine if you have a custom and practice concerning screening inmates.
2. The standard discusses reassessment for risk of being a predator or victim within 30 days. Documented coordination needs to occur between mental health, classification and the PREA Investigator.
3. Form MDT (Mental Health, Classification, PREA Inv) – may include PREA Coordinator
4. Add language to policy to clarify concerning these changes

#### **Corrective Action:**

1. SOP 9.01 has been updated to reflect documentation of coordination between mental health, classification and PREA Investigator.
2. Facility provided documentation for August, September and October 2015 documenting the implementation of the new procedures.
3. Facility elected not to form a formal MDT – however, policy and procedural changes are sufficient to meet the standard.

#### **Standard 115.42 Use of screening information**

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

#### **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.**

Based on review of SOP 9.01 Classification and interviews with the Classification Corporal, Counselor and the SWRJA PREA Compliance Manager.

Southwest Regional Jail, Abingdon Facility uses information from the risk screening to decide 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.

Southwest Regional Jail, Abingdon Facility makes individualized determinations about how to ensure the safety of each inmate.

In deciding housing and programming for a transgender or intersex inmate Southwest Regional Jail, Abingdon Facility considers on a case-by-case basis whether the placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.

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

A transgender or intersex inmate's own views with respect to his or her own safety are to be given serious consideration. The showers are designed in such a way that allows privacy for all inmates.

Southwest Regional Jail, Abingdon Facility does not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status. However, staff interviewed do not recall ever processing a transgender or intersex inmate.

#### **Corrective Action Plan:**

1. Without data for at least 90-120 days to prove that you've actually done the assessment it's difficult to determine if you have a custom and practice concerning screening inmates.
2. Since the policy is generic to the entire system establish a local memorandum detailing access and how the risk assessment information controlled?

#### **Corrective Action:**

1. SOP 9.01 has been updated to reflect documentation of coordination between mental health, classification and PREA Investigator.
2. Facility provided documentation for August, September and October 2015 documenting the implementation of the new procedures.

#### **Standard 115.43 Protective custody**

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

**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.**

Based on review of SOP 9.01 Classification and interviews with the SWRJA Facility Command Staff, SWRJA PREA Coordinator, SWRJA PREA Compliance Manager and staff who supervise segregated inmates. No inmates have been placed in involuntary segregation.

Inmates at high risk for sexual victimization are not placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers.

Inmates placed in segregated housing for this purpose have access to programs, privileges, education, and work opportunities to the extent possible. If Southwest Regional Jail, Abingdon Facility restricts access to programs, privileges, education, or work opportunities, Southwest Regional Jail, Abingdon Facility documents the opportunities that have been limited, the duration of the limitation; and the reasons for such limitations.

Southwest Regional Jail, Abingdon Facility assigns such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment would not ordinarily exceed a period of 30 days. If involuntary segregated housing assignment is made Southwest Regional Jail, Abingdon Facility clearly documents the basis for Southwest Regional Jail, Abingdon Facility's, concern for the inmate's safety; and the reason why no alternative means of separation can be arranged. Every 30 days a review will be performed to determine whether there is a continuing need for separation from the general population.

#### **Standard 115.51 Inmate reporting**

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

**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.**

Based on review of SOP 2.01 Prison Rape Elimination Act, MOU Crisis Center, Inmate Handbook and review of Inmate Rights form. The inmates have a hotline they can call. Based on interviews with random staff and inmates.

Southwest Regional Jail, Abingdon Facility provides multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Inmate request forms have how to report sexual abuse and the hotline number posted in close proximity to phones in the inmate housing units as a constant reminder.

Southwest Regional Jail, Abingdon Facility provides at least one way for inmates to report abuse or harassment to the Crisis Center of Bristol, Virginia a private entity that is not part of Southwest Regional Jail, Abingdon Facility and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request.

Staff accepts reports made verbally, in writing, anonymously, and from third parties and promptly documents any verbal reports.

#### **Standard 115.52 Exhaustion of administrative remedies**

- Exceeds Standard (substantially exceeds requirement of standard)

- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**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.**

The Southwest Regional Jail, Abingdon Facility does not accept inmate grievances in relation to sexual abuse. Inmates alleging sexual abuse must utilize reporting options as outlined in the Inmate Handbook, published on posters in the inmate housing units and available on the housing unit kiosk.

#### **Standard 115.53 Inmate access to outside confidential support services**

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

**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.**

Based on Memorandum of Understanding with the Crisis Center of Bristol, Virginia and interviews with random inmates.

Southwest Regional Jail, Abingdon Facility provides 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 for the Crisis Center of Bristol, Virginia. Southwest Regional Jail, Abingdon Facility enables reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.

Southwest Regional Jail, Abingdon Facility informs 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.

#### **Standard 115.54 Third-party reporting**

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

**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.**

### **corrective actions taken by the facility.**

Southwest Regional Jail, Abingdon Facility has a method to receive third-party reports of sexual abuse/harassment and distributes publicly, information on how to report sexual abuse and sexual harassment on behalf of an inmate. The information is publicly posted in the lobby and available on the agency webpage  
<http://www.swrja.org/administration/prison-rape-elimination-act>

### **Standard 115.61 Staff and agency reporting duties**

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

**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.**

Based on review of SOP 2.01 Prison Rape Elimination Act and interviews with random line and supervisory staff and interviews with the SWRJA Facility Command Staff, SWRJA PREA Coordinator, SWRJA PREA Compliance Manager and medical/mental health staff.

Southwest Regional Jail, Abingdon Facility requires 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 Southwest Regional Jail, Abingdon Facility; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

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

### **Standard 115.62 Agency protection duties**

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

**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.**

Based on review of SOP 2.01 Prison Rape Elimination Act and interviews with random line and supervisory staff, the SWRJA Facility Command Staff, SWRJA PREA Coordinator, and SWRJA PREA Compliance Manager.

Immediate action is taken to protect inmates when Southwest Regional Jail, Abingdon Facility learns that an

inmate is subject to a substantial risk of imminent sexual abuse

#### **Standard 115.63 Reporting to other confinement facilities**

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

**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.**

Based review of SOP 2.01 Prison Rape Elimination Act and interviews with the SWRJA Facility Command Staff, SWRJA PREA Coordinator, and SWRJA PREA Compliance Manager.

Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the Southwest Regional Jail, Abingdon Facility will notify the head of correctional facility or appropriate office of the correctional facility where the alleged abuse occurred. Such notification will be provided as soon as possible, but no later than 72 hours after receiving the allegation; all actions will be thoroughly documented. The Southwest Regional Jail, Abingdon Facility has not received any allegations of an inmate being sexually abused while confined at another facility in the previous 12 months.

#### **Standard 115.64 Staff first responder duties**

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

**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.**

Based review of the First Responder Checklist, MG-03TF Procedures in Event of Sexual Abuse and interviews with random line and supervisory staff who are first responders.

Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond separates the alleged victim and abuser; preserves and protects any crime scene until appropriate steps can be taken to collect any evidence; and if the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and 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.

If the first staff responder is not a security staff member, the responder requests that the alleged victim not take

any actions that could destroy physical evidence, and then notifies security staff.

#### **Standard 115.65 Coordinated response**

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

**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.**

Based review of policy 518, Section III, paragraph H, and interviews with random line and supervisory staff who are first responders.

Southwest Regional Jail, Abingdon Facility has 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.

#### **Standard 115.66 Preservation of ability to protect inmates from contact with abusers**

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

**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.**

Based on interview with Facility Command Staff, PREA Coordinator, and PREA Compliance Manager, Virginia does not have collective bargaining agreements.

#### **Standard 115.67 Agency protection against retaliation**

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

**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.**

Based on review of SOP 2.01 Prison Rape Elimination Act and interviews with the SWRJA Facility Command Staff, SWRJA PREA Coordinator, and SWRJA PREA Compliance Manager.

Southwest Regional Jail, Abingdon Facility has a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperates with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and designate the SWRJA PREA Coordinator with monitoring retaliation. The SWRJA PREA Coordinator monitors weekly for 90 days.

Southwest Regional Jail, Abingdon Facility has 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 that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

For at least 90 days following a report of sexual abuse, the Southwest Regional Jail, Abingdon Facility monitors the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and are act promptly to remedy any such retaliation. There are periodic status checks performed. Items Southwest Regional Jail, Abingdon Facility monitor include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassessments of staff. Southwest Regional Jail, Abingdon Facility continues such monitoring beyond 90 days if the initial monitoring indicates a continuing need.

If any other individual who cooperates with an investigation expresses a fear of retaliation, Southwest Regional Jail, Abingdon Facility takes appropriate measures to protect that individual against retaliation.

#### **Standard 115.68 Post-allegation protective custody**

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

**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.**

Based on review of SOP 14.02 Protective Custody Operations and interviews with SWRJA Facility Command Staff, SWRJA PREA Coordinator, and SWRJA PREA Compliance Manager there were no inmates in segregation for risk of sexual victimization during the audit.

Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse receive all the same rights and privileges as general population inmates.

#### **Standard 115.71 Criminal and administrative agency investigations**

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

- Does Not Meet Standard (requires corrective action)

**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.**

Based on review of SOP 2.01 Prison Rape Elimination Act and interviews with the SWRJA Facility Command Staff, SWRJA PREA Coordinator, SWRJA PREA Compliance Manager and SWRJA PREA Investigator. At the time the audit one completed administrative report was available for review.

The Southwest Regional Jail, Abingdon Facility conducts investigations promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.

Where sexual abuse is alleged, Southwest Regional Jail, Abingdon Facility uses investigators who have received special training in sexual abuse investigations.

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

When the quality of evidence appears to support criminal prosecution, Southwest Regional Jail, Abingdon Facility conducts compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. All criminal prosecution cases are referred to Prince Edward Sheriff's Office.

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

Administrative investigations include efforts to determine whether staff actions or failures to act contributed to the abuse; and are documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

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

Substantiated allegations of conduct that appears to be criminal are referred for prosecution to the Virginia State Police.

Southwest Regional Jail, Abingdon Facility retains all written reports for as long as the alleged abuser is incarcerated or employed by Southwest Regional Jail, Abingdon Facility plus five years.

The departure of the alleged abuser or victim from the employment or control of Southwest Regional Jail, Abingdon Facility or agency does not provide a basis for terminating an investigation.

#### **Standard 115.72 Evidentiary standard for administrative investigations**

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

**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.**

Based on review of SOP 2.01 Prison Rape Elimination Act and interviews with the SWRJA Facility Command Staff, SWRJA PREA Coordinator, SWRJA PREA Compliance Manager and SWRJA PREA Investigator.

Southwest Regional Jail, Abingdon Facility imposes no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

#### **Standard 115.73 Reporting to inmates**

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

**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.**

Based on review of SOP 2.01 Prison Rape Elimination Act and interviews with the and interviews with the SWRJA Facility Command Staff, SWRJA PREA Coordinator, SWRJA PREA Compliance Manager and SWRJA PREA Investigator.

Following an investigation into an inmate's allegation that they suffered sexual abuse in an agency facility, Southwest Regional Jail, Abingdon Facility informs the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

If Southwest Regional Jail, Abingdon Facility did not conduct the investigation, it will request the relevant information from the investigative agency in order to inform the inmate.

Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, Southwest Regional Jail, Abingdon Facility subsequently informs the inmate unless Southwest Regional Jail, Abingdon Facility 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 Southwest Regional Jail, Abingdon Facility or Southwest Regional Jail, Abingdon Facility learns that the staff member has been indicted on a charge related to sexual abuse within Southwest Regional Jail, Abingdon Facility; or Southwest Regional Jail, Abingdon Facility learns that the staff member has been convicted on a charge related to sexual abuse within Southwest Regional Jail, Abingdon Facility .

Following an inmate's allegation that they had been sexually abused by another inmate, Southwest Regional Jail, Abingdon Facility subsequently informs the alleged victim whenever Southwest Regional Jail, Abingdon Facility learns that the alleged abuser has been indicted on a charge related to sexual abuse within Southwest Regional Jail, Abingdon Facility or Southwest Regional Jail, Abingdon Facility learns that the alleged abuser has been convicted on a charge related to sexual abuse within Southwest Regional Jail, Abingdon Facility . All such notifications or attempted notifications are documented.

An agency's obligation to report under this standard are terminated if the inmate is released from Southwest Regional Jail, Abingdon Facility 's custody.

#### **Standard 115.76 Disciplinary sanctions for staff**

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

**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.**

Based on review of SOP 2.01 Prison Rape Elimination Act, SOP 3.10 Harrassment dated and interviews with the and interviews with the SWRJA Facility Command Staff, SWRJA PREA Coordinator, SWRJA PREA Compliance Manager and SWRJA PREA Investigator.

Staff are subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. Termination is the presumptive disciplinary sanction for staff who have engaged in sexual abuse.

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.

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.

#### **Standard 115.77 Corrective action for contractors and volunteers**

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

**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.**

Based on review of SOP 3.10 Harrassment and interviews with the and interviews with the SWRJA Facility Command Staff, SWRJA PREA Coordinator, SWRJA PREA Compliance Manager and SWRJA PREA Investigator.

Any contractor or volunteer who engages in sexual abuse is prohibited from contact with inmates and are reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

Southwest Regional Jail, Abingdon 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.

### **Standard 115.78 Disciplinary sanctions for inmates**

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

**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.**

Based on review of SOP 13.01 Inmate Conduct/Discipline and interviews with the SWRJA Facility Command Staff, SWRJA PREA Coordinator, SWRJA PREA Compliance Manager, SWRJA PREA Investigator and mental health staff.

Inmates are subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.

Sanctions are 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.

The disciplinary process considers whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

Southwest Regional Jail, Abingdon Facility assesses whether to offer therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, on a case-by-case basis.

Southwest Regional Jail, Abingdon Facility disciplines an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

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

Southwest Regional Jail, Abingdon Facility prohibits all sexual activity between inmates and may discipline inmates for such activity.

### **Standard 115.81 Medical and mental health screenings; history of sexual abuse**

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

**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.**

Based on review of SOP 2.01 Prison Rape Elimination Act and interviews with staff responsible for risk screening and medical/mental health staff

If the screening indicates that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, 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.

If the screening indicates that an inmate has previously perpetrated sexual abuse/prior sexual victimization, whether it occurred in an institutional setting or in the community, staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.

Any information related to sexual victimization or abusiveness that occurred in an institutional setting is 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.

Medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting.

**Corrective Action Plan:**

1. Without data for at least 90-120 days to prove that you've actually done the assessment it's difficult to determine if you have a custom and practice concerning screening inmates.
2. Feedback provided to Counselor

**Corrective Action:**

1. Facility provided documentation for August, September and October 2015 documenting the implementation of the new procedures.

**Standard 115.82 Access to emergency medical and mental health services**

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

**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.**

Based on review of SOP 18.06 Inmate Access to Medical Services, MG-03TF Procedures in the Event of Sexual Abuse and interviews with staff responsible for risk screening and medical/mental health staff

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.

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 take preliminary steps to protect the victim and are immediately notify the appropriate medical and mental health practitioners.

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.

Treatment services are provided to the victim without financial cost and regardless of whether the victim names PREA Audit Report

the abuser or cooperates with any investigation arising out of the incident.

#### **Standard 115.83 Ongoing medical and mental health care for sexual abuse victims and abusers**

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

**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.**

Based on review of MG-03TF Procedures in the Event of Sexual Abuse and interviews with staff responsible for risk screening and medical/mental health staff

Southwest Regional Jail, Abingdon Facility offers medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in the jail.

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.

Southwest Regional Jail, Abingdon Facility provides such victims with medical and mental health services consistent with the community level of care.

Inmate victims of sexually abusive vaginal penetration while incarcerated are offered pregnancy tests. If pregnancy results, victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

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

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.

#### **Standard 115.86 Sexual abuse incident reviews**

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

**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.**

Based on review of SOP 2.01 Prison Rape Elimination Act and interviews with the and interviews with the SWRJA Facility Command Staff, SWRJA PREA Coordinator, SWRJA PREA Compliance Manager, SWRJA PREA Investigator. At the time of the audit no critical incident reviews had been required to be conducted.

Southwest Regional Jail, Abingdon Facility conducts 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. This review occurs within 30 days of the conclusion of the investigation. The review team includes upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.

The review team considers whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at Southwest Regional Jail, Abingdon Facility and they examine the area in Southwest Regional Jail, Abingdon Facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; assess the adequacy of staffing levels in that area during different shifts; assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

#### **Standard 115.87 Data collection**

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

**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.**

Based on review of SOP 2.01 Prison Rape Elimination Act and interviews with the and interviews with the SWRJA Facility Command Staff, SWRJA PREA Coordinator, and SWRJA PREA Compliance Manager.

Southwest Regional Jail, Abingdon Facility collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions, and aggregates the incident-based sexual abuse data at least annually.

The incident-based data collected is based on the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

The Southwest Regional Jail, Abingdon Facility maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

If required, Southwest Regional Jail, Abingdon Facility will provide all such data from the previous calendar year to the Department of Justice no later than June 30. No requests have been made.

#### **Standard 115.88 Data review for corrective action**

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

- Does Not Meet Standard (requires corrective action)

**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.**

Based on review of SOP 2.01 Prison Rape Elimination Act and interviews with the and interviews with the SWRJA Facility Command Staff, SWRJA PREA Coordinator, and SWRJA PREA Compliance Manager.

Southwest Regional Jail, Abingdon Facility reviews data collected to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including identifying problem areas; taking corrective action on an ongoing basis; and preparing an annual report of its findings and corrective.

Such reports includes a comparison of the current year's data and corrective actions with those from prior years (when available) and provide an assessment of Southwest Regional Jail, Abingdon Facility's progress in addressing sexual abuse.

Southwest Regional Jail, Abingdon Facility's, report is approved by Southwest Regional Jail, Abingdon Facility Superintendent and made readily available to the public through its website

<http://www.swvrja.org/administration/prison-rape-elimination-act>

#### **Standard 115.89 Data storage, publication, and destruction**

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

**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.**

Based on review of SOP 2.01 Prison Rape Elimination Act and interviews with the and interviews with the SWRJA Facility Command Staff, SWRJA PREA Coordinator, and SWRJA PREA Compliance Manager.

Southwest Regional Jail, Abingdon Facility makes 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 <http://www.swvrja.org/administration/prison-rape-elimination-act>

All reports are securely retained and maintained for at least 10 years after the date of the initial collection unless Federal, State, or local law requires.

#### **AUDITOR CERTIFICATION**

I certify that:

- 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, and

- I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.



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Auditor Signature

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November 9, 2015

Date