

PREA Facility Audit Report: Final

Name of Facility: MacCormick Secure Center

Facility Type: Juvenile

Date Interim Report Submitted: NA

Date Final Report Submitted: 11/19/2020

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input checked="" type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input checked="" type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input checked="" type="checkbox"/>
Auditor Full Name as Signed: Matthew A. Burns	Date of Signature: 11/19/2020

AUDITOR INFORMATION	
Auditor name:	Burns, Matthew
Email:	preaauditor2015@gmail.com
Start Date of On-Site Audit:	10/05/2020
End Date of On-Site Audit:	10/06/2020

FACILITY INFORMATION	
Facility name:	MacCormick Secure Center
Facility physical address:	300 South Rd, Brooktondale, New York - 14817
Facility Phone	
Facility mailing address:	

Primary Contact	
Name:	Anjeanette Donovan
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Telephone Number:	607 539 7121

Superintendent/Director/Administrator	
Name:	Troy Hopson
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Facility PREA Compliance Manager	
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Facility Health Service Administrator On-Site	
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Facility Characteristics	
Designed facility capacity:	39
Current population of facility:	7
Average daily population for the past 12 months:	13
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:	13-20
Facility security levels/resident custody levels:	Secure
Number of staff currently employed at the facility who may have contact with residents:	62
Number of individual contractors who have contact with residents, currently authorized to enter the facility:	9
Number of volunteers who have contact with residents, currently authorized to enter the facility:	123

AGENCY INFORMATION	
Name of agency:	New York Office of Children and Family Services, Division of Juvenile Justice
Governing authority or parent agency (if applicable):	
Physical Address:	52 Washington Street, 145N, Rensselaer, New York - 12144
Mailing Address:	
Telephone number:	

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

Agency-Wide PREA Coordinator Information			
Name:	Raymond Strauser	Email Address:	Raymond.Strauser@ocfs.ny.gov

AUDIT FINDINGS

Narrative:

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

The on-site portion of the PREA Audit at MacCormick Secure Center (MSC) took place on October 5, 2020 and October 6, 2020 and covered the audit period of October 5, 2019 to October 5, 2020. The on-site portion of the audit was originally scheduled to be completed on June 1, 2020 and June 2, 2020.

However, the on-site portion of the audit was postponed and rescheduled for the above-mentioned dates due to the COVID-19 pandemic.

MSC was last audited during the second PREA cycle on June 6, 2017 and was found to be in full compliance on June 20, 2017. Prior to the on-site visit, this auditor used the PREA Online Audit System (OAS) to review the pre-audit questionnaire and the facility's documentation relating to the compliance of each of the 43 PREA Juvenile Standards. On May 11, 2020, this auditor received notification of an online Pre-Audit Questionnaire being completed. Each standard contained uploaded Office of Children and Family Services (OCFS) policies, protocols, and documentation which were relevant to that particular standard. After the pre-audit review of the Pre-Audit Questionnaire and supporting documentation, this auditor sent questions generated from those documents to the agency PREA Coordinator. These questions were answered to the satisfaction of this auditor. The agency PREA Coordinator was also courteous and provided additional information in an expeditious manner. The agenda for the on-site portion of this audit was reviewed with the agency PREA Coordinator and agreed upon on September 28, 2020.

Notifications of the on-site portion of this audit were posted throughout the facility and accessible to staff, residents, and visitors on July 22, 2020. Photographs were taken of the various sites where the notifications had been posted and the photographs were emailed to this auditor noting their locations. All photos of the notifications emailed to this auditor were date stamped. In addition, notifications of the on-site portion of this audit were also posted on the agency website. Email correspondence between this auditor and the agency PREA Coordinator took place on a regular basis in the months leading up to the on-site portion of this audit to review the audit process and schedule, and to request any additional information that was needed to review.

Upon arriving at the facility on October 5, 2020, at approximately 8:00am, this auditor met with OCFS officials and management staff at MSC, to discuss the audit schedule and review any questions or concerns anyone may have had about the on-site portion of the audit. The following officials were present:

- OCFS Associate Commissioner – Office of Facilities Management (Agency Head Designee)
- OCFS Director of Quality Insurance
- OCFS Facilities Manager
- Facility Director
- Facility PREA Compliance Manager/Assistant Director of Treatment

This meeting was followed by a detailed tour of the facility which took approximately one hour and 30 minutes. During the tour, this auditor noticed numerous PREA audit notices, an ample amount of video surveillance cameras (both inside and outside of the facility), and a wide variety of attractive zero-tolerance posters posted throughout the facility, including in the living units, programming areas, intake/reception building, and visitation areas. The zero-tolerance posters were printed in both English and Spanish and contained both toll-free telephone numbers and addresses.

Following the tour, this auditor met with the management team to review the resident and staff rosters and the video surveillance system at the facility. This auditor then proceeded to interview staff members on shift, specialty staff on shift, and residents at the facility the rest of the day. Staff members from Tour 3 (2:00pm to 10:00pm) and a staff member who regularly works Tour 1 (10:00pm to 6:00am) were interviewed.

The second day of the audit was spent interviewing specialty staff and staff members from Tour 2 (6:00am to 2:00pm). This auditor interviewed the Facility Director as he also completes Unannounced Rounds and serves on the Sexual Abuse Incident Review Team, Assistant Director of Treatment as she is the Facility PREA Compliance Manager and serves on the Sexual Abuse Incident Review Team, a Youth Counselor who monitors retaliation and administers risk assessments (Facility Classification Form), and intake staff. Due to the small size of the facility, several staff members served multiple roles, including the Facility Director and Assistant Director of Treatment. After these interviews were completed, this auditor reviewed all current resident files for documentation verifying PREA education and risk assessments were completed as noted in the OCFS Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01). During the on-site portion of this audit, a Personnel staff was contacted and staff training records were forwarded to this auditor and it was confirmed all staff members had successfully completed the annual PREA trainings and had appropriate background checks completed. It also should be noted; all medical staff and mental health staff completed an on-line specialty training specific to Medical Health and Behavioral Health in a Confinement Setting. These trainings were offered by the National Institute of Corrections (NIC). These training records were also reviewed by this auditor to confirm the completion of specialty trainings for all medical staff and mental health staff at MSC. Interviews with these staff members confirmed they received and understood the trainings.

8 of the 11 residents (73% of the population was interviewed) residing at the facility were interviewed in a private and confidential area of the facility. Three residents were not able to be interviewed because they had arrived at the facility within the last two weeks and were in quarantine for 14 days as part of the COVID-19 precautions implemented at the facility during the current pandemic. This auditor interviewed three residents who have been diagnosed with a cognitive disability. There were no residents who identified as lesbian, gay or bisexual, transgender/intersex residents, limited English proficient residents, residents who disclosed prior victimization during the initial screening, or any residents who made an allegation of sexual abuse during the past 12 months at the facility to interview during the on-site portion of this audit. Ages of the residents interviewed ranged from 16 years old to 20 years old. All the residents interviewed were familiar with PREA, understood how to report an incident of sexual abuse, sexual assault, or sexual harassment, and were aware of the services which were available to them at the facility (including outside resources). All the residents interviewed stated they feel safe at MSC. The residents also reported they were educated on PREA during their orientation and during PREA educational groups in their living unit. Overall, interviewed residents were knowledgeable about PREA and could articulate multiple ways to report sexual abuse and sexual harassment, the grievance process, calling or writing an outside support organization, third party reporting, and anonymous reporting.

No residents had requested to speak with this auditor nor has this auditor received any written or email correspondence from any resident or staff member at MSC.

A total of 28 staff interviews took place (16 of the staff interviewed were Specialized Staff). These interviews included the following:

- Agency Head Designee
- Agency PREA Coordinator
- Facility Director/Superintendent
- Facility PREA Compliance Manager
- 1 Mental Health Staff
- 1 Medical Staff
- 1 Staff who conduct Risk Assessments
- 2 Intake Staff
- 1 Staff who Completes Unannounced Rounds
- 1 Person who Monitors Retaliation
- 2 Members of the Incident Review Team
- 1 Human Resources/Personnel Staff
- Representative from the Justice Center of New York (Conducts investigations at MSC)
- Representative from Cayuga Medical Center

Randomly selected staff members interviewed years of experience ranged from 1 year to 29 years. 11 staff members interviewed were Youth Division Aides (YDA's) while the other staff interviewed was a Youth Counselor. All the staff interviewed were knowledgeable of PREA, the Zero Tolerance Policy, and reporting and responding to incidents and allegations of sexual abuse, assault, and harassment. All staff members interviewed stated they are provided "PREA cards" and all of them were carrying them on their person. These "PREA cards" outline procedures and proper protocol for protecting residents from imminent sexual abuse and steps to take as a first responder. Staff interviewed were professional and enthusiastic about their work and PREA knowledge. Staff reported they have been trained to take all suspicions, knowledge, or reports of sexual abuse seriously regardless of how the information was received. Staff were all aware of their roles as mandated reporters and how to contact the Justice Center of New York Hotline to report allegations of sexual harassment and sexual abuse. In addition, staff interviewed were able to discuss how to report an allegation of sexual harassment or sexual abuse to the Justice Center of New York privately by using a telephone in the staff locker room.

Unannounced Rounds are completed on a regular basis by upper level management staff (Facility Director) at the facility. Logs of these Unannounced Rounds were reviewed by this auditor and met the standard. Shower and restroom areas provided privacy during showers and when residents used the restrooms. Only one resident is permitted to use the restroom/shower at a time. Female staff members do not conduct showers and male staff position themselves to ensure residents do not leave the restroom or shower area without approval. Residents go to the shower area clothed and return to their bedrooms clothed. During interviews with residents and staff, it was confirmed that female staff members announce their presence upon entering the living units by stating "female on the unit" and a note is placed in the logbook. This practice was observed by this auditor during the tour of the facility. It should be noted; there are signs outside of both living units that alert opposite gender staff members to announce their presence upon entering the living units.

The PREA education program for residents begins at intake (the first hour the resident enters the facility) and is completed by an Intake Staff. Risk Assessments are completed by Youth Counselors at MSC and

are completed within 24 hours of admission and minimum of every 30 days following the initial screening, documented on a Facility Classification Form, and stored in a database that is available to all members of the resident's treatment team and allows for a high level of fidelity regarding treatment plans and service needs during the resident's continuum of care. It was noted during interviews that Facility Classification Forms are updated during monthly Support Team Meetings and by reviewing case notes and Activity Reports each month. The Facility PREA Compliance Manager and a Youth Counselor who completes the Facility Classification Form also noted a Youth Counselor also completes the form every six months (or following an incident of sexual harassment or sexual harassment) by conducting a face to face interview. There were no residents who reported prior sexual victimization during the screening process residing at the facility. Upon admission, residents also receive the OCFS Admission Handout "What you should know about Sexual Abuse/Harassment" and the Resident Handbook "Your Safety at OCFS DJJOY". These documents describe PREA in depth, including definitions of sexual abuse and sexual harassment, ways to report sexual abuse and sexual harassment, and agencies that are available to victims of sexual abuse and sexual harassment. Residents sign and date an acknowledgement form noting they received the above-mentioned PREA education and pamphlets.

Investigations regarding allegations of sexual abuse and sexual harassment are conducted by the Justice Center of New York. In the past 12 months, there has been no allegations of sexual harassment or sexual abuse at MSC. It was noted during interviews with the Facility Director and Facility PREA Compliance Manager that during an open investigation, communication is maintained between the facility (Facility Director and Assistant Director of Treatment) and the Justice Center of New York via email, telephone calls, and facility visits. Upon learning of a determination of a concluded investigation, the facility meets with the resident to inform the resident of the determination. Upon being informed of a determination, the resident signs a Notification Form which notes the determination and the resident's signature documents they were informed of the determination. There was one PREA Sexual Abuse Incident Review at MSC during the past 12 months. This allegation was reported to the Justice Center of New York on July 19, 2019, and a Substantiated determination was sent to the Facility Director on February 25, 2020. A PREA Sexual Abuse Incident Review was held on March 11, 2020. The Facility PREA Compliance Manager was able to describe the process and details of this review to this auditor.

She noted that all PREA Sexual Abuse Incident Reviews consider whether any agency policies need to be changed, the incident was motivated by race, ethnicity, gender identity, gang affiliation, or other group dynamics at the facility, examine the area where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse, assess staffing levels in that area during different shifts, and assess whether video monitoring technology should be deployed or augmented to supplement supervision by staff.

The above-noted incident allegedly took place in a Youth Counselor's office. Prior to receiving the determination from the Justice Center of New York, video surveillance cameras were placed in all Youth Counselor's offices in the facility. It was also recommended during the PREA Sexual Abuse Incident Review that all staff members be enrolled in Boundaries Training "to ensure they understand and follow the Supervision of Youth Policy and the effects of boundaries have on the traumatized youth in our care." The resident who made the allegation was not in custody at the facility so there was no Determination of Notification to Youth form to review. The Facility PREA Compliance Manager noted if the resident was still in custody at MSC, he would have been notified of the determination and would sign a Determination of Notification to Youth form to document he was notified of the determination.

OCFS has developed thorough and detailed policies that address all the PREA standards related to Prevention Planning, Responsive Planning, Training and Education, Screening for the Risk of Sexual Victimization and Abusiveness, Official Response Following a Juvenile Report, Investigations, Discipline,

Medical and Mental Health Care, and Data Collection. The depth and scope of the policies indicates the seriousness with which OCFS takes regarding sexual safety and their commitment to the PREA standards.

This auditor conducted an exit meeting with management team at MSC following the on-site portion of this audit on October 6, 2020. During the exit meeting, this auditor shared the preliminary findings of the audit and thanked the management team at MSC for their hospitality, hard work, and commitment to the full implementation of PREA in their facility.

AUDIT FINDINGS

Facility Characteristics:

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

MSC is located in the Shindagin Hollow State Forest, 15 miles east of the city of Ithaca, New York. The physical address of the facility is 300 South Road, Brooktondale, New York, 14817. The residents served at MSC are male juvenile offenders who, while under the age of 18, committed certain violent felonies and were convicted and sentenced in adult criminal court. Depending upon the sentence, residents may remain in OCFS custody up to age 21 years of age.

The residents are housed in a one-story building made from block and brick. The facility has four living units: Alpha Unit, Bravo Unit, Charlie Unit, and Delta Unit. Each living unit has 12 bedrooms, a shower room with three shower stalls, two restrooms with a toilet and sink, a staff office, common room, TV room, two storage rooms, one Clinician Office, and one Youth Counselor Office. At the time of the on-site portion of this audit, residents were being housed in Charlie Unit and Delta Unit. Alpha Unit and Bravo Unit were closed and under construction. A restroom/shower room project is being completed in Alpha and Bravo Units to renovate these areas. After the construction project is completed (estimated to be completed in early November 2020), there will be two separate shower rooms and two separate restrooms. It was noted upon completion of these renovation projects, the residents will be moved to Alpha and Bravo Units and Charlie and Delta Units will be closed to complete the same renovation projects in those units. In addition, there are six classrooms, a large gymnasium with a full-sized basketball court and weight room, visiting room, laundry room, Culinary Arts room, Construction Trades room with a woodshop, dining room with a serving line and two cafeteria tables, Intake room, and a Central Control Room in the facility.

There has been one expansion project completed at MSC since the last PREA Audit in June 2017. There was a new Medical wing added on to the facility. This new Medical wing contains three offices (Nurse Administrator Office, Nurse Practitioner Office, and Nurse Work Station), Medicine Distribution Room (the nurse distributing medications stands behind a sliding window and is able to distribute medications to the residents through the window), Dental Room, Examination Room, Resident Bathroom (used only for obtaining urine samples from residents), and a staff bathroom. There is a total of 7 video surveillance cameras installed in the hallways in this new wing to ensure residents are protected from sexual abuse.

The perimeter of the campus is enclosed by a single fence with razor ribbon attached to the top. Entry and exit of the facility are controlled through one primary point that is designed for pedestrian traffic entering the facility and operated by staff in the facility Control Center. Every staff member and visitor must enter the facility through this building and be processed/screened. A second secure entrance for is used for service delivery vehicles, which is also managed from the Control Center. Entry is limited to authorized persons. Each visitor is required to present identification, sign in, and pass through a metal detector upon entrance into the facility. Any keys or personal items a visitor or staff member may have on them entering the facility, are given to the Central Control Center officer. The visitor or staff member is then given a chit. Upon exiting the facility and presenting the chit to the Central Control Center officer, the keys and/or personal items are returned to the visitor or staff member.

The facility is currently budgeted to house up to 39 residents. At the time of the audit, there were a total

of 11 residents residing in the facility (3 residents in Charlie Unit and 8 residents in Delta Unit). The three residents in Charlie Unit were unable to be interviewed because they are quarantined for a period of 14 days from intake as a precaution to decrease the likelihood of the potential spread of COVID-19 at the facility during the pandemic.

MSC is equipped with a total of 200 video surveillance cameras (166 indoor video surveillance cameras and 34 outdoor video surveillance cameras). The video surveillance cameras can be monitored at different limited access locations. Video recordings from these devices remain on a secure server for approximately 30 days depending on the type of purpose the camera serves. There is a total of 12 monitors in the Central Control Center.

The MSC 2020 Staffing Plan noted the facility is budgeted for 91 direct care staff. 51 of those positions are currently filled and 40 of those positions are currently vacant. There are 9 contractors and 123 volunteers currently authorized to enter the facility. Interviews with the Agency PREA Coordinator and Facility Director noted there is a robust volunteer program at MSC boosted by two local colleges and church groups in the Ithaca community.

MSC offers the following services to all residents in the facility:

Counseling: Counseling is provided to each resident based upon his individual needs as assessed by the treatment team. Group counseling is conducted seven days a week utilizing a variety of cognitive methods, including:

- Aggression Replacement Training
- Moral Recognition Therapy
- Core Life Skills
- Victim Awareness
- HIV/AIDS Core Curriculum

Generalized education groups are offered for substance abuse using the Innervations curriculum. Individual counseling is provided weekly by an assigned counselor, a mentor program, and with a mental health provider as needed.

Education: The facility provides educational programming for residents according to New York State Education Department requirements. The Committee on Special Education (CSE) addresses special education needs for classified students and Individual Education Programs (IEPs) are developed for students with disabilities. State assessments, including Regents Examinations and Regents Competency Tests, are also provided to eligible students. Qualifying youth may also enroll in the Alternative High School Education Programs and pursue a Test Assessing Secondary Completion (TASC). Opportunities involving collaboration with several community colleges may permit students to take some college coursework.

Academic and vocational courses are offered so students can earn credits which can be applied toward a high school diploma upon a student's return to a community school. Students also complete a "portfolio," which provides a summary of relevant documentation, outlines work history, any certifications earned, and experiences gained.

Vocational Opportunities: Instructors provide trade skills training in technology, computers, keyboarding, building and grounds maintenance and food service.

Health Services: Comprehensive health services are provided by licensed health professionals, including a physician and nurse practitioner. Registered nurses are on duty during day and evening shifts seven days a week.

Upon admission, each resident has a comprehensive health assessment and an initial plan of care is developed. Immunizations are brought up to date following current public health recommendations. Eye and dental services are also provided on site.

Nursing sick call occurs daily. Nurses refer health problems that cannot be addressed via routine nursing interventions to the nurse practitioner or physician. Health staff initiate or continue needed health services via scheduled follow-up appointments.

Health staff complete a discharge plan on transfer or release to address the medical and dental needs of each resident.

Mental Health: Mental health treatment is delivered by psychologists, licensed social workers or clinical nurses. Access to professional level care is available for all youth. Assessment services include mental health and substance abuse assessment, evaluation of sex offense treatment needs, psycho-educational evaluation and neuropsychological assessment. Treatment services include Dialectical Behavior Therapy (DBT), crisis evaluation and intervention, individual/group/family therapy, mental health treatment planning and mental health discharge planning. Facility clinicians facilitate psychiatric hospitalization, where needed, and are the facility liaisons to the hospital during the resident's stay.

Recreational: The recreation program offers a wide range of indoor and outdoor activities. The outdoor area includes a basketball court, volleyball court and baseball field. The indoor area includes a gymnasium, game room, and exercise room. Leisure activities are also available in each of the living units. Residents participate in intramural sports activities throughout the year with the competition based on the season.

Religious Services: The religious program is a voluntary program that offers residents the opportunity to worship their faith. The services offered are based on the needs of the resident and coordinated by a community group of volunteers supported by a Chaplain.

Visitation: Families are vital to the treatment/rehabilitation process and are encouraged to visit on weekends. Special arrangements are made for weekday visits as needed.

Special Programs and Community Partnerships:

- Community Involvement – MSC has an active Citizens Advisory Board composed of a group of local residents who provide resources and services to residents at the facility.
- Cornell Pet Companions - A pet visitation program is sponsored by the College of Veterinary Medicine at Cornell University. Cornell Companions is dedicated to the development of a bond between humans and animals. The group provides leadership through specific academic, vocational and experiential learning activities.
- Volunteer Program – MSC welcomes volunteers at the facility. Volunteers provide a wide variety of services, including but not limited to helping prepare youths for their GED, tutoring and providing music education, etc.
- Southern Tier Advocacy and Mitigation Project, Inc. – This program encourages self-respect, empowerment, leadership and self-determination among residents.

Pre-Release Orientation: Release planning begins at intake. The facility support team members work closely with residents, parents and community service team (CST) members to ensure that residents and their families receive the support needed for a timely and successful return to the community. The young men who are brought to the facility are offered the possibility of working with volunteers to plan for release back into their communities. The program helps with the basics of life on the outside: education, home, work, treatment programs and other considerations when planning for parole. The process is collaborative with the Division of Parole and the facility Parole Officer.

MSC has a signed Memorandum of Agreement (MOA) in place with Cayuga Medical Center (Ithaca, New York). It is noted in this MOA that Cayuga Medical Center will provide a forensic examination conducted by a Sexual Assault Nurse Examiner (SANE), collect and maintain the integrity of evidence collected during the examination for law enforcement, and contact the Tompkins County Advocacy Center to send an advocate to the medical center to provide rape crisis counseling and advocacy services in the event of a sexual assault.

MSC's mission statement reads "The MacCormick Secure Center has been tasked with the responsibility to educate and inspire a population of juvenile offenders (14-20 years old). Services are provided in a safe, secure, therapeutic environment that embraces learning, mutual respect, and teamwork with the expressed purpose of supporting young people and their families in meeting their goals".

MSC is accredited by the American Correctional Association (ACA).

AUDIT FINDINGS

Summary of Audit Findings:

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

Number of standards exceeded:	1
Number of standards met:	42
Number of standards not met:	0

OCFS has implemented a zero-tolerance policy (OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment) which comprehensively addresses the agency's approach to preventing, detecting, and responding to all forms of sexual abuse and sexual harassment. This policy contains necessary definitions, sanctions, and descriptions of the agency strategies and responses to sexual abuse and sexual harassment and forms the foundation for the agency's training efforts with residents, staff, volunteers, and contractors.

The agency has designated a PREA Coordinator who reports directly to the Agency Head (Deputy Commissioner) and serves as the Bureau of Management and Program Support Director. The facility has a designed PREA Compliance Manager who reports directly to the Facility Director and serves as the Facility Assistant Director of Treatment. The Facility PREA Compliance Manager and Facility Director's interviews during the on-site portion of this audit demonstrated that MSC is committed to the sexual safety of the residents residing at the facility. All staff members and residents interviewed demonstrated they not only received but understand the education and training that was offered to them. Staff receive annual PREA trainings and residents are educated at intake and during PREA education groups in the living units. Several residents and staff members noted these PREA education groups are held on Friday afternoon's and focus on the zero-tolerance policy in order to re-educate the residents on the information they received at intake.

MSC has a signed MOA with Cayuga Medical Center located in Ithaca, New York. This MOA states Cayuga Medical Center will have a SANE complete a forensic examination and will contact the Tompkins County Advocacy to provide an advocate to provide victim advocacy and emotional support in the event of an incident of sexual abuse. Cayuga Medical Center has an MOA with the Tompkins County Advocacy Center to ensure sexual abuse victims receive rape crisis intervention services. A representative from Cayuga Medical Center was contacted by this auditor and was able to confirm the process stated in the MOA.

All investigations at MSC are completed by the Justice Center of New York. This auditor was able to interview a representative from the Justice Center of New York on October 7, 2020. He was able to confirm the investigative process and follow up that occurs when his agency receives an allegation of abuse from MSC. In addition, he discussed, in detail, the Sexual Abuse Review Team. This team is a group of trained investigators at the Justice Center who investigate all allegations of sexual harassment

and sexual abuse at OCFS facilities. The Agency Head has formally asked the Justice Center of New York Executive Director to comply with PREA investigative standards in a formal letter dated March 30, 2017. There were no allegations of sexual harassment or sexual abuse reported to the Justice Center during the past 12 months.

There was one PREA Sexual Abuse Incident Review at MSC during the past 12 months. This allegation was reported to the Justice Center of New York on July 19, 2019, and a Substantiated determination was sent to the Facility Director on February 25, 2019. A PREA Sexual Abuse Incident Review was held on March 11, 2020. The Facility PREA Compliance Manager was able to describe the process and details of this PREA Sexual Abuse Incident Review and review the documentation/report with this auditor during the on-site portion of this audit. She noted that all PREA Sexual Abuse Incident Reviews consider whether any agency policies need to be changed, the incident was motivated by race, ethnicity, gender identity, gang affiliation, or other group dynamics at the facility, examine the area where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse, assess staffing levels in that area during different shifts, and assess whether video monitoring technology should be deployed or augmented to supplement supervision by staff.

It was also recommended during the PREA Sexual Abuse Incident Review that all staff members be enrolled in Boundaries Training “to ensure they understand and follow the Supervision of Youth Policy and the effects of boundaries have on the traumatized youth in our care.” The resident who made the allegation was not in custody at the facility so there was no Determination of Notification to Youth form to review. The Facility PREA Compliance Manager noted if the resident was still in custody at MSC, he would have been notified of the determination and would sign a Determination of Notification to Youth form to document he was notified of the determination.

All residents admitted into the facility receive timely PREA education at intake. Intake Staff complete all PREA education during the intake process. The Facility Classification Form is completed by a Youth Counselor within 72 hours of intake and each resident is reassessed every 30 days or more often if needed (examples given included the resident being involved in a major incident or a move to another living unit). All completed Facility Classification Forms are securely kept on a database and the only persons with access are Youth Counselors, Clinicians, and Administrative Staff. Any pertinent necessary information is recorded and communicated to staff members for housing assignments or additional supervision to ensure the safety and security of all residents in the facility.

All employees at MSC receive an initial training created by the National Institute of Corrections (PREA: Your Role in Responding to Sexual Abuse). Current employees who completed this training, receive refresher training annually (OCFS – PREA Policy Review). The trainings include 11 different topics required by the PREA standards:

1. Agency Zero Tolerance Policy
2. Fulfilling their responsibilities under agency sexual abuse and sexual harassment prevention, detecting, reporting, and response policies and procedures.
3. Residents right to be free from sexual abuse, assault, and harassment.
4. Right of residents and employees to be free from retaliation.
5. Dynamics of sexual abuse and sexual harassment in juvenile facilities.
6. Common reactions of juvenile victims of sexual abuse and harassment.
7. How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual and sexual abuse between residents.
8. How to avoid inappropriate relationships with residents.

9. Effective and professional communication with residents including those who identify as lesbian, gay, transgender, and questioning (LGBTQ) or gender non-conforming.
10. Compliance with relevant laws related to mandatory reporting of sexual abuse.
11. Laws governing consent for OCFS youth.

All volunteers and contractors who may have contact with residents have been trained on their responsibilities, the agency zero-tolerance policy regarding sexual abuse and sexual harassment, and how to report such allegations. The level and type of training is based on the services they provide and the level of contact they have with residents. Prior to entering the facility, all volunteers and contractors are given a Sexual Misconduct Brochure and a Volunteer/Contractor Training and Acknowledgement Form to review and sign off on noting they understand the material in the brochure. There are currently 9 contractors and 123 volunteers authorized to enter the facility.

All medical and mental health staff received the specialized training offered by the National Institute of Corrections (Medical Health Care Providers in Confinement Settings and Behavioral Health Care Providers in Confinement Settings) required by the PREA standards. In addition to the specialized training, medical and mental health staff also receive the PREA training that all staff in the facility are mandated to complete on an annual basis.

During the on-site portion of the audit, it was noted that posters are posted throughout the facility to educate both staff members and residents on agency PREA policies. Brochures noting PREA requirements are given to all residents, staff, volunteers, and contractors. The agency also has PREA information for both residents and the public posted on its website.

This auditor was supplied with the following documentation to review prior to, during, and following the on-site portion of the audit:

1. MSC PREA Pre-Audit Questionnaire
2. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01)
3. Administrative Coverage in OCFS Facilities Policy (PPM3247.40)
4. Contraband, Inspections, and Searches Policy (PPM 3247.18)
5. Employee Screening for Child Abuse and Maltreatment Policy (PPM 2021.04)
6. Criminal History Screening-Employees/Candidates/Volunteers/Contractors Policy (PPM 2026.03)
7. Payment for Health Services Policy (PPM 3243.16)
8. Lesbian, Gay, Bisexual, Transgender and Questioning Youth Policy (PPM 3442.00)
9. Secure Facilities Admission and Orientation Policy (PPM 3402.01)
10. Room Confinement Policy (PPM 3247.15)
11. Child Abuse and Neglect Reporting in OCFS Programs Operating Pursuant to Article 19G of the Executive Law Policy (PPM 3456.00)
12. Resident Mail Policy (PPM 3422.00)
13. Visits to Youth at DJJOY Facilities Policy (PPM 3455.00)
14. Reporting Familial Child Abuse and Maltreatment Policy (PPM 3456.00)
15. Youth Rules Policy (PPM 3443.00)
16. Initial Mental Health and Health Screening Interview for Facility Youth Policy (PPM 3243.18)
17. Behavior Health Services Policy (PPM 3243.33)
18. Principles of Health Services Policy (PPM 3243.01)
19. Telecommunications and Computer Use Policy (PPM 1900.00)
20. OCFS Organizational Chart (Revised January 2020)

21. MSC Organizational Chart (Revised January 2020)
22. MSC Staffing Schedules
23. Resident Roster
24. 2020 MSC Video Surveillance and Staffing Plan
25. Unannounced Rounds Logs
26. Locations of Video Surveillance Cameras (inside and outside of the facility)
27. Conducting Comprehensive Searches Training Curriculum/Training Logs
28. Language Assistance Resources
29. Justice Center's Frequently Asked Questions – Criminal Background Checks
30. Justice Center's Staff Exclusion List Checks for Prospective Staff Hired
31. Randomly Selected Staff Files
32. Resident Files
33. Formal Letter to NYS Justice Center Executive Director requesting investigations be conducted in compliance within PREA Standards (March 30, 2017)
34. MOA with Cayuga Medical Center
35. Credentials of Qualified Staff Member
36. PREA Training Curriculums/Training Logs
37. Volunteer/Contractor Training and Acknowledgement Template
38. Signed Volunteer/Contractor Training and Acknowledgement Forms
39. Sexual Misconduct Brochure
40. PREA Cards
41. OCFS – 4902 Youth Admission Handout “What you should know about Sexual Abuse/Harassment”
42. PREA Youth Brochure “Checking in for: Your Safety at OCFS DJJOY”
43. MSC – Signed Resident Zero Tolerance Acknowledgements
44. PREA Posters
45. Mental Health Staff/Medical Staff Specialized Training Certificates
46. MSC Classification Form (OCFS – 4928)
47. Review of Facility Grievance Records
48. Agency Website
49. Facility Reportable Incident Reports
50. Justice Center's Code of Conduct for Custodians of People with Special Needs
51. MSC Local Operating Procedure
52. Investigative Reports from the Justice Center of New York
53. New York State Law
54. Determination of Notification to Youth Form
55. Admission Screening Interview Form
56. PREA Sexual Abuse Incident Review Template
57. OCFS PREA Database Report
58. 2019 OCFS Annual PREA Report
59. 2018 United States Department of Justice Survey of Sexual Victimization
60. PREA Audit Notification
61. Photographs of PREA Audit Notification

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.

115.311	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>(a) OCFS has a zero-tolerance policy (OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment) concerning sexual abuse and sexual harassment of OCFS youth, and is committed to the prevention and elimination of sexual abuse and sexual harassment within the Division of Juvenile Justice and Opportunities for Youth (DJJOY) facilities through compliance with the Prison Rape Elimination Act of 2003. OCFS is committed to the equal opportunity to participate in and benefit from all aspects of the agency’s efforts to prevent, detect and respond to sexual abuse and sexual harassment. Violations of this policy may result in disciplinary sanctions for staff and youth perpetrators and/or criminal prosecution as authorities deem appropriate. This policy contains the necessary definitions, sanctions, and descriptions of the agency strategies and responses to sexual abuse and sexual harassment and forms the foundation for the agency’s training efforts with residents, staff, volunteers, and contractors.</p> <p>(b) OCFS has a designated PREA Coordinator who reports directly to the Agency Head (Deputy Commissioner). His official title is Bureau of Management and Program Support Director and PREA Coordinator. The Agency Organizational Chart was reviewed by this auditor and confirmed the PREA Coordinator’s position and noted he reports directly to the Deputy Commissioner. He is knowledgeable of the PREA standards and he stated he is committed to PREA and in implementing PREA in all OCFS facilities. The agency PREA Coordinator also reported that he has the support needed and sufficient time to develop, implement, and oversee the agency’s efforts towards PREA compliance in all 12 of its facilities and to fulfill his PREA responsibilities. He was interviewed by this auditor on October 6, 2020 to confirm the above-mentioned statements.</p> <p>(c) MSC has a designated PREA Compliance Manager. Her official title is Assistant Director of Treatment and PREA Compliance Manager. The Facility Compliance Manager is knowledgeable of the PREA standards and their role in the facility. She was interviewed by this auditor during the on-site portion of this audit on October 6, 2020, and stated she has sufficient time and authority to develop, implement, and oversee MSC’s efforts to comply with the PREA standards.</p> <p>This auditor was provided the OCFS Organizational Chart (revised in January 2020) that confirms the agency PREA Coordinator reports directly to the Agency Head and the MSC Organizational Chart (revised in January 2020) that confirms the facility PREA Compliance Manager reports directly to the Facility Director.</p> <p>Reviewed documentation to determine compliance:</p> <ol style="list-style-type: none"> 1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01) 2. Administrative Coverage in OCFS Facilities Policy (PPM3247.40) 3. OCFS Organizational Chart (Revised January 2020) 4. MSC Organizational Chart (Revised January 2020)

5. MSC PREA Pre-Audit Questionnaire
6. OCFS – 4902 Youth Admission Handout “What you should know about Sexual Abuse/Harassment”

Interviews:

1. Interview with Agency PREA Coordinator
2. Interview with Facility PREA Compliance Manager

115.312	Contracting with other entities for the confinement of residents
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a – b) OCFS does not contract for the confinement of its residents with other private agencies/entities. This was confirmed during an interview with the Agency Head designee.</p> <p>Interviews:</p> <ol style="list-style-type: none"> 1. Interview with Agency Head Designee

115.313	Supervision and monitoring
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “DJJOY must develop, implement and document a staffing plan that provides for adequate levels of staffing, and where applicable, video monitoring to protect youth against sexual abuse. OCFS 2167 Video Surveillance and Staffing Plan must be completed and submitted to the OCFS PREA Coordinator by January 31st of each year. In determining adequate staffing levels and the need for video monitoring, facilities must take into consideration:</p> <ol style="list-style-type: none"> 1. Generally accepted juvenile detention and correctional/secure residential practices; 2. Any judicial findings of inadequacy; 3. Any findings of inadequacy from federal investigative agencies; 4. Any findings of inadequacy from internal or external oversight bodies; 5. All components of the facility’s physical plant (including “blind spots” and/or areas where staff or youth may be isolated); 6. Composition of the different populations within its facilities; 7. Number and placement of supervisory staff; 8. Programs occurring on each shift; 9. Relevant laws, regulations and standards; 10. Prevalence of substantiated and unsubstantiated incidents of sexual abuse; and 11. Minimum staff to youth ratios must be 1 to 8 during waking hours and 1 to 16 during sleeping hours. Any deviations from the plan due to limited and discrete exigent circumstances must be documented on the Video Surveillance and Staffing Plan (OCFS 2167). Only security staff must be included in these ratios.” <p>There were 11 residents residing at MSC during the on-site portion of this audit. The average daily population at the facility during the past 12 months has been 13 residents.</p> <p>The annual Video Surveillance and Staffing Plan at MSC also addresses the facility staffing plan and requirements. This plan is reviewed on an annual basis and was reviewed and revised by the Facility Director on January 28, 2020. The facility is currently budgeted for 91 direct care staff; 51 of those positions are currently filled and 40 of those positions are currently vacant.</p> <p>The facility is equipped with 200 video surveillance cameras (166 indoor cameras and 34 outdoor cameras). Recordings from these devices remain on a secure server for approximately 30 days. There is a total of 12 monitors in the Central Control Center which allows the cameras to be manned around the clock by a staff member assigned to the Central Control Center. In addition, the Facility Director and Assistant Director of Treatment have access to the video surveillance system on their computers in their offices that can be viewed and/or reviewed at any point during the day. Video from all major incidents are reviewed by the management team (Facility Director and Assistant Director of Treatment) and retained on a flash drive. It was noted during interviews with the Facility Director and Facility PREA Compliance Manager that random video surveillance is also reviewed on a weekly basis by</p>

the management team.

(b) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “minimum staff to youth ratios must be 1 to 8 during waking hours and 1 to 16 during sleeping hours. Any deviations from the plan due to limited and discrete exigent circumstances must be documented on the Video Surveillance and Staffing Plan.”

The Facility Director reported that there have been no deviations from the staffing plan during the past 12 months. He also reported that in the event management staff feel staffing ratios cannot be maintained during an upcoming Tour, staff would be held over and paid overtime to meet the ratios. Interviews with the Facility Director and Facility PREA Compliance Manager revealed that staffing is monitored shift to shift by the Administrator on Duty and that adjustments are made as needed to ensure the ratios are met. Staff schedules and resident rosters were also reviewed by this auditor to confirm compliance.

(c) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “Minimum staff to youth ratios must be 1 to 8 during waking hours and 1 to 16 during sleeping hours. Any deviations from the plan due to limited and discrete exigent circumstances must be documented on the Video Surveillance and Staffing Plan (OCFS 2167). Only security staff must be included in these ratios.”

The MSC Video Surveillance and Staffing Plan states the facility runs at a minimum 1:10 staff to resident ratio during Tour 1 (10:00pm to 6:00am) and at a minimum of 1:5 staff to resident ratio during Tour 2 (6:00am to 2:00pm) and Tour 3 (2:00pm to 10:00pm). It was confirmed by this auditor after reviewing population reports for the past 12 months, staff schedules, and observations made during the tour of the facility that these ratios were being met on a regular/consistent basis at the facility. During the on-site portion of this audit, there were a total of 11 residents residing at the facility (eight residents in Delta Unit and three residents in Charlie Unit). It was noted during interviews with the Facility Director and Assistant Director of Treatment/Facility PREA Compliance Manager that once the three residents residing in Charlie Unit complete their orientation/14 day quarantine period, they will be placed in Delta Unit and placed in appropriate rooms according to their Facility Classification Form. It was noted residents are placed in Charlie Unit for a period of 14 days upon intake to quarantine and to prevent the potential spread of COVID-19 at the facility during the pandemic.

(d) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “Whenever necessary, but no less frequently than once a year in consultation with the OCFS PREA Coordinator, DJJOY facilities will assess, determine and document where adjustments are needed to:

- The staffing plan;
- Prevailing staffing patterns;
- The facility’s deployment of video monitoring systems and other monitoring technologies;
- Resources the facility has available to commit to adhere to its staffing plan and;
- The OCFS 2167 Video Surveillance and Staffing Plan must be submitted to the OCFS PREA Coordinator by January 1st of each year on OCFS 2167.”

A review of the MSC Video Surveillance and Staffing Plan confirmed this plan is reviewed on an annual basis and was reviewed and revised by the Facility Director on January 28, 2020.

(e) OCFS Policies 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment and 3247.40 – Administrative Coverage in OCFS Facilities state “Intermediate level or higher- level supervisors must conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Such unannounced rounds must be implemented for all shifts (day and night). Facility staff are prohibited from alerting other staff members that these supervisory rounds are occurring, unless these announcements are related to legitimate operational functions of the facility.”

A review of Unannounced Rounds Logs and staff interviews confirmed that Unannounced Rounds occur as required in this standard by the Facility Director. The Facility Director who completes Unannounced Rounds was interviewed and he was able to discuss how he completes the rounds, assures minimum ratios are being met, and his inspection of the facility is completed. He stated he obtains a radio from the Central Control Center to ensure staff are not alerting each other that Unannounced Rounds are being completed and reviews the video surveillance footage to ensure no staff members in the Central Control Center have alerted other staff members Unannounced Rounds are being completed prior to physically walking through the facility. He also discussed how he makes sure the rounds are random by selecting different times of the day/night and days of the week. This auditor was able to review the Unannounced Rounds Log with the Facility Director to confirm Unannounced Rounds were being completed a minimum of twice per month (once during waking hours and once during sleeping hours) during the past 12 months.

Reviewed documentation to determine compliance:

1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01)
2. Administrative Coverage in OCFS Facilities Policy (PPM 3247.40)
3. MSC Staffing Schedules
4. MSC Resident Roster
5. 2020 MSC Video Surveillance and Staffing Plan
6. Unannounced Rounds Logs
7. Locations of Video Surveillance Cameras (inside and outside of the facility)
8. Tour of Facility

Interviews:

1. Interview with Facility Director
2. Interview with Facility PREA Compliance Manager
3. Interview with Facility Director who completes Unannounced Rounds
4. Random Staff Interviews from all 3 Tours

115.315	Limits to cross-gender viewing and searches
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) OCFS Policy 3247.18 – Contraband, Inspections, and Searches prohibits staff from conducting cross-gender strip searches or cross-gender pat searches except for thoroughly documented exigent circumstances. This policy states “Except in emergency situations, personal searches must be conducted by staff of the same gender as the youth being searched. Transgender youth may request staff of their identifying gender to conduct a strip or pat search. Whenever possible, this request must be accommodated, considering staffing and safety needs.”</p> <p>Staff and resident interviews supported that cross-gender strip searches and cross-gender pat searches are prohibited and do not occur at the facility. During interviews, staff members could describe what an exigent circumstance would be. During the past 12 months, there have been no cross-gender strip searches or cross-gender visual body cavity searches of residents performed by medical staff or non-medical staff at MSC.</p> <p>(b) OCFS Policy 3247.18 – Contraband, Inspections, and Searches states “Except in emergency situations, personal searches must be conducted by staff of the same gender as the youth being searched. Transgender youth may request staff of their identifying gender to conduct a strip or pat search. Whenever possible, this request must be accommodated, considering staffing and safety needs.”</p> <p>Interviews with residents, staff members, medical staff, and the Facility Director confirmed there have been no cross-gender pat searches of residents during the past 12 months at MSC. Staff members interviewed understood what an exigent circumstance would be and that this is the only time they would be permitted to conduct a cross-gender pat search.</p> <p>(c) OCFS Policy 3247.18 – Contraband, Inspections, and Searches states “All strip searches, radiological searches, body cavity searches, and non-routine pat searches must be entered in the unit and facility log. The record must include: justification for the search; name of the person authorizing the search; type of search; date and time of search; location of the search; name of each youth searched; name of the staff conducting the search; an itemization of any contraband found during the search; the disposition of any article(s) confiscated in the search; and any other significant information related to the search, including requests of gender-specific staff to conduct search of transgender youth.”</p> <p>Staff members interviewed reported in the event they would have to conduct a cross-gender pat search, they would document the incident on an Activity Report (20-79 Form) and place a note in the logbook noting the search performed on the resident. Residents interviewed confirmed there have been no cross-gender pat searches conducted at MSC during the past 12 months.</p> <p>(d) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “Opposite gender viewing of youth under circumstances when breasts, buttocks or genitalia would normally be exposed (shower/hygiene time, performing bodily functions, and changing clothes) is prohibited. Each facility director must develop local</p>

operating procedures designed to prevent such viewing; such procedures must require that staff of the opposite gender announce their presence when entering the housing unit and any area where youth are likely to be showering, performing bodily functions, or changing clothing.”

All residents and staff members interviewed confirmed this policy is followed regularly as only male staff members are permitted to supervise showers/bathroom call. All residents shower in shower rooms with a privacy curtain covering the shower area. There are no cameras in the resident’s bedrooms, shower rooms, or restrooms. Female staff members announce their presence upon entering the living units by stating “female on the unit” and noting their entrance into the living unit in the Logbook. Log entries in the logbook and female staff members announcing their presence in the living units were observed by this auditor during the tour of the facility. Signs are posted outside of the door of each living unit informing opposite gender staff members to announce their presence upon entering the living unit.

Interviews with staff members and residents confirmed that female staff members announce their presence upon entering the living unit as required by announcing “female on the unit” and placing a note in the logbook.

(e) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “Searching or physically examining a transgender or intersex youth for the sole purpose of determining the youth’s genital status is prohibited.”

Staff members interviewed understood that they are prohibited from searching or physically examining a transgender or intersex resident for the sole purpose of determining the resident’s genital status. Staff members interviewed stated that if a resident’s genital status is unknown, they would attempt to determine the genital status by having conversations with the resident, reviewing medical records, and reviewing the case history of the resident. There were no transgender or intersex residents admitted into the facility during the past 12 months.

According to the Pre-Audit Questionnaire, there were no cross-gender strip searches or cross-gender pat searches during the past 12 months. This was confirmed during an interview with the Facility Director, staff members, and residents during the on-site portion of this audit.

(f) The staff training curriculum “Conducting Comprehensive Searches” includes the searching of residents, including completing cross gender pat searches and searches of transgender and intersex residents in a professional and respectful manner. This training curriculum, as well as training logs, were reviewed by this auditor during the pre-audit portion of this audit.

All staff members are required to participate in and complete this training on an annual basis. Staff members interviewed were able to describe this training to this auditor during interviews.

Reviewed documentation to confirm compliance:

1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01)
2. Contraband, Inspections, and Searches Policy (PPM 3247.18)
3. Conducting Comprehensive Searches Training Curriculum
4. Staff Training Logs
5. Review of Logbook Entries
6. Tour of Facility

Interviews:

1. Interview with Facility Director
2. Random Resident Interviews
3. Random Staff Interviews

115.316	Residents with disabilities and residents who are limited English proficient
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “OCFS is committed to the equal opportunity to participate in and benefit from all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse, assault, and harassment”. In addition, this policy states “all education and information shall be made available in formats accessible to all youth (Limited English, deaf, visually impaired or otherwise disabled as well as limited reading skills)”.</p> <p>There were three cognitively disabled residents residing at MSC during the on-site portion of this audit. These residents were interviewed by this auditor and confirmed all of their needs are met and anytime they do not comprehend something, they know they can seek assistance from a staff member and they will take the time to review the material they do not understand to ensure they are able to comprehend that material. During interviews with the Facility Director and Facility PREA Compliance, they both noted any disabled resident residing at the facility, receives an equal opportunity to participate in and benefit from all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse.</p> <p>(b) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “All education and information must be made available in formats accessible to all youth (limited English, deaf, visually impaired or otherwise disabled, as well as, limited reading skills).”</p> <p>The agency PREA Youth Brochure “Checking in for Your Safety” is available to residents in both English and Spanish. Both versions of this brochure were reviewed by this auditor prior to the on-site portion of this audit. In addition, PREA posters are posted in the living units, all commons areas, hallways, and the area where family visits take place. These posters are also in both English and Spanish.</p> <p>Limited English Proficient (LEP) interpreters are also available through the Office of Communications. An LEP liaison can be reached at (518) 402-3130. This auditor was provided a comprehensive list of LEP liaisons that are available to residents at MSC.</p> <p>There were no limited English proficient residents residing at MSC during the on-site portion of this audit to interview.</p> <p>(c) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “Facilities must not rely upon youth interpreters, youth readers or other types of youth assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could jeopardize a youth’s safety, the performance of first responder duties subject to section 115.364 of the PREA Juvenile Standards, or the investigation of the youth’s allegations. All education and information must be made available in formats accessible to all youth (limited English, deaf, visually impaired or otherwise disabled, as well as, limited reading skills).”</p> <p>Random staff interviews confirmed that residents are not used as interpreters. In addition, it was confirmed during interviews with staff members and the Facility Director that there have</p>

been no circumstances during the past 12 months at MSC where resident interpreters, readers, or other types of resident assistants have been used. Staff members interviewed all understood there are interpreters available for the residents through the Office of Communications.

Reviewed documentation to determine compliance:

1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01)
2. Language Assistance Resources
3. Agency PREA Youth Brochure (English)
4. Agency PREA Youth Brochure (Spanish)
5. Tour of Facility

Interviews:

1. Interview with Facility Director
2. Interview with Facility PREA Compliance Manager
3. Random Staff Interviews
4. Interview with Disabled Residents

115.317	Hiring and promotion decisions
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a – b) OCFS Policy 2026.03 – Criminal History Screening – Employees/Candidates and OCFS Policy 2021.04 – Employee Screening for Child Abuse and Maltreatment provides guidelines for background checks and hiring and promotional practices. This policy states “OCFS is required by Section 424-a of the Social Services Law to use the New York Statewide Register of Child Abuse and Maltreatment to screen prospective employees, service providers, contractors and their employees for indicated reports of child abuse and maltreatment.”</p> <p>This practice was confirmed during an interview with a representative from the Personnel Office as well as a review of randomly selected employee files.</p> <p>(c) The Justice Center of New York is the lead agency in conducting background checks. The Justice Center of New York maintains a Staff Exclusion List (SEL) that logs all individuals in the state of New York who have been found responsible for serious or repeated acts of abuse or neglect. If a prospective employee is listed on the SEL, he or she is no longer given further consideration for employment. If a person is not on the SEL, OCFS requests a criminal background check and a check of the statewide Center Register of Child Abuse and Maltreatment. The Justice Center of New York will then notify the agency if the person has successfully completed the background check. Previous employment references are then contacted.</p> <p>During the past 12 months, there were 13 employees hired at MSC who may have contact with residents. All randomly selected staff member’s files contained the above-mentioned background information. This was also confirmed during an interview with a representative from the Personnel Office. In addition, the agency PREA Coordinator was able to describe the agency’s hiring and promotion process in detail to this auditor.</p> <p>(d) OCFS Policy 2026.03 – Criminal History Screening Employees/Candidates/Volunteers/Contractors states “Candidates who are contractors will be required to undergo criminal history screening through the use of a background check company selected by OCFS. Contractors will be required to authorize OCFS to seek criminal history information from the contractor and authorize the contractor to provide the information to OCFS’s Bureau of Personnel.” In addition, “The associate director of human resources will require contractors to undergo a criminal history background check every five years if the screening contractor does not use the equivalent of a ‘search and retain’ process.”</p> <p>During the past 12 months, there have been 9 contractors and 123 volunteers approved to enter MSC and have contact with the residents. All of these contractors and volunteers were screened as noted in the above-mentioned policy.</p> <p>(e) OCFS Policy 2026.03 – Criminal History Screening- Employees/Candidates/Volunteers/Contractors states “To provide the safety and well-being of youth in New York State Office of Children and Family Services (OCFS) care, to safeguard state assets and to maintain the public trust, OCFS will review the criminal histories of all</p>

candidates for employment and prospective volunteers and contractors who have the potential for regular and substantial unsupervised or unrestricted contact with youth, before such persons are permitted unrestricted contact with youth. Employees promoted, transferred within OCFS or receiving a lateral transfer from other agencies to OCFS will be screened for criminal history background as a condition of employment for appointment to any vacancies in OCFS. Screening must be completed before any candidate can be hired or in the case of contractors and volunteers, permitted to work.”

During interviews with a representative from the Personnel Office and the Agency PREA Coordinator, it was noted that when a person is hired in OCFS, their name is registered in a national database that tracks any contacts with law enforcement agencies. If an OCFS employee is arrested anywhere in the United States, a notification is immediately sent to the Justice Center of New York. The Justice Center of New York then sends a notification to the facility. This system captures arrest records for all employees. OCFS checks the statewide Central Register of Child Abuse and Maltreatment every 2 years for current employees and any employee eligible for a promotion. This auditor was able to review randomly selected staff members files in order to confirm the above-mentioned practice has been implemented and is being adhered to.

(f) OCFS Policy 2026.03 – Criminal History Screening-

Employees/Candidates/Volunteers/Contractors notes applicants are required to report on their application for employment any arrests that may impact their ability to work with youth.

Applicants are asked if they have a felony conviction of a sex offense at any time; a felony conviction within the past 10 years involving violence; a conviction pursuant to Penal Law sections 260.00, 260.25, 260.32, or 260.34; or any similar offense in any other jurisdiction outside of New York State.

(g) OCFS Policy 2026.03 – Criminal History Screening-

Employees/Candidates/Volunteers/Contractors states “If the Justice Center, DCJS or a background check contractor notifies OCFS that a candidate has a criminal history and if the candidate has responded ‘no’ to any criminal history question on the application and the response is not consistent with the application or screening information received, or there is information concerning an arrest or conviction after the date of the application, or another concern related to criminal history, the Associate Director of Human Resources will send the candidate a letter inviting the candidate to provide further information supporting his/her candidacy within 20 calendar days of the date of the letter. Should the applicant fail to respond within the 20 calendar days, the application will be automatically denied.”

This screening process noted above was confirmed during an interview with a representative from the Personnel Office as well as reviewing randomly selected employees background checks.

(h) A representative from the Personnel Office noted that when requested, OCFS does 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.

Reviewed documentation to determine compliance:

1. Employee Screening for Child Abuse and Maltreatment Policy (PPM 2021.04)

2. Criminal History Screening-Employees/Candidates/Volunteers/Contractors Policy (PPM 2026.03)
3. Justice Center's Frequently Asked Questions – Criminal Background Checks
4. Justice Center's Staff Exclusion List Checks for Prospective Staff Hired
5. Review of Randomly Selected Staff Files

Interviews:

1. Interview with Agency Personnel Office Representative
2. Interview with Agency PREA Coordinator

115.318	Upgrades to facilities and technologies
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>(a) MSC develops a Video Surveillance and Staffing Plan on an annual basis (updated on January 28, 2020 by the Facility Director). Any expansion or modifications to the facility is noted on this Video Surveillance and Staffing Plan. The 2020 Video Surveillance and Staffing Plan was reviewed by this auditor prior to the on-site portion of this audit and was confirmed during an interview with the Facility Director.</p> <p>There has been one expansion project completed at MSC since the last PREA Audit in June 2017. There was a new Medical wing added on to the facility. This new Medical wing contains three offices (Nurse Administrator Office, Nurse Practitioner Office, and Nurse Work Station), Medicine Distribution Room (the nurse distributing medications stands behind a sliding window and is able to distribute medications to the residents through the window), Dental Room, Examination Room, Resident Bathroom (used only for obtaining urine samples from residents), and a staff bathroom. There is a total of 7 video surveillance cameras installed in the hallways in this new wing to ensure residents are protected from sexual abuse.</p> <p>An interview with the Agency Head designee confirmed multiple safeguards were put in place when constructing this building to ensure residents are protected from potential sexual abuse. These safeguards included installing video surveillance cameras and the installation of a medicine distribution window in the new wing.</p> <p>There is currently a new construction/modification project that is occurring during this time in Alpha and Bravo Units where the restrooms are being overhauled to make two separate shower rooms and two separate restrooms each with a toilet and a sink. These new areas will replace the old restroom/shower area which was one large room with separate stalls each containing a shower and toilet. These living units do not house any residents at this time and will not house any residents until the construction project is completed.</p> <p>(b) The MSC Video Surveillance and Staffing Plan noted the video surveillance system was installed in 1998 and was last upgraded on January 15, 2020. Interviews with the Agency Head designee, Agency PREA Coordinator, and the Facility Director confirmed the video surveillance system is upgraded on a regular basis at MSC.</p> <p>Reviewed documentation to determine compliance:</p> <ol style="list-style-type: none"> 1. 2020 MSC Video Surveillance and Staffing Plan 2. Tour of Facility <p>Interviews:</p> <ol style="list-style-type: none"> 1. Interview with Agency Head Designee 2. Interview with Agency PREA Coordinator 3. Interview with Facility Director

115.321	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) The Justice Center of New York conducts sexual abuse and sexual harassment administrative and criminal investigations. All alleged incidents of sexual abuse and sexual harassment which may be criminal in nature are also reported to other appropriate authorities as required (including the New York State Police). The OCFS Deputy Commissioner formally asked the Justice Center of New York Executive Director to comply with all PREA investigative standards in a letter dated March 30, 2017. A representative from the Justice Center of New York was contacted on October 7, 2020 and stated that all investigators at the Justice Center of New York who conduct investigations at OCFS facilities have been trained in a uniform evidence protocol by the National Institute of Corrections (NIC). He also stated they complete all criminal and sexual abuse/PREA investigations for allegations at all New York OCFS facilities (including MSC). It was noted during this interview that the Justice Center of New York has a Sexual Abuse Response Team (SART). Investigators on this team are specially trained to investigate allegations of sexual harassment and sexual abuse.</p> <p>(b) MSC does not have internal administrative investigators nor does the agency. MSC is not responsible for completing any form of criminal or administrative sexual abuse investigations. All sexual abuse investigations are completed by the Justice Center of New York. This was confirmed during interviews with the Facility Director and a representative from the Justice Center of New York.</p> <p>(c) The Agency PREA Coordinator and Facility PREA Compliance Manager stated during their interviews that Cayuga Medical Center is where a resident would be transported for a forensic examination by a SANE. MSC has a Memorandum of Agreement with Cayuga Medical Center that states “Cayuga Medical Center will provide a forensic examination conducted by a Sexual Assault Nurse Examiner (SANE) or other similarly credentialed forensic examiner, collect and maintain the integrity of evidence collected during the examination for law enforcement, and contact the Tompkins County Advocacy Center who will send an advocate to the hospital to provide rape crisis counseling and advocacy services.” A representative from Cayuga Medical Center was contacted by this auditor and was able to confirm the details of the Memorandum of Agreement and protocol that would take place in the event a resident who was the victim of alleged sexual abuse was transported to their hospital.</p> <p>OCFS Policy 3243.16 – Payment for Health Services states “The New York State Office of Children and Family Services (OCFS) is responsible for payment of health care services provided to youth who are in a Division of Juvenile Justice and Opportunities for Youth (DJJOY) residential facilities.”</p> <p>In reviewing documentation, there were no incidents of sexual abuse at MSC during the past 12 months that involved penetration and required a resident to be transported to Cayuga Medical Center for a forensic examination by a SANE.</p> <p>(d) The Agency PREA Coordinator provided this auditor with a Memorandum of Agreement with Cayuga Medical Center that states an advocate from the Tompkins County Advocacy Center would be contacted to respond to the hospital to provide rape crisis counseling and</p>

advocacy services.

A representative from Cayuga Medical Center was interviewed by this auditor and confirmed an advocate from the Tompkins County Advocacy Center would respond to Cayuga Medical Center to provide outside emotional support and rape crisis counseling to any victim of sexual abuse.

In the event an advocate from the Tompkins County Advocacy Center is unable to provide victim advocate services, the facility has a qualified staff member who is a Licensed Clinical Social Worker to provide services. This staff member's credentials were provided to this auditor and were confirmed she is certified through October 31, 2021.

(e) MSC has a Memorandum of Agreement with Cayuga Medical Center which states an advocate from the Tompkins County Advocacy Center would be contacted to accompany and support the victim through the forensic medical examination process and investigatory interviews. This advocate would also provide emotional support, crisis intervention, information, and referrals. In the event an advocate from the Tompkins County Advocacy Center is unable to provide services, MSC has a qualified staff member who is a Licensed Clinical Social Worker to provide services.

(f) The Justice Center of New York conducts sexual abuse and sexual harassment administrative and criminal investigations. All alleged incidents of sexual abuse and sexual harassment which may be criminal in nature are also reported to other appropriate authorities as required (including the New York State Police). The OCFS Deputy Commissioner formally asked the Justice Center of New York Executive Director to comply with all PREA investigative standards in a letter dated March 30, 2017. This auditor was provided a copy of the letter to the Justice Center of New York to confirm compliance with this standard. An interview with a representative from the Justice Center of New York confirmed his agency complies with all PREA investigative standards when completing an investigation at MSC.

Reviewed documentation to determine compliance:

1. Payment for Health Services Policy (PPM 3243.16)
2. Formal Letter to NYS Justice Center Executive Director requesting investigations be conducted in compliance within PREA Standards (March 30, 2017)
3. MOA with Cayuga Medical Center
4. Credentials of Qualified Staff Member

Interviews:

1. Interview with Agency PREA Coordinator
2. Interview with Representative from Justice Center of New York
3. Interview with Representative from Cayuga Medical Center

115.322	Policies to ensure referrals of allegations for investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “OCFS requires that an investigation be conducted and documented whenever a violation of this policy is alleged. The Justice Center has responsibility for investigation of all PREA related allegations and incidents.”</p> <p>In the prior 12 months, there has been no allegations of sexual abuse or sexual harassment at MSC. In the event there would be an allegation of sexual abuse or sexual harassment, the allegation would be immediately reported to the Justice Center of New York for investigation. Interviews with the Facility Director and a representative from the Justice Center of New York confirmed the referral process for any allegations of sexual abuse or sexual harassment. Both reported any allegations are immediately referred to the Justice Center of New York for investigation. The representative from the Justice Center of New York stated as soon as an allegation is received, an investigation immediately begins and is conducted by an investigator from the Sexual Abuse Response Team.</p> <p>It was noted there was an allegation of sexual abuse reported to the Justice Center of New York on July 19, 2019. This allegation was investigated by the Justice Center of New York and a Substantiated determination was forwarded to the Facility Director on February 25, 2020. This auditor was able to review the Facility Reportable Incident Report and investigative reports from the Justice Center of New York to confirm the allegation was immediately referred for investigation.</p> <p>(b) As noted in OCFS Policy 3247.01, all allegations of sexual abuse and sexual harassment are referred to the Justice Center of New York for investigation. Interviews with the Facility Director and Facility PREA Compliance Manager confirmed that during an open investigation, communication is maintained between MSC and the Justice Center of New York through telephone calls, emails, and on-site visits. An interview with a representative from the Justice Center of New York also confirmed these statements.</p> <p>Information regarding the referral of allegations of sexual abuse and sexual harassment for investigation and other PREA related information is posted on the agency website. PREA related information is also posted in the facility in each living unit, common areas, and visiting areas.</p> <p>All allegations are referred to the Justice Center of New York within 24 hours and are documented on a Facility Reportable Incident form. There were no allegations of sexual abuse or sexual harassment during the past 12 months at MSC. This auditor was able to review Facility Reportable Incident Reports from earlier in 2019 to confirm any allegations are documented on this form and forwarded to the Justice Center of New York for investigation. These reports clearly note the date of the incident, the date the allegations was reported to the Justice Center of New York, and a summary of the incident/allegation.</p> <p>(c) The OCFS Deputy Commissioner has formally asked the Justice Center of New York Executive Director to comply with PREA investigative standards. This was requested in a</p>

formal letter to the Justice Center of New York Executive Director requesting investigations be conducted in compliance within PREA standards. The letter was dated March 30, 2017, and a copy was provided to this auditor for review. This formal letter notes the responsibilities for OCFS facilities and the Justice Center of New York.

A representative from the Justice Center of New York was contacted on October 7, 2020, and stated his agency completes thorough investigations on each incident and sends a detailed report to the Facility Director noting their findings and determinations at the completion of each investigation. The Facility Compliance Manager noted that following the facility receiving the final report from the Justice Center of New York indicating an Unsubstantiated or Substantiated determination regarding a sexual abuse investigation, a PREA Sexual Abuse Incident Review is conducted by the Incident Review Team and documented by the Facility Compliance Manger.

During the past 12 months, there was one investigation completed by the Justice Center of New York. This was related to an allegation of sexual abuse that was reported to the Justice Center of New York for investigation on July 19, 2019. This auditor was able to review a detailed investigative report from the Justice Center of New York that was forwarded to the Facility Director upon completion of the investigation on February 25, 2020.

Reviewed documentation to determine compliance:

1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01)
2. Formal Letter to Justice Center of New York Executive Director requesting investigations be conducted in compliance within PREA Standards (March 30, 2017)
3. Investigative Reports
4. Facility Reportable Incident Reports

Interviews:

1. Interview with Facility Director
2. Interview with Facility PREA Compliance Manager
3. Interview with Representative from Justice Center of New York

115.331	Employee training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, and Harassment states “All employees must receive training that is specific to juveniles and the gender of the population they are working with. Employees must sign an acknowledgement verifying that they understand the training they receive. Staff must be retrained when they transfer to a facility with a different gender population. Current employees must receive this training and receive refresher training annually. The training must include the following:</p> <ol style="list-style-type: none"> 1. OCFS’ zero tolerance policy on sexual abuse and sexual harassment; 2. Staff responsibilities under OCFS’ sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures; 3. Youth’s rights to be free from sexual abuse and harassment; 4. Rights of youth and employees to be free from retaliation for reporting sexual abuse and sexual harassment; 5. Dynamics of sexual abuse and sexual harassment in juvenile facilities; 6. Common reactions of juvenile victims of sexual abuse and harassment; 7. How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between youth; 8. How to avoid inappropriate relationships with youth; 9. Effective and professional communication with youth including those who identify as lesbian, gay, bisexual, transgender, intersex and/or gender nonconforming; 10. Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities; and 11. Relevant laws regarding the applicable age of consent for OCFS youth.” <p>All employees receive an initial training created by the National Institute of Corrections (PREA: Your Role in Responding to Sexual Abuse). They receive this training at the Training Academy upon hire. Current employees who received this training, receive refresher trainings annually (OCFS – PREA Policy Review).</p> <p>All staff members interviewed reported receiving the above-mentioned training regarding PREA on an annual basis. Training logs were reviewed by this auditor and indicated all staff who may have contact with residents at MSC completed the training on an annual basis.</p> <p>(b) PREA training is provided specific to the facility annually. MSC only houses male residents; therefore, the training is tailored to that population. If a staff member is reassigned to another OCFS facility which houses female residents, as per OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, and Harassment, that employee would receive training tailored to the female population. This auditor reviewed the training specific to those staff members working with male residents at MSC. After reviewing this training, it was confirmed the training is tailored to male residents.</p> <p>In addition to the above-mentioned trainings, OCFS Policy 3442.00 – Lesbian, Gay, Bisexual,</p>

Transgender, and Questioning Youth states all OCFS staff members are required to attend LGBT training on an annual basis. This training raises awareness and capacity for staff members to respond to gender identity, sexual orientation, and gender expression issues in residential settings.

During the on-site portion of this audit, it was noted that posters are posted throughout the facility to educate both staff and residents on agency PREA policies.

(c) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, and Harassment states “Current employees must receive the initial PREA training and receive refresher trainings annually.” This auditor reviewed trained records and confirmed all staff members completed the annual PREA trainings on a yearly basis. Interviews with staff members also confirmed they received the training and understood the material that was covered in the training they received.

(d) All staff members who successfully complete the annual PREA training must sign a PREA Training Roster following the training. The PREA Training Roster contains the staff member’s last name, first name, position/job title, and a box to note if they understood the training they received (the staff member prints yes or no in the box). The PREA Training Roster is then signed by the Instructor and dated. This auditor was able to review the MSC PREA Training Rosters and confirmed they had the appropriate staff members signatures and noted if they understood the training they received.

Interviews with randomly selected staff confirmed they are knowledgeable of PREA. Staff members demonstrated their knowledge of PREA, the zero-tolerance policy, and the residents and staff’s right to be free from retaliation for reporting allegations of sexual abuse and sexual harassment. In addition, staff members are provided “PREA Cards” which outlines procedures and proper protocol for protecting residents from imminent sexual abuse and their role as a first responder. All staff members interviewed were carrying their “PREA Card” and displayed it to this auditor when requested.

Reviewed documentation to determine compliance:

1. Prevention, Detection, and Response to Sexual Abuse, Assault or Harassment Policy (PPM 3247.01)
2. Lesbian, Gay, Bisexual, Transgender and Questioning Youth Policy (PPM 3442.00)
3. PREA Training Curriculum/Training Logs
4. PREA Cards

Interviews:

1. Random Staff Interviews

115.332	Volunteer and contractor training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “All volunteers and contractors who have intended contact with youth must be trained on their responsibilities under this policy. The level and type of training must be based on the services they provide and the level of contact they have with youth. Regardless of level of contact, all volunteers and contractors who have contact with youth must be notified in writing of OCFS’ zero tolerance policy and how to report incidents or suspicions of sexual abuse or harassment. The facility must maintain documentation confirming that contractors and volunteers have understood the training that they have received.”</p> <p>MSC reported that 9 contractors and 123 volunteers who have contact with residents, were trained on agency policies and procedures regarding sexual abuse and sexual harassment prevention, detection, and response. Prior to entering the facility, all volunteers and contractors are given of Sexual Misconduct Brochure and Volunteer/Contractor Training and Acknowledgement Form to review and sign off indicating they have received the training and understood it. This auditor was able to review PREA Training sign off sheets signed by volunteers and contractors to confirm they received the required training.</p> <p>(b) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment notes all volunteers and contractors who have contact with residents will receive training regarding their responsibilities and obligations under this policy. Prior to entering the facility, all volunteers and contractors are given of Sexual Misconduct Brochure and Volunteer/Contractor Training and Acknowledgement Form to review and sign off noting they understand the material in the brochure. This auditor was able to review PREA Training sign off sheets signed by volunteers and contractors to confirm they received the required training.</p> <p>(c) MSC maintains training records for volunteers and contractors who have been approved to enter the facility and have contact with residents. All volunteer/contractor training records are kept on a database at the facility and maintained by the Facility PREA Compliance Manager. The Facility Director and Facility PREA Compliance Manager were able to explain the process of educating a volunteer/contractor prior to them entering the facility to ensure they are aware of the agency zero-tolerance policy, their duty to report, and the importance of appropriate interactions with the residents. Due to the COVID-19 pandemic restrictions, there were no volunteers/contractors at the facility during the on-site portion of the audit for this auditor to interview. However, this auditor was able to review training records to confirm compliance.</p> <p>Reviewed documentation to determine compliance:</p> <ol style="list-style-type: none"> 1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01) 2. Volunteer/Contractor Training and Acknowledgement Template 3. Signed Volunteer/Contractor Training and Acknowledgement Forms 4. Sexual Misconduct Brochure <p>Interviews:</p>

1. Interview with Facility Director
2. Interview with Facility PREA Compliance Manager

115.333	Resident education
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>(a) OCFS Policy 3402.01 – Secure Facilities Admission and Orientation states “upon admission to any OCFS secure facility, youth shall be informed of the OCFS zero tolerance policy on excessive use of force, sexual abuse, and sexual harassment.”</p> <p>In addition, OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “Upon admission, and no later than 72 hours, youth must be provided information, in an age appropriate manner, either in person or video, about their rights to be free from sexual abuse and sexual harassment, and free from retaliation for reporting allegations of sexual abuse and sexual harassment. Youth must be provided with and sign for receipt of OCFS 4902 What You Should Know About Sexual Abuse within first 72 hours of admission. Youth must be provided information concerning prevention, intervention, self-protection, reporting of sexual abuse and the agency’s zero tolerance policy.”</p> <p>This auditor was able to review copies of the OCFS PREA pamphlets “What you should know about Sexual Abuse/Harassment” and “Checking in for: Your Safety at OCFS DJJOY.” All residents receive a copy of these pamphlets upon admission to MSC. They are available in both English and Spanish. Residents interviewed were knowledgeable of PREA and were able to articulate ways they can report sexual harassment and sexual abuse. In addition, all residents interviewed confirmed they received PREA education during their intake (during their first 24 hours at the facility).</p> <p>(b) MSC reports there were 8 residents admitted into the facility during the past 12 months and all 8 of the residents received comprehensive PREA education upon intake into the facility. This education included their right to be free from both sexual abuse and sexual harassment and retaliation for reporting such incidents. This auditor reviewed all 11 resident’s files and confirmed all 11 of the resident’s files noted these residents received their PREA education during their first or second day at the facility. All residents interviewed confirmed they received PREA Education during their intake (during their first 24 hours at the facility) and each resident’s file had a signed acknowledgement form noting their received their PREA education and a copies of the OCFS PREA pamphlets “What you should know about Sexual Abuse/Harassment” and “Checking in for: Your Safety at OCFS DJJOY.”</p> <p>(c) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “youth who are transferred to another facility must receive this information again to the extent that the information from the previous facility differs from their new facility.”</p> <p>In addition, OCFS Policy 3402.01 – Secure Facilities Admission and Orientation states “review and discuss the agency’s zero tolerance policy regarding sexual abuse and assault and provide the youth with an informational packet pertaining to the Prison Rape Elimination Act (PREA). The youth shall sign a receipt for the packet and a copy of the receipt shall be placed in the youth’s case record.”</p> <p>Intake staff members who were interviewed reported each resident admitted into the facility receive PREA education during their first day at the facility and no later than 72 hours after</p>

their admission. They were able to describe reviewing the agency zero tolerance policy and reviewing and providing each resident with the OCFS PREA pamphlets “What you should know about Sexual Abuse/Harassment” and “Checking in for: Your Safety at OCFS DJJOY”. This auditor reviewed all 11 resident’s files during the on-site portion of this audit and all 11 files reviewed contained a signed copy of the receipt noting the resident received the PREA education per OCFS policies noted above.

All residents interviewed confirmed they received comprehensive PREA education during their intake on their first day at the facility. They also acknowledged reviewing and receiving copies of the OCFS PREA pamphlets “What you should know about Sexual Abuse/Harassment” and “Checking in for: Your Safety at OCFS DJJOY.” In addition, residents interviewed stated they receive PREA Education groups at MSC. Staff members interviewed also noted these PREA Education groups are facilitated at MSC in order to re-educate the residents on the importance of PREA and its role in the facility.

(d) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “The required information must be communicated orally and in writing, in a language clearly understood by the youth during the admission process. Language assistance resources are available through the OCFS Public Information Office. Facilities must not rely upon youth interpreters, youth readers or other types of youth assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could jeopardize a youth’s safety, the performance of first responder duties subject to section 115.364 of the PREA Juvenile Standards, or the investigation of the youth’s allegations. All education and information must be made available in formats accessible to all youth (limited English, deaf, visually impaired or otherwise disabled, as well as, limited reading skills).”

Interviews with intake staff members confirmed all PREA education information is communicated orally and in writing and in a language clearly understood by the resident, during the intake process. Language assistance resources are available through the OCFS Public Information Office. The facility also ensures that key information about PREA is continuously and readily available or visible through posters, the Resident Handbook, and PREA pamphlets “What you should know about Sexual Abuse/Harassment” and “Checking in for: Your Safety at OCFS DJJOY” in both English and Spanish. This auditor was able to confirm this material was available in both English and Spanish during the tour of the facility and by reviewing the Resident Handbook and PREA pamphlets that all residents receive.

(e) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “receipt of the above (PREA) education and information must be documented for each youth in the Juvenile Justice Information System (JJIS).”

All resident education is documented on a confirmation form specific to MSC. This confirmation form is signed and dated by the resident upon receiving PREA education information and is also signed and dated by the Administrator on Duty. This confirmation form is kept in the resident’s files. Noted on this confirmation form are ways to report sexual abuse, sexual harassment, and retaliation, a contact number for the Office of the Ombudsman, and confirmation copies of OCFS’ PREA education pamphlets “What you should know about Sexual Abuse/Harassment” and “Checking in for: Your Safety at OCFS DJJOY” were received. This auditor was able to review all 11 resident files and each file contained the above-mentioned documentation confirming the resident received PREA education at intake and within 72 hours of their arrival at the facility.

(f) At intake, all residents receive OCFS PREA pamphlets titled “What you should know about Sexual Abuse/Harassment” and “Checking in for: Your Safety at OCFS DJJOY”. These pamphlets include information about the agency’s zero-tolerance policy and reporting information noting ways to report an allegation of sexual abuse or sexual harassment. In addition, there were visible posters (in both English and Spanish) in the hallways, all common areas, visiting areas, and in the living units of the facility that were viewed by this auditor during the tour of the facility by this auditor. All residents interviewed stated they have been educated on PREA during their intake and during a regular basis during their stay at the facility through PREA education groups. Residents interviewed stated they were aware of PREA and how to report allegations of sexual abuse or sexual to a staff member in the facility as well as outside resources they can report to (Office of the Ombudsman and the Justice Center of New York).

Reviewed documentation to determine compliance:

1. Prevention, Detection, and Response to Sexual Abuse, Assault, and Harassment Policy (PPM 3247.01)
2. Secure Facilities Admission and Orientation Policy (PPM 3402.01)
3. OCFS – 4902 Youth Admission Handout “What you should know about Sexual Abuse”
4. PREA Youth Brochure “Checking in for: Your Safety at OCFS DJJOY”
5. MSC – Signed Resident Zero Tolerance Acknowledgements
6. PREA Posters
7. Tour of Facility

Interviews:

1. Intake Staff Interviews
2. Random Resident Interviews

115.334	Specialized training: Investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) The Justice Center of New York is the state entity outside of the agency responsible for the investigation of all allegations of sexual abuse and sexual harassment in all OCFS facilities. OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment, states “OCFS requires that an investigation be conducted and documented whenever a violation of this policy is alleged. The Justice Center has responsibility for investigation of all PREA related allegations and incidents.”</p> <p>The OCFS Deputy Commissioner has formally asked the Justice Center of New York Executive Director to comply with PREA investigative standards. This was requested in a formal letter to the Justice Center of New York Executive Director requesting investigations be conducted in compliance with the PREA standards. This letter was dated March 30, 2017, and a copy was provided to this auditor for review.</p> <p>(b) The Justice Center of New York is responsible for the investigation of all allegations of sexual abuse and sexual harassment in all OCFS facilities. A representative from the Justice Center of New York was interviewed October 7, 2020, and confirmed all investigators complete the National Institute of Corrections training “Investigating Sexual Abuse in a Confinement Setting”. This training covers the topics of interviewing juvenile sexual abuse victims; proper use of Miranda and Garrity warnings; sexual abuse evidence collection in confinement settings; and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.</p> <p>(c) The Justice Center of New York is responsible for the investigation of all allegations of sexual abuse and sexual harassment in all OCFS facilities. The OCFS Deputy Commissioner has formally asked the Justice Center of New York Executive Director to comply with PREA investigative standards. This was requested in a formal letter to the Justice Center of New York Executive Director requesting investigations be conducted in compliance with the PREA standards. This letter was dated March 30, 2017, and a copy was provided to this auditor for review.</p> <p>(d) A representative from the Justice Center of New York was interviewed by this auditor on October 7, 2020. This representative confirmed the Justice Center of New York ensures all agents conducting investigations of sexual abuse and sexual harassment have completed the above-mentioned training offered by the National Institute of Corrections. During an interview with a representative from the Justice Center of New York, he described the Sexual Abuse Review Team. The Sexual Abuse Incident Review Team is a team of investigators from the Justice Center of New York that are specifically trained to investigate allegations of sexual harassment and sexual abuse. It was noted a member of the Sexual Abuse Incident Review Team is assigned each allegation of sexual harassment and sexual abuse to investigate.</p> <p>In addition, the Agency PREA Coordinator and Facility Director were able to confirm all allegations of sexual abuse and sexual harassment are referred to the Justice Center of New York for investigation. This auditor was able to review investigative reports completed by the</p>

Justice Center of New York from an allegation reported in 2019. The investigative report completed by the Justice Center of New York was informative, easy to read, and detailed.

Reviewed documentation to determine compliance:

1. Prevention, Detection, and Response to Sexual Abuse, Assault, and Harassment Policy (PPM 3247.01)
2. Formal Letter to Justice Center of New York Executive Director requesting investigations be conducted in compliance within the PREA standards (letter dated March 30, 2017)
3. Investigative Reports from the Justice Center of New York

Interviews:

1. Interview with Representative from Justice Center of New York
2. Interview with Agency PREA Coordinator
3. Interview with Facility Director

115.335	Specialized training: Medical and mental health care
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>(a) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “Medical staff and mental health clinicians must receive specialized training (in addition to the training provided to all employees) in the following: detecting and assessing signs of sexual abuse and harassment; preserving physical evidence of sexual abuse; responding effectively and professionally to victims of sexual abuse and harassment; and how and to whom to report allegations or suspicions of sexual abuse and sexual harassment.”</p> <p>There are currently 7 medical staff and mental health staff employed at MSC. Training records reviewed by this auditor confirmed all 7 medical staff and mental health staff at the facility completed the specialized trainings (100%). Medical staff completed the NIC training “Medical Health Care for Sexual Abuse Victims in a Confinement Setting” and Mental Health staff completed the NIC training “Behavioral Health Care for Sexual Abuse Victims in a Confinement Setting”.</p> <p>(b) Medical staff at MSC do not conduct forensic examinations. In the event of an allegation of sexual abuse with penetration, forensic examinations are conducted at Cayuga Medical Center by a SANE/SAFE. A MOA is in place with Cayuga Medical Center that confirms a SANE/SAFE completes forensic examinations. This auditor was able to interview a representative from Cayuga Medical Center who confirmed forensic examinations are conducted at Cayuga Medical Center by a SANE/SAFE in the event of an incident of sexual abuse at MSC.</p> <p>(c) This auditor received and reviewed medical staff and mental health staff training records, training certificates, and sign off/acknowledgement forms at MSC. In addition, interviews with medical and mental health staff confirmed they had received and understood the specialized trainings they received specific to their job title.</p> <p>(d) As noted in OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment, medical staff and mental health staff also receive the PREA training that all staff members at the facility are required to complete on an annual basis. Medical and mental health staff interviewed were knowledgeable of the PREA standards and their roles regarding sexual abuse and sexual harassment prevention, detection, and response at MSC. This auditor was able to review medical staff and mental health staff training records to confirm they received and successfully completed the annual PREA training that all staff members at MSC are required to complete.</p> <p>Reviewed documentation to determine compliance:</p> <ol style="list-style-type: none"> 1. Prevention, Detection, and Response to Sexual Abuse, Assault, and Harassment Policy (PPM 3247.01) 2. Mental Health Staff/Medical Staff Specialized Training Certificates 3. PREA Training Curriculum/Training Logs 4. MOA with Cayuga Medical Center

Interviews:

1. Interview with Medical Staff
2. Interview with Mental Health Staff
3. Interview with Representative from Cayuga Medical Center

115.341	Obtaining information from residents
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment addresses the use of the Facility Classification Form. This policy states “Youth are to be screened for potential vulnerabilities to victimization and propensity to victimize others with sexually aggressive behavior upon arrival/intake at an OCFS facility. This screening will be documented using OCFS 4928 Facility Classification Form and entered into JJIS within 72 hours of admission. Living unit and room assignments must be made accordingly. This form must be reviewed every 30 days and the review must be documented in JJIS.”</p> <p>This auditor discussed the Facility Classification Form with staff who complete the form and the Facility PREA Compliance Manager. The Facility Classification Form is completed by Youth Counselors upon intake and no later than 72 hours after admission and every 30 days after the initial screening is completed. All staff interviewed were aware this screening is used to protect residents from sexual abuse while being housed at MSC.</p> <p>During the past 12 months, there were 8 residents admitted to MSC whose length of stay in the facility was for 72 hours or more. All residents admitted into the facility were screened for risk of sexual victimization or risk of sexually abusing other residents within 72 hours by being administered the Facility Classification form by Clinicians. This auditor was able to confirm the Facility Classification Form is completed upon intake by interviewing the Youth Counselors who complete the form and by reviewing all 11 resident files at the facility.</p> <p>(b) The Facility Classification Form is an objective screening assessment used to conduct risk assessments of each resident upon admission to the facility and every 30 days during their stay at the facility. Youth Counselors who complete the Facility Classification Form interviewed understand how to administer this screening and were aware of its importance in keeping residents safe from sexual abuse. It was noted the Facility Classification Form is completed with the resident’s face to face during intake and every six months. During the other 30-day intervals, when not completed with a face to face interview, the Facility Classification Form is completed by the Youth Counselors by reviewing progress notes, Activity Reports, and during monthly Support Team Meetings with the resident and their treatment team.</p> <p>(c) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “At a minimum, the facility must attempt to ascertain information about: prior sexual victimization or abusiveness; any gender non-conforming appearance or manner of identification as lesbian, gay, bisexual, transgender, or intersex, and whether the youth may therefore be vulnerable to sexual abuse; current charges and offense history; age; level of emotional and cognitive development; physical size and stature; mental illness or mental disabilities; physical disabilities; the youth’s own perception of vulnerability; and any other specific information about the individual youth that may indicate needs for heightened supervision, additional safety precautions, or separation from certain other youth.”</p> <p>This auditor was able to review the Facility Classification Form that is used to screen residents</p>

at MSC and confirmed this form captures the information required in this standard. A review of all 11 resident files confirmed the Facility Classification Form is being completed within 72 hours of intake and every 30 days after the initial screening is completed. These forms are being completed by Youth Counselors at MSC.

(d) Interviews with the Facility PREA Compliance Manager and the staff (Youth Counselors) that perform screening for risk of victimization and abusiveness revealed that Youth Counselors interview each resident upon admission and complete the Facility Classification Form every 30 days following the initial screening (face to face interviews every six months and reviewing progress notes, Activity Reports, and during monthly Support Team Meetings During the other 30-day intervals). The initial screening is completed during the resident's intake on their first day at the facility (no later than 72 hours after their admission). Staff that perform screening for risk of victimization and abusiveness also stated they use case history notes and behavioral records when completing the initial Facility Classification Form during intake.

(e) All completed Facility Classification Forms are securely kept on a database and the only persons with access are Youth Counselors, Clinicians, and Administrative Staff. All pertinent necessary information is recorded and communicated to staff members for housing assignments or additional supervision purposes only to ensure sensitive information is not exploited to the resident's detriment by staff or other residents.

Interviews with residents confirmed the screening assessment has been completed as noted in the above-mentioned policy as all the residents interviewed stated they were asked questions when they first arrived (and periodically throughout their stay) as to whether they had every been sexually abused, if they had any disabilities, or if they were fearful of sexual abuse while at MSC. 11 resident's files were reviewed for documentation verifying the risk assessments were being completed as per the above-mentioned policy. All the files reviewed had the above-mentioned screening (Facility Classification Form) completed within 72 hours of intake and every 30 days following their intake. The Facility Classification Form is completed by a Youth Counselor.

Reviewed documentation to determine compliance:

1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01)
2. MSC Classification Form (OCFS – 4928)
3. Completed Classification Forms
4. Review of Residents Files

Interviews:

1. Interview with Facility PREA Compliance Manager
2. Interview with Staff That Perform Screening for Risk of Victimization and Abusiveness
3. Random Resident Interviews

115.342	Placement of residents
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>(a) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “Youth are to be screened for potential vulnerabilities to victimization and propensity to victimize others with sexually aggressive behavior upon arrival/intake at an OCFS facility. This screening will be documented using OCFS 4928 Facility Classification Form and entered into JJIS within 72 hours of admission. Living unit and room assignments must be made accordingly.”</p> <p>Interviews with the Facility Director and Facility PREA Compliance Manager confirmed the Facility Classification Form is completed within 72 hours of intake and living unit and room assignments are made accordingly in an attempt to keep all residents at MSC free from sexual abuse and sexual harassment. Both were able to discuss how the Facility Classification Form is used to place all residents in appropriate living units and bedroom assignments to ensure residents are kept safe at all times.</p> <p>A review of the Facility Classification Forms supported this policy. Residents confirmed through interviews that screenings are being administered as per policy. In the event a resident identified as sexually vulnerable from the information noted on the Facility Classification Forms, a Safety Plan would be developed for them and communicated to all staff members in order to keep them safe at MSC. There were no residents identified as sexually aggressive from the information noted on the Facility Classification Forms during the past 12 months.</p> <p>(b) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “Youth may be isolated from other youth only as a last resort when less restrictive measures are inadequate to keep them and other youth safe, and then, only until an alternative means of keeping all youth safe can be arranged. During any period of isolation youth must receive large muscle exercise, educational programming, daily visits from medical or mental health staff, and access to other programs to the extent possible. If a youth is isolated, the facility must clearly document the basis for the facility’s concern for the youth’s safety and the reason why no other alternative means of separation can be arranged. Every 30 days, the facility must afford a youth isolated as described above a review of the circumstances to determine whether there is a need for continued separation from the general population.”</p> <p>It was documented on the PAQ that there were no residents placed in isolation during the past 12 months at MSC. Interviews with the Facility Director and the Facility PREA Compliance Manager confirmed MSC has not used isolation to protect any residents at risk for sexual victimization during the past 12 months. During the tour of the facility, this auditor did not notice any areas where a resident could be isolated.</p> <p>(c) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment and OCFS Policy 3442.00 – Lesbian, Gay, Transgender, or Questioning Youth both state “Lesbian, gay, transgender, bisexual, or intersex youth must not be placed in particular housing, bed, or other assignments solely on the basis of such identification, or status, or their perceived or actual sexual orientation, nor must the facility consider lesbian,</p>

gay, transgender, bisexual or intersex identification or status as an indicator of likelihood of being sexually abusive.”

There were no LGBT residents residing at the facility during the time of the on-site audit. This auditor was able to interview the Facility Director and Facility Compliance Manager and both stated that under no circumstance would a resident be placed in a specific housing area or room based solely on their sexual identification. The Facility Director stressed residents are placed in appropriate housing units and bedrooms by using the results from the Facility Classification Form to ensure their safety.

(d) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “In deciding whether to assign a transgender or intersex youth to a facility for male or female youth, and in making other housing and programming assignments, OCFS must consider on a case by case basis whether the placement would promote the youth’s health and safety, and whether the placement would present management and/or security problems.”

There have been no transgender or intersex residents admitted to MSC during the past 12 months. Interviews with the Agency PREA Coordinator and Facility PREA Compliance Manager confirmed a decision on which facility to place any transgender youth is to be made at the agency level and be in the best interest of the youth’s safety. These statements were also confirmed during interviews with the Agency Head designee and the Agency PREA Coordinator.

(e) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “Placement and programming for transgender and intersex youth must be reassessed at least twice a year or sooner if a complaint has been made, to review any threat to safety experienced by the youth.”

There have been no transgender or intersex residents admitted to MSC during the past 12 months. Therefore, there were no records for this auditor to review or any residents to interview. Interviews with the Facility Director and Facility PREA Compliance Manager confirmed they would follow agency policy and ensure placement and programming for any transgender or intersex resident would be reassessed at least twice a year while the resident is placed at MSC.

(f) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “Transgender and intersex youth’s own views with respect to their own safety must be given serious consideration.”

There were no transgender or intersex residents admitted to MSC during the past 12 months. Therefore, there were no records for this auditor to review or any residents to interview. An interview with the Facility PREA Compliance Manager confirmed she would ensure the resident’s views would be given serious consideration in the event a transgender or intersex resident would be admitted to MSC.

(g) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “Transgender and intersex youth must be given the opportunity to shower separately from other youth.”

There were no transgender or intersex residents admitted to MSC during the past 12 months.

Interviews with the Facility Director and Facility PREA Compliance Manager confirmed any transgender or intersex resident admitted into the facility is given the opportunity to shower separately from the other residents in the program. They both stated all residents in the facility shower separately as only one resident is permitted to use the restroom/shower at time.

(h) OCFS Policy 3247.15 – Room Confinement states “Room confinement shall be used only when a youth constitutes a serious and evident danger to him/herself or others. Room confinement shall be used only to provide for the immediate safety of the youth and/or others when no less restrictive intervention has been, or is likely to be, effective in averting danger. It is not to be considered, in and of itself, as a method or technique of treatment but rather as an interim measure to control and contain dangerous behavior.”

There were no residents at MSC who were at risk of sexual victimization held in isolation during the past 12 months. The use of isolation is prohibited in all OCFS facilities. Therefore, there were no files/records to review.

(i) OCFS Policy 3247.15 – Room Confinement states “Room confinement shall be used only when a youth constitutes a serious and evident danger to him/herself or others. Room confinement shall be used only to provide for the immediate safety of the youth and/or others when no less restrictive intervention has been, or is likely to be, effective in averting danger. It is not to be considered, in and of itself, as a method or technique of treatment but rather as an interim measure to control and contain dangerous behavior.”

There were no residents at MSC who were at risk of sexual victimization held in isolation during the past 12 months. The use of isolation is prohibited in all OCFS facilities. Therefore, there were no files/records to review.

Reviewed documentation to determine compliance:

1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01)
2. Lesbian, Gay, Transgender, or Questioning Youth Policy (PPM 3442.00)
3. Room Confinement Policy (PPM 3247.15)
4. MSC Classification Form (OCFS – 4928)
5. Review of Residents Files

Interviews:

1. Interview with Agency Head Designee
2. Interview with Agency PREA Coordinator
3. Interview with Facility Director
4. Interview with Facility PREA Compliance Manager
5. Interview with Staff That Perform Screening for Risk of Victimization and Abusiveness

115.351	Resident reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “Youth who believe they have been subjected to conduct prohibited by this policy have the option to report the incident to a designated staff member other than an immediate point-of-contact line staff member. That includes, but is not limited to, the unit/office supervisor, counselor, mental health clinician, medical personnel, or any facility administrator.”</p> <p>Reporting information is delivered to the residents through the intake process, PREA education groups, in the Resident Handbook, pamphlets, and posters. Numerous posters (in both English and Spanish) were observed throughout the facility by this auditor during the tour. These posters highlighted the various ways residents and staff can report incidents of sexual abuse and sexual harassment.</p> <p>Interviews with residents confirmed they were educated on how to report allegations of sexual abuse, sexual harassment, retaliation, and neglect. All residents interviewed were able to note several ways to report allegations to facility staff members, the Justice Center of New York, and the Office of the Ombudsman.</p> <p>(b) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault or Harassment states “Youth also have the option of reporting allegations to the Office of the Ombudsman (OOTO) and/or the Special Investigations Unit (SIU) via their respective toll-free numbers posted on all living units. Additionally, youth, their families, and the public have the ability to report allegations outside OCFS via the toll-free number for the Vulnerable Persons Central Register Hotline (VPCR), which is part of the NYS Justice Center for the Protection of People with Special Needs (Justice Center).”</p> <p>Reporting information is delivered to the residents through the intake process, PREA education groups, in the Resident Handbook, pamphlets, and posters. Numerous posters (in both English and Spanish) were observed throughout the facility by this auditor during the tour. These posters highlighted the various ways residents and staff can report incidents of sexual abuse and sexual harassment.</p> <p>In addition, the pamphlets “What you should know about Sexual Abuse/Harassment” and “Checking in for: Your Safety at OCFS DJJOY” were reviewed by this auditor and they contained telephone numbers and addresses for residents to report allegations of sexual abuse and sexual harassment to offices outside of OCFS. The pamphlets contained the toll-free telephone numbers and addresses to the Office of the Ombudsman, Justice Center of New York, and the toll-free number for the Vulnerable Persons Central Register Hotline.</p> <p>All residents interviewed were aware of their right to contact the Office of the Ombudsman, Justice Center of New York, and the Vulnerable Persons Central Register Hotline. Residents interviewed also confirmed they received this information through posters in their units and around the facility, the PREA pamphlets, and PREA education received at intake.</p> <p>There are no residents placed at MSC (or any OCFS facility) solely for civil immigration</p>

purposes. However, during interviews with agency management, it was determined they would provide these residents information on how to contact consular officials and relevant officials at the Department of Homeland Security to report sexual abuse and/or sexual harassment.

(c) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault or Harassment states “Facility staff must accept reports, including reports made regarding other OCFS or non-OCFS facilities that are made verbally, in writing, anonymously, and from third parties. Verbal reports must be promptly documented.”

Staff members interviewed were also knowledgeable of the various ways residents and staff can report incidents of sexual abuse, sexual harassment, or retaliation. In addition, staff members interviewed stated they would immediately document a verbal report by completing an Activity Report (20-79 Form), notify their Supervisor or the Administrator on Duty, and contact the Justice Center of New York immediately to report the allegation.

(d) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault or Harassment states “The necessary materials to submit written reports will be provided to all youth. Youth also have the option of reporting allegations to the Office of the Ombudsman and/or the Special Investigations Unit (SIU) via their respective toll-free numbers posted on all living units. Additionally, youth, their families, and the public have the ability to report allegations outside OCFS via the toll-free number for the Vulnerable Persons Central Register Hotline (VPCR), which is part of the NYS Justice Center for the Protection of People with Special Needs (Justice Center).”

Interviews with residents confirmed they are educated on ways to report allegations of sexual abuse or sexual harassment upon intake into the facility and through PREA education groups in the living units. In addition, the residents interviewed were able to note ways they could report allegations of sexual harassment, sexual abuse, and retaliation to the Office of the Ombudsman or Justice Center of New York either in writing or by calling the toll-free telephone number listed in their Resident Handbook, pamphlets, and on posters posted throughout the facility. Staff members interviewed also understood the ways a resident can privately report allegations of sexual harassment, sexual abuse, and retaliation.

(e) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault or Harassment states “Each facility must provide a manner for staff to privately report sexual abuse and sexual harassment of youth.”

Interviews with staff members confirmed they were aware that they are permitted to privately report allegations of sexual abuse and sexual harassment. All staff interviewed stated they would contact the Justice Center of New York to make a private report. Staff members also reported there is a telephone with a direct line to the Justice Center of New York in the staff locker room. When this telephone is picked up, it calls the Justice Center of New York directly. This auditor was able to test this process by picking up telephone to confirm it connects directly to the Justice Center of New York.

Reviewed documentation to determine compliance:

1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01)

2. Child Abuse and Neglect Reporting in OCFS Programs Operating Pursuant to Article 19G of the Executive Law Policy (PPM 3456.00)
3. OCFS – 4902 Youth Admission Handout “What you should know about Sexual Abuse/Harassment”
4. Resident Handbook – “Checking in for: Your Safety at OCFS DJJOY”
5. Posters in Living Units

Interviews:

1. Interview with Facility Director
2. Interview with Agency PREA Coordinator
3. Interviews with Randomly Selected Staff
4. Random Resident Interviews
5. Random Staff Interviews

115.352	Exhaustion of administrative remedies
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>(a – h) The agency does not consider the grievance process as a formal mechanism to report sexual abuse or sexual harassment. However, if the agency would receive a grievance alleging sexual abuse or sexual harassment, it would be treated as an Emergency Report. In the event of an Emergency Report being filed using the grievance process, a final decision would be issued by the agency within 5 days of receiving the Emergency Report. OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, and Harassment confirmed the grievance process is not a formal mechanism to report sexual abuse or sexual harassment. A review of grievance records and an interview with the Facility PREA Compliance Manager revealed there were no grievances filed related to sexual abuse, sexual harassment, or retaliation during the past 12 months.</p> <p>OCFS pamphlets “What you should know about Sexual Abuse/Harassment” and “Checking in for: Your Safety at OCFS DJJOY” describe various ways a resident can report sexual abuse and sexual harassment. Each resident receives a copy of these pamphlets at intake and a staff member reviews these pamphlets at intake with each resident. The grievance process is not listed as a formal mechanism to report sexual abuse or sexual harassment in either of these pamphlets.</p> <p>All residents interviewed were aware of the grievance procedure. All the resident’s files reviewed contained notification of the grievance process. In addition, all staff interviewed could describe the steps they would take to protect a resident from threatened sexual abuse. These steps included separating the alleged victim of the threats from the alleged aggressor, increasing supervision, contacting the Administrator on Duty, and documenting the threats in writing on a 20-79 form (Activity Report).</p> <p>There were no allegations of sexual harassment or sexual abuse and no grievances by third parties were filed alleging sexual abuse, sexual harassment, or retaliation during the past 12 months at MSC.</p> <p>Reviewed documentation to determine compliance:</p> <ol style="list-style-type: none"> 1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01) 2. Child Abuse and Neglect Reporting in OCFS Programs Operating Pursuant to Article 19G of the Executive Law Policy (PPM 3456.00) 3. OCFS – 4902 Youth Admission Handout “What you should know about Sexual Abuse/Harassment” 4. Resident Handbook – “Checking in for: Your Safety at OCFS DJJOY” 5. Review of Residents Files 6. Review of Facility Grievance Records <p>Interviews:</p>

1. Interview with Facility PREA Compliance Manager
2. Interviews with Randomly Selected Staff
3. Random Resident Interviews

115.353	Resident access to outside confidential support services and legal representation
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>(a) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “Staff must attempt to make available a victim advocate from a rape crisis center and must document effort to provide rape crisis services.”</p> <p>OCFS pamphlets “What you should know about Sexual Abuse/Harassment” and “Checking in for: Your Safety at OCFS DJJOY” contains telephone numbers and addresses for victim advocates from a rape crisis center. All residents receive a copy of these pamphlets at intake. In addition, MSC has a MOA with Cayuga Medical Center. This MOA states, Cayuga Medical Center will provide any victim of sexual abuse a victim advocate from the Tompkins County Advocacy Center. In addition to residents receiving a copy of the above-mentioned pamphlets, there are numerous posters posted around the facility with telephone numbers and addresses to victim advocate services. This information is available in both English and Spanish and was reviewed by this auditor and noted during the tour of the facility.</p> <p>Interviews with residents confirmed they are educated and aware of the services that are available to them in the event they are a victim of sexual assault at MSC.</p> <p>(b) All residents interviewed were aware of the services available to them in the event they are a victim of sexual abuse. Residents interviewed also stated they were educated that any correspondence with the Tompkins County Advocacy Center is confidential and private. In addition, the residents understood the responsibility of the victim advocate to report new information of sexual abuse to the authorities as they are mandated to report that information. Residents noted during interviews this information is provided to them during their intake and is noted in pamphlets they receive during their intake into the facility.</p> <p>There were no residents who were victims of sexual abuse to interview during the on-site portion of this audit.</p> <p>(c) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “Facilities must make efforts to establish a Memorandum of Agreement (MOA) with the medical facility. These efforts must be documented and part of the local operating procedure.”</p> <p>A MOA is in place with Cayuga Medical Center in accordance with this standard. This MOA confirms each party’s responsibilities regarding this standard. The Agency PREA Coordinator and Facility PREA Coordinator both described this MOA and the services that are provided by Cayuga Medical Center and the Tompkins County Advocacy Center to provide advocacy services to any victims of sexual assault at MSC. This auditor contacted a representative from Cayuga Medical Center, and she confirmed the services offered in the MOA, including contacting the Tompkins County Advocacy Center to provide confidential emotional support services to any victim of sexual abuse.</p> <p>(d) Visitation and contact with legal representation and family members is outlined in OCFS</p>

Policy 3422.00 – Resident Mail and OCFS Policy 3455.00 – Visits to Youth at DJJOY Facilities. MSC provides residents with reasonable and confidential access to their attorneys and/or legal representation as well as parents or legal guardians. Attorneys can also visit whenever it is convenient for them to do so and these visits/conversations would be in private if requested by the resident or Attorney. Interviews with residents confirmed any visits with their attorney would be in a private setting. Parents or legal guardians are permitted to visit on a weekly basis and residents also receive telephone calls to family members on a weekly basis. All residents interviewed stated they receive weekly telephone calls to their families and weekly visits (if the family is able to visit).

Reviewed documentation to determine compliance:

1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01)
2. Resident Mail Policy (PPM 3422.00)
3. Visits to Youth at DJJOY Facilities Policy (PPM 3455.00)
4. OCFS – 4902 Youth Admission Handout “What you should know about Sexual Abuse/Harassment”
5. Resident Handbook – “Checking in for: Your Safety at OCFS DJJOY”
6. MOA with Cayuga Medical Center
7. PREA Posters

Interviews:

1. Interview with Agency PREA Coordinator
2. Interview with Facility Director
3. Interview with Facility PREA Compliance Manager
4. Interview with Representative from Cayuga Medical Center
5. Interviews with Randomly Selected Staff
6. Random Resident Interviews

115.354	Third-party reporting
	<p data-bbox="252 168 896 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="252 248 523 284">Auditor Discussion</p> <p data-bbox="252 329 1476 575">(a) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment describes multiple methods used to receive third party reports of sexual abuse or sexual harassment and is posted on the agency’s website to inform the public about reporting resident sexual abuse and sexual harassment on behalf of residents. Third party reports can also be made to any staff member, the Facility Director, the OCFS Ombudsman’s Office, Justice Center of New York, law enforcement, or the Department of Social Services.</p> <p data-bbox="252 616 1476 819">This auditor was able to review the agency’s website and confirmed multiple methods to file a third-party report are posted on the website. The agency website noting methods to file a third-party report are posted is https://ocfs.ny.gov/main/rehab/prea.asp. In addition to being posted on the agency website, multiple methods to file a third-party report are posted in the visiting area of the facility and were noted by this auditor during the tour of the facility.</p> <p data-bbox="252 860 1476 1064">Interviews with residents confirmed they are aware of who third parties are. They were also aware that these individuals can report allegations or incidents of sexual abuse or sexual harassment on their behalf. All staff members interviewed acknowledged that they would accept a third-party report of abuse and respond in the same manner as if they had witnessed the abuse themselves.</p> <p data-bbox="252 1104 1476 1178">There were no allegations of sexual harassment or sexual abuse filed on any resident’s behalf at MSC during the past 12 months.</p> <p data-bbox="252 1218 919 1254">Reviewed documentation to determine compliance:</p> <ol data-bbox="293 1323 1449 1485" style="list-style-type: none"> 1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01) 2. Agency Website 3. PREA Posters <p data-bbox="252 1525 392 1561">Interviews:</p> <ol data-bbox="293 1626 855 1700" style="list-style-type: none"> 1. Interviews with Randomly Selected Staff 2. Random Resident Interviews

115.361	Staff and agency reporting duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) OCFS Policy 3247.00 – Prevention, Detection, and Response to Sexual Abuse, Assault or Harassment states “All OCFS employees, contractors, and volunteers are required to report knowledge of any alleged, threatened or actual violations of this policy to their supervisor, any on-duty employee above them in the chain of command, the on call administrator (AOC) or the facility/program director. They also have the ability to privately report sexual abuse and sexual harassment of youths to the Justice Center. OCFS employees are mandated reporters and as such, must report incidents of sexual abuse and sexual harassment to the Justice Center. Failure to report may result in administrative, criminal or disciplinary sanctions appropriate to individual’s status.”</p> <p>All staff members interviewed were aware that any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment or information regarding an incident of sexual abuse, sexual harassment, staff neglect, or any violation of responsibilities that may have contributed to an incident or retaliation must be reported to the Justice Center of New York for investigation as they are Mandated Reporters in the state of New York. All staff members interviewed were aware that they must immediately contact the Administrator on Duty to report any information related to sexual abuse or sexual harassment and report the allegation to the Justice Center of New York. Staff members also reported they could report any allegations of sexual abuse, sexual harassment, neglect, or retaliation privately by contacting the Justice Center of New York.</p> <p>(b) OCFS Policy 3456.00 – Reporting Familial Child Abuse and Maltreatment Pursuant to Article 19G of the Executive Law states “all OCFS employees and volunteers providing services to residents are mandated reporters. These persons are required to report to the Justice Center of New York whenever they have cause to suspect child abuse or maltreatment of a youth in a residential facility. The mandated reporter hotline is 1-800-635-1522. This policy also notes individuals making a report do not need to be certain a resident has been abused or maltreated, only a ‘reasonable cause to suspect’ abuse or maltreatment is necessary. When in doubt as to whether an incident could constitute child abuse or maltreatment, an employee must contact the Justice Center of New York. The Justice Center of New York will determine if the information meets the requirements to register a report for investigation.”</p> <p>All staff members interviewed were aware of their responsibility to report any allegations of sexual abuse or sexual harassment. The staff were able to describe their role as Mandated Reports to this auditor during interviews and were aware of the Justice Center of New York hotline to report allegations.</p> <p>(c) OCFS Policy 3247.00 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment contains distinct prohibitions against sharing any information related to a sexual abuse report to anyone other than their direct supervisor, the Administrator on Duty, or the Justice Center of New York to whom they are reporting the allegation. The only acceptable disclosures are relative to investigative, treatment, and security decisions. In addition, this auditor was provided a copy of the Justice Center’s Code of Conduct for Custodians of People</p>

with Special Needs. This Code of Conduct reinforces prohibitions against sharing any information regarding clients to anyone besides their direct supervisor and the Justice Center of New York.

Interviews with staff members (including Mental Health and Medical Staff) confirmed they are aware of their obligations to protect the confidentiality of the information they obtained from a report of sexual abuse.

(d) OCFS Policy 3456.00 – Reporting Familial Child Abuse and Maltreatment Pursuant to Article 19G of the Executive Law states “all OCFS employees and volunteers providing services to residents are mandated reporters.”

Mental Health and Medical staff interviewed indicated that disclosure is provided to residents regarding the limitation of confidentiality and their duty to report at the initiation of treatment services. In addition, these staff stated they are required to report any knowledge, suspicion, or information regarding any allegation of sexual abuse or sexual harassment to their direct supervisor immediately upon learning of the allegation. This information is also forwarded to the Justice Center of New York for investigation. Staff interviewed also discussed completing Mandated Reporter trainings on an annual basis.

(e) OCFS Policy 3247.00 – Prevention, Detection, and Response to Sexual Abuse, Assault or Harassment states “All OCFS employees, contractors, and volunteers are required to report knowledge of any alleged, threatened or actual violations of this policy to their supervisor, any on-duty employee above them in the chain of command, the on call administrator (AOC) or the facility/program director.” The Justice Center’s Code of Conduct for Custodians of People with Special Needs reinforces the staff members responsibility to report any allegations of sexual abuse or sexual harassment to their direct supervisor as well as the Justice Center of New York.

All staff members interviewed also stated that in addition to reporting the allegation to their direct supervisor or the Administrator on Duty, they are also required to report the allegation to the Justice Center of New York and document the allegation/incident on an Activity Report (20-79 form).

(f) All allegations of sexual abuse, sexual harassment, neglect, and retaliation are reported to the Justice Center of New York for investigation. The Justice Center of New York will determine if the information meets the requirements to register a report for investigation.

It should be noted; all staff members (including Medical Staff and Mental Health Staff) are trained to treat third party reports the same as if they witnessed the incident themselves when receiving a report from a third party.

Interviews with the Facility Director, Facility PREA Compliance Manager, and staff members (including Mental Health and Medical Staff) confirmed they are aware of how to report an allegation and were aware all allegations are investigated by the Justice Center of New York. The Facility Director and Facility PREA Compliance Manager were able to describe the reporting process as well as the investigative process once the allegation is referred to the Justice Center or New York.

There were no allegations of sexual harassment or sexual abuse at MSC during the past 12 months. This was confirmed by reviewing Facility Reportable Incident Reports at the facility as

well as an interview with a representative from the Justice Center of New York.

Although there were no allegations of sexual harassment or sexual abuse at MSC during the past 12 months, this auditor was able to review a Facility Reportable Incident Report and investigative reports from an incident that was reported to the Justice Center of New York on July 19, 2019, to confirm allegations of sexual harassment and sexual abuse are immediately reported to the Justice Center of New York for investigation.

Reviewed documentation to determine compliance:

1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01)
2. Reporting Familial Child Abuse and Maltreatment Policy (PPM 3456.00)
3. Justice Center's Code of Conduct for Custodians of People with Special Needs
4. Facility Reportable Incident Reports

Interviews:

1. Interview with Facility Director
2. Interview with Facility PREA Compliance Manager
3. Interview with Medical Staff
4. Interview with Mental Health Staff
5. Interviews with Randomly Selected Staff

115.362	Agency protection duties
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>(a) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment notes when a resident is subject to substantial risk of imminent sexual abuse or is the alleged victim of sexual abuse, the facility must take immediate action to protect the resident by ensuring no contact between the alleged abuser and the alleged victim. In addition, such residents must be monitored, counseled, and provided appropriate treatment. The Justice Center’s Code of Conduct for Custodians of People with Special Needs reinforces this policy.</p> <p>The Agency Head designee was interviewed regarding the protective action the agency takes when learning that a resident to subject to substantial risk of imminent sexual abuse. The Agency Head designee reported the agency would ensure steps are taken to remove the risk to the resident which could include separation of the resident from the potential abuser, either by transferring the resident to another OCFS facility or making a living unit change if the potential abuser is a staff member. The staff member could also be removed from the living unit or placed on Administrative Leave pending an investigation. The Agency Head designee stressed the safety of the resident is the agency’s upmost priority.</p> <p>Staff members interviewed stated they would immediately separate the resident at risk from the potential abuser, increase supervision, call for additional staff assistance if needed, and report the incident to their direct supervisor or the Administrator on Duty. Their direct supervisor or Administrator on Duty would then determine the best course of action to ensure the safety of the resident.</p> <p>An interview with the Facility Director confirmed staff members would be expected to act immediately to separate the resident at risk from the potential abuser. In addition, he reported a Safety Plan would be developed and implemented by the Administrator on Duty to ensure the safety of the resident at risk. This Safety Plan would include increased supervisor/monitoring, separation from the potential abuser, and making a housing unit and/or room change if necessary.</p> <p>There were no residents that the facility determined was subject to substantial risk of sexual abuse during the past 12 months.</p> <p>Reviewed documentation to determine compliance:</p> <ol style="list-style-type: none"> 1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01) 2. Justice Center’s Code of Conduct for Custodians of People with Special Needs <p>Interviews:</p> <ol style="list-style-type: none"> 1. Interview with Agency Head Designee 2. Interview with Facility Director 3. Interviews with Randomly Selected Staff



115.363	Reporting to other confinement facilities
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “Upon receiving an allegation that a youth was sexually abused while confined at another facility, the facility director of the facility that received the allegation must notify the facility director of the other facility or appropriate office of the agency (if not an OCFS operated facility) where the alleged abuse occurred and must also notify the appropriate investigative agency. Such notification must be provided as soon as possible, but no later than 72 hours after receiving the allegation. The notification must be documented and a Reportable Incident Report generated.”</p> <p>Interviews with the Agency Head designee and Facility Director confirmed this process and that there has not been a report in the last 12 months of any allegations of sexual abuse or sexual harassment occurring to a resident while in another facility.</p> <p>(b) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment notes the Facility Director of the facility that received the allegation must notify the Facility Director of the facility/agency where the alleged abuse occurred as soon as possible, but no later than 72 hours after receiving the allegation.</p> <p>An interview with the Facility Director confirmed he understood the timeframe to notify the agency/facility where the alleged abuse occurred. MSC did not receive any allegations that a resident was abused while residing in another facility. Therefore, there was no notifications made and no documentation to review.</p> <p>(c) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment notes notifications to the facility where the alleged abuse occurred must be documented and a Reportable Incident Report generated.</p> <p>An interview with the Facility Director confirmed he would document any notification of alleged abuse by generating a Reportable Incident Report. In addition, he stated, an email would also be sent to the Facility Director of the facility where the alleged abuse occurred (after he contacted this person by telephone) to provide further documentation.</p> <p>(d) The Facility Director was able to articulate what his responsibilities would be if he received an allegation from another facility that a resident was sexually abused or sexually harassed while residing at MSC. He stated she would immediately generate a Reportable Incident Report and contact the Justice Center of New York to report the allegation of abuse. He stated if the alleged abuser was still residing or employed at MSC, a Safety Plan would be developed immediately to ensure the safety of all residents.</p> <p>MSC did not receive any allegations/notifications from other facilities that a resident was sexually abused or sexually harassed during the past 12 months. This was confirmed by this auditor by reviewing Facility Reportable Incident Reports that were filed during the past 12 months.</p> <p>Reviewed documentation to determine compliance:</p>

1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01)
2. Facility Reportable Incident Reports

Interviews:

1. Interview with Agency Head Designee
2. Interview with Facility Director

115.364	Staff first responder duties
	<p>Auditor Overall Determination: Exceeds Standard</p> <p>Auditor Discussion</p> <p>(a) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “Upon learning of an allegation a resident was sexually abused, the first staff member to respond to the scene shall be required to:</p> <ol style="list-style-type: none"> 1. Separate the victim and alleged abuser. 2. Preserve and protect the scene until appropriate steps can be taken to collect any evidence. 3. 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, swimming, drinking, or eating. 4. Take steps to prevent the alleged abuser from destroying evidence, such as washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.” <p>During the past 12 months, there were no allegations of sexual abuse at MSC.</p> <p>All staff members are provided “PREA cards” which outlines procedures and proper protocol for responding to the scene of an alleged sexual assault. Staff members interviewed could articulate the steps they would take as first responders. Their responses were consistent with OCFS policy. The majority of staff members interviewed were carrying their “PREA cards” on their person.</p> <p>(b) OCFS Policy 3247.00 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment notes first responder duties for non-security staff are the same as security staff. Non-security staff members have been trained appropriately in the above-mentioned duties as a first responder. In addition, all non-security staff members are also provided “PREA cards” which outlines procedures and proper protocol for responding to the scene of an alleged sexual assault.</p> <p>Non-security staff members interviewed were well educated in their role as first responders and were able to articulate exactly what they would be expected to do in the event they were the first responder to an incident of sexual abuse. All non-security staff members interviewed were carrying their “PREA cards” on their person.</p> <p>It should be noted; the “PREA cards” which are given to all staff members (security and non-security) instruct the staff member to follow the following steps:</p> <ol style="list-style-type: none"> 1. Separate the victim from the abuser 2. Call for assistance 3. Secure the scene 4. Report the incident to your supervisor 5. Document the incident 6. Contact Medical Staff <p>Reviewed documentation to determine compliance:</p>

1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01)
2. Facility Reportable Incident Reports
3. PREA Cards

Interviews:

1. Interviews with Randomly Selected Staff

115.365	Coordinated response
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) As required by OCFS Policy 3247.00 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment, MSC has developed its own operating procedures to respond to incidents of sexual abuse. This plan is titled MSC Local Operating Procedure and describes the roles of responders (direct care staff, medical staff, mental health practitioners, and administrators) in response to incident of sexual abuse. This auditor was able to review the MSC’s Local Operating Practice and it is aligned with OCFS Policy 3247.01 and all mandated reporting requirements as it documents the roles of security staff, non-security staff, administrative staff, medical staff, and mental health staff. It is noted in the Local Operating Practice that any resident who is a victim of sexual abuse it to be transported to Cayuga Medical Center to be examined by a SANE.</p> <p>Interviews with the Facility Director, direct care staff, medical staff, and mental health staff indicated that each is knowledgeable of his/her responsibilities in responding to an incident or allegation of sexual assault. In addition, this auditor was able to review the MSC Local Operating Procedure to confirm this document described the role of direct care staff, medial staff, mental health practitioners, and administrators. The plan is detailed and notes the roles of all staff members at MSC.</p> <p>Reviewed documentation to determine compliance:</p> <ol style="list-style-type: none"> 1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01) 2. MSC Local Operating Procedure <p>Interviews:</p> <ol style="list-style-type: none"> 1. Interview with Facility Director 2. Interview with Medical Staff 3. Interview with Mental Health Staff 4. Interviews with Randomly Selected Staff

115.366	Preservation of ability to protect residents from contact with abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) Collective bargaining agreements do not limit alleged sexual abusers to be removed from contact with residents pending the outcome of an investigation and a determination of discipline. An interview with the Agency Head designee confirmed that any time there is an allegation, a Safety Plan for the specific resident(s) is put in place that includes removing the staff member from contact with the resident(s) or by placing the staff member on Administrative Leave until an investigation can be completed by the Justice Center of New York.</p> <p>Interviews:</p> <ol style="list-style-type: none"> 1. Interview with the Agency Head Designee

115.367	Agency protection against retaliation
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>(a – e) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “any employee or resident is prohibited from retaliating against other employees or residents for reporting allegations of sexual abuse or sexual harassment. Employees or residents who are found to have violated this prohibition shall be subject to disciplinary action. All OCFS facilities are to act promptly to remedy any form of retaliation.”</p> <p>The Assistant Director of Treatment/Facility PREA Compliance Manager is the person charged with monitoring retaliation at MSC. It was noted that MSC employs multiple measures, such as housing unit changes or transfer for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. Monitoring at the facility will continue for at least 90 days following a report of sexual abuse. Items that will be monitored include any resident disciplinary reports, housing or programming changes, negative performance reviews, and reassignments of staff. The OCFS Home Office must conduct periodic status checks on the resident. It was also noted, the agency’s obligation to monitor must terminate should the Justice Center of New York deem the allegation Unfounded.</p> <p>An interview with the Assistant Director of Treatment/Facility PREA Compliance Manager indicated she serves as a retaliation monitor at the facility. She was educated on the signs of retaliation when interviewed and seemed sincere about monitoring retaliation at the facility. She stated the agency would expect that actions would be taken immediately to ensure the resident or staff member was safe. It is the expectation of the agency that the resident would be monitored for at least 90 days or until the resident’s release from the facility. She stated she would monitor a resident by completing status checks for at least 90 days per policy. These status checks are made on a weekly basis in addition to reviewing documentation such as resident disciplinary reports, housing or programming changes, negative performance reviews, and reassignments of staff. She stated if the need would arise, she would continue to complete status checks on the resident for the length of his stay at the facility, which may exceed the 90-day requirement noted in OCFS Policy 3247.01. Documentation is kept through caseload notes. However, it was noted the agency recently enhanced the retaliation monitoring documentation by developing a retaliation monitoring form that is to be used when an allegation of sexual harassment or sexual abuse is made.</p> <p>There were no incidents of retaliation, known or suspected, during the past 12 months at MSC.</p> <p>Reviewed documentation to determine compliance:</p> <ol style="list-style-type: none"> 1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01) 2. Retaliation Monitoring Form <p>Interviews:</p>

1. Interview with Person Responsible for Monitoring Retaliation

115.368	Post-allegation protective custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) OCFS Policy 3247.15 – Room Confinement states “segregated housing of residents to keep them safe from sexual misconduct is not used and is prohibited in all OCFS facilities.” As a result, MSC does not use isolation.</p> <p>Interviews with the Facility Director and Facility PREA Compliance Manager confirmed the prohibition of segregated housing for this purpose. During the tour of the facility, this auditor did not notice any places where a resident could be segregated or isolated. In addition, interviews with residents at the facility also confirmed the prohibition of segregated housing.</p> <p>Reviewed documentation to determine compliance:</p> <ol style="list-style-type: none"> 1. Room Confinement Policy (PPM 3247.15) 2. Tour of Facility <p>Interviews:</p> <ol style="list-style-type: none"> 1. Interview with Facility Director 2. Interview with Facility PREA Compliance Manager 3. Random Resident Interviews

115.371	Criminal and administrative agency investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “OCFS requires that an investigation be conducted and documented whenever a violation of this policy is alleged. The Justice Center has responsibility for investigation of all PREA related allegations and incidents.”</p> <p>Interviews with the Facility Director and Facility PREA Compliance Manger confirmed all PREA related allegations are immediately referred to the Justice Center of New York for investigation. There were no PREA related allegations reported to the Justice Center of New York for investigation during the past 12 months. However, this auditor was able to request and review investigative reports from allegations of sexual harassment and sexual harassment that were reported to the Justice Center of New York from 2018 and early 2019 to confirm allegations are immediately reported to the Justice Center of New York for investigation and investigative reports are completed at the conclusion of each investigation.</p> <p>(b) As noted in OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment, OCFS facilities (including MSC) does not complete investigations for allegations of sexual abuse or sexual harassment. These investigations are completed by the Justice Center or New York.</p> <p>An interview with a representative from the Justice Center of New York confirmed all staff at the Justice Center of New York who complete investigations of sexual abuse and sexual harassment allegations at OCFS facilities receive training specific to juvenile sexual abuse victims. He was able to describe the training in detail to this auditor during my interview with him. In addition, the representative from the Justice Center of New York also described the Sexual Abuse Response Team to this auditor. The Sexual Abuse Incident Response Team is a group of investigators at the Justice Center of New York who have been specially trained to investigate allegations of sexual harassment and sexual abuse.</p> <p>(c) An interview with a representative from the Justice Center of New York noted all evidence gathered during the course of an investigation is kept within the investigative file and local law enforcement authorities are contacted as necessary. The representative from the Justice Center of New York stated investigators gather and preserve direct and circumstantial evidence, interview alleged victims, suspected predators, and witnesses during the course of an investigation. In addition, all Activity Reports and video footage of the allegation is also reviewed by investigators from the Justice Center of New York during an open investigation. This evidence is noted in each investigative reported completed by the Justice Center of New York.</p> <p>(d) An interview with a representative from the Justice Center of New York confirmed investigations are not terminated because the source of the allegation recants the allegation. He stated the investigation would continue until a determination is made.</p> <p>(e) An interview with a representative from the Justice Center of New York confirmed whenever evidence supports criminal prosecution, the Justice Center of New York coordinates</p>

interviews with local law enforcement authorities to avoid obstacles to subsequent criminal prosecution.

(f) An interview with a representative from the Justice Center of New York noted the alleged victim's credibility will be assessed on an individual basis and not determined by their status as a resident or staff member. The representative from the Justice Center of New York stated all investigations are conducted in the same manner; investigators conduct fair investigations, do not judge credibility, and collect evidence and facts during the course of each investigation. It was also noted polygraphs are not utilized during investigations.

There were no residents at MSC who were alleged victims of sexual abuse to interview.

(g) All investigative reports are completed by the Justice Center of New York. Investigative reports note whether staff actions or failures to act contributed to the alleged abuse. Each investigative report is sent to the Facility Director at the conclusion of an investigation and clearly notes if the allegation is Substantiated, Unsubstantiated, or Unfounded. In addition, recommendations are made by the Justice Center of New York at the conclusion of each investigation.

(h) Due to there being no allegations of sexual harassment or sexual abuse during the past 12 months, this auditor was able to review investigative reports completed by the Justice Center of New York from earlier in 2019 to determined compliance. Each report was easy to read, documented the allegation, and noted the findings of the allegation.

(i) All substantiated allegations of sexual abuse are referred to local law enforcement authorities for prosecution. This was confirmed during an interview with a representative from the Justice Center of New York.

During the past 12 months, there was one allegation of sexual abuse referred to local law enforcement authorities for prosecution. This was from an incident which was reported on July 19, 2019. During an interview with the representative from the Justice Center of New York, it was noted that this allegation was referred to local law enforcement and the District Attorney decided there was not enough evidence to proceed and did not file charges.

(j) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment notes all files are kept as long as the alleged abuser is incarcerated or employed by the agency plus five years. This was confirmed during an interview with the Agency PREA Coordinator and a representative from the Personnel Office.

(k) A representative from the Justice Center of New York noted the departure of an alleged or abuser or victim from the employment or control of the facility/agency does not provide a basis for terminating an investigation. He stated the investigation would continue until a determination is made.

(l) The OCFS Deputy Commissioner has formally asked the Justice Center of New York Executive Director to comply with PREA investigative standards. This was requested in a formal letter to the Justice Center of New York Executive Director. The letter was dated March 30, 2017, and a copy of this letter was provided to this auditor for review.

(m) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment notes "the facility will cooperate with outside investigators and will remain

informed of the investigation process.” The Facility Director stated he and the Assistant Director of Treatment maintain contact with the Justice Center of New York during an open investigation via telephone calls, emails, and on-site visits. This was confirmed during an interview with a representative from the Justice Center of New York.

There were no allegations of sexual harassment or sexual abuse reported in the past 12 months at MSC. An interview with a representative from the Justice Center of New York confirmed that upon completion of any investigation, the Justice Center of New York provides detailed investigative reports to the Facility Director noting its findings. This auditor was able to review investigative reports from the Justice Center of New York from earlier in 2019 to confirm a detailed investigative report is completed at the completion of any investigation.

Reviewed documentation to determine compliance:

1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01)
2. Formal Letter to Justice Center of New York Executive Director requesting investigations be conducted in compliance within PREA Standards (March 30, 2017)
3. Investigative Reports from the Justice Center of New York

Interviews:

1. Interview with Agency Head Designee
2. Interview with Agency PREA Coordinator
3. Interview with Facility Director
4. Interview with Facility PREA Compliance Manager
5. Interview with Agency Personnel Office Representative
6. Interview with Representative from Justice Center of New York

115.372	Evidentiary standard for administrative investigations
	<p data-bbox="252 170 895 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="252 248 523 282">Auditor Discussion</p> <p data-bbox="252 327 1474 488">(a) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states that the agency investigating shall not impose a standard higher than a preponderance of the evidence for determining whether allegations of sexual abuse or sexual harassment are substantiated.</p> <p data-bbox="252 533 1422 645">Additionally, the Deputy Commissioner has formally asked the Justice Center of New York Executive Director to comply with PREA investigative standards. This was requested in a formal letter dated March 30, 2017.</p> <p data-bbox="252 689 1481 1059">An interview with a representative from the Justice Center of New York confirmed the Justice Center of New York uses no standard higher than the preponderance of evidence in making final determinations of sexual abuse and sexual harassment investigations. The representative from the Justice Center of New York stated that a detailed report is compiled and sent to the Facility Director detailing its investigation and findings upon completion of each investigation. There were no allegations of sexual harassment or sexual abuse at MSC during the past 12 months. However, this auditor was able to review investigation reports from the Justice Center of New York from allegations reported in early to mid 2019 to confirm compliance with this standard.</p> <p data-bbox="252 1104 919 1137">Reviewed documentation to determine compliance:</p> <ol data-bbox="292 1205 1449 1451" style="list-style-type: none"> 1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01) 2. Formal Letter to Justice Center of New York Executive Director requesting investigations be conducted in compliance within PREA Standards (March 30, 2017) 3. New York State Law 4. Investigative Reports <p data-bbox="252 1496 392 1529">Interviews:</p> <ol data-bbox="292 1597 1150 1675" style="list-style-type: none"> 1. Interview with Agency Head Designee 2. Interview with Representative from Justice Center of New York

115.373	Reporting to residents
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “Following an investigation into a youth's allegation of sexual abuse occurring in an OCFS facility, OCFS must inform the youth as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.”</p> <p>All investigations of sexual abuse are completed by the Justice Center of New York.</p> <p>(b) During the past 12 months, there were no allegations of sexual abuse investigated by the Justice Center of New York. This auditor was able to review a “Determination of Notification to Youth” form template that notes any resident who makes an allegation of sexual harassment or sexual abuse is informed of the investigation’s findings at the completion of the investigation by the Justice Center of New York.</p> <p>(c) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “Following a youth's allegation that a staff member has committed sexual abuse against the youth, OCFS must subsequently inform the youth (unless OCFS has determined that the allegation is unfounded) whenever: The staff member is no longer posted within the youth's unit; The staff member is no longer employed at the facility; OCFS learns that the staff member has been indicted on a charge related to sexual abuse within the facility; and/or OCFS learns that the staff member has been indicted or convicted on a charge related to sexual abuse within the facility.”</p> <p>During the past 12 months, there were no allegations of sexual abuse against a staff member at MSC. An interview with the Facility Director confirmed in the event of an allegation of sexual abuse against a staff member, a Safety Plan would be implemented to keep the resident safe. In addition, the staff member the allegation was made against would be removed from the resident’s living unit and possibly placed on Administrative Leave depending on the circumstances of the allegation. All investigations of sexual abuse are completed by the Justice Center of New York. It was noted during an interview with a representative from the Justice Center of New York, that a detailed investigation summary is sent to the Facility Director following the conclusion of any investigation. This summary includes the determination that is made at the conclusion of the investigation. Upon the Facility Director receiving an investigation summary at the conclusion of any investigation of sexual harassment or sexual abuse, the resident is then notified of the determination and a signs a “Determination of Notification to Youth” form to document he was informed of the determination.</p> <p>This auditor was able to review a Facility Reportable Incident Report from early 2019 which alleged a staff member engaged in sexual relations with a resident at the facility. It was noted a Safety Plan was developed, the staff member was placed on Administrative Leave, and the allegation was referred to the Justice Center of New York and investigated. At the completion of the investigation, the Justice Center of New York completed a detailed investigative report and sent this report to the Facility Director on February 25, 2020. The resident was no longer residing at MSC so there was no notification to the resident.</p>

(d) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “Following a youth’s allegation that they have been sexually abused by another youth, OCFS must subsequently inform the alleged victim whenever: OCFS learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or OCFS learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.”

There were no allegations of resident on resident sexual abuse at MSC during the past 12 months. Therefore, there was no documentation to review. However, the Facility Director and Facility PREA Compliance Manager stated during interviews that any resident who makes an allegation would be informed of any developments regarding the alleged perpetrator as noted in OCFS Policy 3247.01.

(e) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “All such notifications or attempted notifications must be documented.

DJJOY’s obligation to report under this standard must terminate if the youth is released from OCFS custody.”

Interviews with the Facility Director and Facility PREA Compliance Manager indicated that residents are notified of the results of an investigation in writing. Both stated the resident is given a “Determination of Notification to Youth” form to sign noting they have received the outcome of the investigation. The process described by the Facility Director and Facility PREA Compliance Manager was consistent with the agency policy noted above.

There were no allegations of sexual harassment or sexual abuse at MSC during the past 12 months. It was noted during an interview with the Facility PREA Compliance Manager that any resident who makes an allegation of sexual harassment or sexual abuse is notified of the Justice Center of New York’s findings upon completion of the investigations. Any notifications are documented on a Determination of Notification Youth form. A template of this form was reviewed by this auditor and it clearly documents the outcome of any investigation and there a place for the resident to sign to document he was notified of the findings of the investigation.

Reviewed documentation to determine compliance:

1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01)
2. Investigative Reports
3. Determination of Notification to Youth Form Template

Interviews:

1. Interview with Facility Director
2. Interview with Facility PREA Compliance Manager
3. Interview with Representative from Justice Center of New York

115.376	Disciplinary sanctions for staff
	<p data-bbox="252 168 901 201">Auditor Overall Determination: Meets Standard</p> <p data-bbox="252 246 523 280">Auditor Discussion</p> <p data-bbox="252 324 1476 403">(a) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states the following regarding staff disciplinary sanctions:</p> <ol data-bbox="295 470 1476 1108" style="list-style-type: none"> 1. "Staff may be subject to disciplinary sanctions as determined by OCFS and consistent with collect bargaining agreements up to and including termination for violating sexual abuse or sexual harassment policies. 2. Termination must be the presumptive disciplinary sanction for staff that have been substantiated for sexual abuse. 3. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) must 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. 4. All dismissals for violations of OCFS sexual abuse or sexual harassment policies, or resignations by staff who would have been dismissed or subject to dismissal proceedings if not for their resignation, must be reported to law enforcement agencies, unless the activity was clearly not criminal, and reported to any relevant licensing bodies." <p data-bbox="252 1142 1476 1220">(b) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states the presumptive discipline for sexual abuse of a resident is termination. There was one staff member who resigned prior to termination for violating OCFS Policy 3247.01 by allegedly sexually abusing a resident during the past 12 months at MSC. This allegation was from 2019 and was investigated by the Justice Center of New York and was determined to be Substantiated on February 25, 2020.</p> <p data-bbox="252 1422 1444 1545">This was confirmed during interviews with the Facility Director, a representative from the Justice Center of New York, and a review of investigative reports from the Justice Center of New York.</p> <p data-bbox="252 1579 1476 1792">(c) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states that disciplinary sanctions for sexual harassment shall be commensurate with OCFS policy and the nature and circumstances of the act committed, the staff member’s disciplinary history, and sanctions imposed for comparable offenses committed by staff with similar histories.</p> <p data-bbox="252 1825 1476 2038">During the past 12 months, there were no staff disciplined or terminated for violation of OCFS Policy 3247.01 regarding sexual abuse or sexual harassment at MSC. However, a staff member resigned prior to be terminated for a violation of OCFS Policy 3247.01. This allegation was reported to the Justice Center of New York on July 19, 2019 and determined to be Substantiated on February 25, 2020.</p> <p data-bbox="252 2072 1476 2150">(d) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “All dismissals for violations of OCFS sexual abuse or sexual harassment</p>

policies, or resignations by staff who would have been dismissed or subject to dismissal proceedings if not for their resignation, must be reported to law enforcement agencies, unless the activity was clearly not criminal, and reported to any relevant licensing bodies.”

During interviews with the Agency PREA Coordinator and Facility Director, it was reported the Justice Center of New York will contact law enforcement if it is determined, during an investigation, the staff member’s actions were criminal. There was one investigation completed during the past 12 months where law enforcement was contacted by the Justice Center of New York. However, charges were not filed because the District Attorney did not feel there was enough evidence to file charges and proceed to a trial. This was confirmed during an interview with a representative from the Justice Center of New York.

Reviewed documentation to determine compliance:

1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01)
2. Randomly Selected Staff Files
3. Investigative Reports

Interviews:

1. Interview with Agency PREA Coordinator
2. Interview with Facility Director
3. Interview with Representative from Justice Center of New York

115.377	Corrective action for contractors and volunteers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment requires that any contractor or volunteer who engages in sexual abuse or sexual harassment shall be prohibited from contact with residents and reported to law enforcement (unless the activity was clearly not criminal) and to relevant licensing bodies.</p> <p>There were no contractors or volunteers reported to law enforcement for engaging in sexual abuse or sexual harassment of residents during the past 12 months at MSC. This was confirmed during interviews with the Facility Director, a representative from the Justice Center of New York, and a review of investigative files.</p> <p>(b) The Facility Director stated in an interview that the facility would immediately remove the contractor or volunteer from the facility, contact the Justice Center of New York, and would not allow them to return until the completion of an investigation per OCFS Policy 3247.01. There were no reported instances of sexual harassment or sexual abuse by the approved contractors or volunteers during the past 12 months at MSC.</p> <p>Reviewed documentation to determine compliance:</p> <ol style="list-style-type: none"> 1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01) 2. Investigative Reports from the Justice Center of New York <p>Interviews:</p> <ol style="list-style-type: none"> 1. Interview with Facility Director 2. Interview with Representative from Justice Center of New York

115.378	Interventions and disciplinary sanctions for residents
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) OCFS Policy 3443.00 – Youth Rules states that residents are subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative finding that the resident engaged in resident on resident sexual abuse. Disciplinary action must be administered in a fair, impartial, and expeditious manner.</p> <p>During the past 12 months, there were no findings of guilt for resident-on-resident sexual abuse that occurred at MSC.</p> <p>(b) OCFS Policy 3247.15 – Room Confinement states segregated housing of residents to keep them safe from sexual misconduct is not used and is prohibited in all OCFS facilities. As a result, there were no incidents of isolation during the past 12 months at MSC.</p> <p>There were no incidents of residents being placed in isolation as a disciplinary sanction for resident-on-resident sexual abuse during the past 12 months. This auditor was able to interview the Facility Director, Facility PREA Compliance Manager, and residents who all confirmed isolation is not used at MSC.</p> <p>(c) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault or Harassment states “The disciplinary process must consider whether developmental disability or mental illness contributed to a youth’s behavior when determining what type of sanction, if any, should be imposed.”</p> <p>Interviews with the Facility Director, Facility PREA Compliance Manager, and a mental health staff confirmed that a resident’s mental health is always considered when discipline is imposed for incidents of sexual abuse. In addition, the Facility PREA Compliance Manager stated the resident’s mental health diagnosis is reviewed and considered during Sexual Abuse Incident Reviews following a Substantiated or Unsubstantiated finding to ensure appropriate discipline was imposed. It was noted disciplinary sanctions include loss of level, loss of privileges in the program, and/or removal from the facility. If the allegations are criminal in nature, the Justice Center of New York would be responsible for filing charges.</p> <p>(d) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault or Harassment states “Consideration must be given to providing the offending youth therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse. However, the facility may not require participation in such interventions as a condition of access to general programming or education.”</p> <p>Interviews with medical and mental health staff were conducted by this auditor during the on-site portion of this audit. The interviews confirmed MSC does offer mental health services for any resident found to have engaged in resident-on-resident sexual abuse. The mental health staff stated the resident’s participation in therapy sessions is not always required as a condition of access to reward-based incentives.</p> <p>There were no incidents of resident-on-resident sexual abuse that occurred at MSC during the past 12 months.</p>

(e) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault or Harassment states “The facility may only discipline a youth for sexual contact with staff upon a finding that the staff member did not consent to such contact.”

This auditor interviewed the Facility Director and Facility PREA Compliance Manager who both confirmed a resident would only be disciplined for sexual contact with a staff member upon finding the staff member did not consent to the sexual contact. There were no incidents of resident-on-staff sexual abuse at MSC during the past 12 months.

(f) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault or Harassment 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 must not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.”

An interview with the Facility Director confirmed residents are not disciplined for reports of sexual abuse made in good faith, even if the investigation did not establish evidence sufficient to substantiate the allegation.

(g) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault or Harassment states “Sexual activity between youth is prohibited, however for such activity to constitute sexual abuse, there must be no assent to the activity or it must be forcible or coerced.”

An interview with the Facility Director noted any suspicion of possible sexual abuse is reported to the Justice Center of New York immediately for investigation. In addition, during an interview with a representative from the Justice Center of New York, he stated that any behavior that is determined to be consensual in nature between residents is not investigated as sexual abuse.

Reviewed documentation to determine compliance:

1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01)
2. Youth Rules Policy (PPM 3443.00)
3. Room Confinement Policy (PPM 3247.15)

Interviews:

1. Interview with Facility Director
2. Interview with Facility PREA Compliance Manager
3. Interview with Mental Health Staff
4. Interview with Medical Staff
5. Interview with Representative from Justice Center of New York

115.381	Medical and mental health screenings; history of sexual abuse
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) OCFS Policy 3243.18 – Initial Mental Health and Health Screening Interview for Facility Youth requires that residents at the facility who have disclosed any prior sexual victimization during a screening are offered a follow up meeting with a medical or mental health staff. If the screening indicates that a resident has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff ensure that the resident is offered a follow up meeting with a medical or mental health staff within 14 days of the intake screening. These assessments are documented in medical notes and in clinical case notes. The Assistant Director of Treatment is the person responsible for ensuring the resident receives a medical and/or mental health assessment.</p> <p>During the past 12 months, there were no residents who disclosed prior sexual victimization during their intake screenings. This auditor reviewed all resident files to confirm there were residents who disclosed prior sexual victimization during their intake screenings. This auditor interviewed the Facility PREA Compliance Manager, medical staff, and a mental health staff during the on-site portion of the audit, and all confirmed the referral process once a resident discloses prior sexual victimization. It was noted any resident who discloses prior sexual victimization will be immediately referred for a medical and mental health assessment.</p> <p>(b) OCFS Policy 3243.18 – Initial Mental Health and Health Screening Interview for Facility Youth requires that residents at the facility who have previously perpetrated sexual abuse are offered a follow up meeting with a medical or mental health staff within 14 days of the intake screening.</p> <p>There were no residents admitted into MSC during the past 12 months who previously perpetrated sexual abuse. This auditor reviewed all current resident files to confirm there were no residents admitted who previously perpetrated sexual abuse. However, this auditor interviewed a mental health staff who was able to confirm the referral process whenever it is noted a resident previously perpetrated sexual abuse during the intake screening. She stated the resident would be referred for an assessment immediately and would be seen within 24 hours by a Clinician for a mental health assessment.</p> <p>(c) OCFS Policy 3243.18 – Initial Mental Health and Health Screening Interview for Facility Youth notes any information from the Admission Screening Interview form related to sexual abuse, sexual victimization or abusiveness that occurred is limited to medical and mental health practitioners and other staff, as necessary, to implement treatment plans, security, and management decisions, including housing, bed, and program assignments.</p> <p>Interviews with the Facility Director, medical staff, and mental health staff confirmed any information from the intake screening is limited to medical and mental practitioners. It was noted any information from the Facility Classification Form relayed to staff members is done so only for safety and security reasons and this information is documented in a Safety Plan to ensure the safety of the resident(s). This auditor was able to review communication to staff members to confirm information from the Facility Classification Form is for safety and security reasons only.</p>

(d) During interviews with medical staff, mental health staff, and intake staff, it was noted they are mandated reporters in the State of New York and are required by law to report any information they receive from a resident relating to sexual abuse. All staff members interviewed stated they inform the resident upon intake of their reporting duties.

Reviewed documentation to determine compliance:

1. Initial Mental Health and Health Screening Interview for Facility Youth Policy (PPM 3243.18)
2. Facility Classification Form
3. Resident Files

Interviews:

1. Interview with Facility PREA Compliance Manager
2. Interview with Medical Staff
3. Interview with Mental Health Staff
4. Interview with Intake Staff
5. Interviews with Residents who Disclosed Prior Victimization during Screening

115.382	Access to emergency medical and mental health services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault or Harassment states “For all allegations of sexual abuse or where there has been penetration or contact between the mouth and penis, vulva or anus; or where there is an injury that may indicate penetration, or contact between the mouth and penis, vulva or anus, the victim will be immediately referred to the outside medical facility that was previously identified for clinical assessment and gathering of forensic evidence by professionals who are trained and experienced in the management of victims of sexual abuse. The outside medical facility’s trained examiner will make the final determination regarding evidence collection. Staff who can provide support to the victim must accompany the youth. In the event that a youth refuses to be examined at the medical facility, such refusal must be properly documented on the appropriate form(s). Facilities must make efforts to establish a Memorandum of Agreement (MOA) with the medical facility. These efforts must be documented and part of the local operating procedure.”</p> <p>MSC’s Local Operating Practice – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01) requires for all allegations of sexual abuse, the victim will be immediately referred to Cayuga Medical Center to have a forensic examination completed by a Sexual Assault Nurse Examiner (SANE). The SANE will make the final determination regarding evidence collection. Staff who can support the victim shall accompany the resident.</p> <p>MSC has a Memorandum of Agreement (MOA) in place with Cayuga Medical Center to have a forensic examination completed by a Sexual Assault Nurse Examiner (SANE) and to provide medical/mental health services at no cost to the victim. This MOA was provided to this auditor for review. In addition, this auditor contacted a representative from Cayuga Medical Center to confirm resident victims are referred to their facility and receive the services noted in the MOA.</p> <p>There were no residents at MSC who reported sexual abuse involving penetration during the past 12 months. Therefore, there were no residents sent to Cayuga Medical for a forensic examination.</p> <p>(b) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault or Harassment states “To preserve evidence, an allegation of rape or penetration requires that a youth not be allowed to engage in any activities such as hygiene, washing, bathing, showering, eating, drinking, brushing teeth, chewing gum, and eating or drinking (unless medically necessary). Youth should also be discouraged from urinating or defecating as that may destroy evidence prior to being presented at a hospital or clinic for the gathering of such evidence.”</p> <p>All staff members at MSC are provided “PREA Cards” which note their responsibilities to protect the victim and to preserve evidence. All staff members interviewed during the on-site portion of this audit were carrying their PREA Cards on their person, displayed these cards to this auditor when prompted, and were able to describe their responsibilities if they are a first responder to an allegation of sexual abuse.</p>

(c) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault or Harassment states “Victims of sexual abuse 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.”

This auditor was able to interview a medical staff at the facility who stated any resident of sexual abuse would be offered information and timely access to emergency contraception and sexually transmitted diseases while at Cayuga Medical Center and also during follow up appointments with medical staff at the facility.

There were no residents at MSC who reported sexual abuse involving penetration that were transported to Cayuga Medical Center for a forensic examination during the past 12 months.

(d) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault or Harassment states “All medical, mental health and counseling services must be provided at no cost to the youth.”

This auditor was able to interview the Facility Director and a medical staff member at MSC during the on-site portion of this audit, and a representative from Cayuga Medical Center. All interviewed confirmed that any victim of sexual assault would be referred to Cayuga Medical Center and receive medical and mental health treatment at no cost to the victim.

MSC has a MOA with Cayuga Medical Center to provide medical/mental health services at no cost to the victim. Cayuga Medical Center has a MOA with the Tompkins County Advocacy Center to ensure sexual abuse victims receive rape crisis intervention services. In addition, the Tompkins County Advocacy Center will provide information/referral and follow-up services including accompaniment to law enforcement interviews and court.

Reviewed documentation to determine compliance:

1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01)
2. MSC’s Local Operating Practice
3. MOA with Cayuga Medical Center

Interviews:

1. Interview with Facility Director
2. Interview with Medical Staff
3. Interview with Representative from Cayuga Medical Center

115.383	Ongoing medical and mental health care for sexual abuse victims and abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) OCFS Policy 3243.33 – Behavioral Health Services and OCFS Policy 3243.01 – Principles of Health Services and OCFS Policy 3243.01 – Principles of Health Services both note each OCFS facility offers medical and mental health evaluations to every resident who has been a victim of sexual abuse in a residential facility.</p> <p>Interviews with the Facility Director, medical staff, and mental health staff confirmed all residents residing at MSC are offered a medical and mental health evaluation upon their arrival to the facility (if they have been a victim of sexual abuse in a residential facility or not). It was noted these evaluations are completed during the resident’s first week at the facility.</p> <p>(b) Medical and Mental Health evaluations completed on each resident at the facility include a diagnosis and recommendation. Both medical staff and mental health staff interviewed noted if a resident was a victim of sexual abuse in a residential facility, follow up services would occur more frequently, and recommendations would include specific follow up services.</p> <p>(c) Interviews with medical and mental health staff confirmed the services offered to residents at MSC are consistent with the community level of care. Both staff interviewed noted they feel the services offered to residents exceed the community level of care because there are medical and mental health staff available at the facility on a daily basis and these staff can meet with the residents immediately.</p> <p>(d) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, and Harassment states “Pregnancy testing, as well as comprehensive information and access to all lawful pregnancy related medical services, and timely contraception and STD prophylaxis, must be provided in a timely manner.”</p> <p>This substandard is not applicable as MSC is an all-male facility.</p> <p>(e) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, and Harassment states “Pregnancy testing, as well as comprehensive information and access to all lawful pregnancy related medical services, and timely contraception and STD prophylaxis, must be provided in a timely manner.”</p> <p>This substandard is not applicable as MSC is an all-male facility.</p> <p>(f) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, and Harassment states “prophylactic treatment and follow-up for sexually transmitted diseases must be offered to all victims, as appropriate, if not already done in the emergency room.”</p> <p>An interview with the Facility Director confirmed any resident who is a victim of sexual abuse at the facility would be offered timely follow-up for sexually transmitted diseases as part of the follow up with the Medical Department. This would occur if the victim was tested at the hospital or not.</p> <p>(g) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault,</p>

and Harassment states “All medical, mental health and counseling services must be provided at no cost to the youth.”

Interviews with the Facility Director, medical staff, and mental health staff confirmed treatment services are offered to the victim regardless if they named the abuser or cooperated with the investigation.

(h) Interviews with the Agency PREA Coordinator, Facility Director, and Facility PREA Compliance Manager confirmed all residents receive a mental health evaluation within 30 days of their arrival to the facility. This includes any residents who have a history of resident-on-resident abuse at past residential facilities. This auditor was able to confirm all residents receive a mental health evaluation by reviewing resident files at the facility during the on-site portion of the audit.

Reviewed documentation to determine compliance:

1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01)
2. Behavior Health Services Policy (PPM 3243.33)
3. Principles of Health Services Policy (PPM 3243.01)
4. Review of Resident Files

Interviews:

1. Interview with Agency PREA Coordinator
2. Interview with Facility Director
3. Interview with Facility PREA Compliance Manager
4. Interview with Medical Staff
5. Interview with Mental Health Staff

115.386	Sexual abuse incident reviews
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “Within 30 days of the conclusion/receipt of the investigation the facility must conduct a sexual abuse incident review of all allegations (substantiated and unsubstantiated), unless the allegation has been determined to be unfounded. Reviews must be conducted by a team of staff, grade 18 and above, and must include input from direct care staff, investigators, and medical and mental health practitioners.”</p> <p>(b) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment notes a Sexual Abuse Incident Review must be completed within 30 days of the conclusion/receipt of the investigation for all allegations which are Substantiated and Unsubstantiated, unless the allegation has been determined to be Unfounded.</p> <p>(c) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “Sexual Abuse Incident Reviews must be conducted by a team of staff, grade 18 and above, and must include input from direct care staff, investigators, and medical and mental health practitioners.”</p> <p>(d) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “The review team must: 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 actual or perceived race, ethnicity, sex (e.g. intersex), gender identity (e.g. transgender identity), sexual orientation (e.g. gay, bisexual, lesbian), status, gang affiliation or was motivated by other group dynamics at the facility; examine the area in the facility where the incident allegedly occurred to assess whether physical layout 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; prepare a report of its findings, including but not necessarily limited to determinations made pursuant to this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager”</p> <p>(e) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “The facility must implement the recommendations for improvement or must document its reasons for not doing so.”</p> <p>All OCFS facilities, including MSC, document Sexual Abuse Incident Reviews on “PREA Sexual Abuse Incident Review” forms. All requirements listed in this standard are reviewed and considered by the facility. There was one PREA Sexual Abuse Incident Review completed at MSC during the past 12 months. This PREA Sexual Abuse Incident Review was held on March 11, 2020. This auditor was able to review Facility Reportable Incident Reports and investigative reports from the Justice Center of New York to confirm this PREA Sexual Abuse Incident Review was held within 30 days of receiving a Substantiated determination in regards to an allegation of sexual abuse that was reported on July 19, 2019. This PREA Sexual Abuse Incident Review documented recommendations from the Sexual Abuse Incident Review</p>

Team.

The Facility Director and Facility PREA Compliance Manger both stated the Incident Review Team consists of upper level management officials, the Agency PREA Coordinator, medical staff, mental health staff, Counselors, and direct care staff. Two members of the Incident Review Team were interviewed during the on-site portion of this audit and were able to describe the review process that would take place in the event an allegation of sexual abuse was either Substantiated or Unsubstantiated. They both stated the Incident Review Team convenes within 30 days upon the completion of an investigation by the Justice Center of New York for any Substantiated or Unsubstantiated allegations and recommendations would include examining the need to change a policy or practice to better prevent, detect, or respond to sexual abuse or sexual harassment. This Sexual Abuse Incident Review is headed by the Facility PREA Compliance Manager.

This auditor was provided with a copy of a PREA Sexual Abuse Incident Review that was held during the past 12 months to review in order to confirm compliance with this standard.

All PREA Sexual Abuse Incident Reviews and findings are incorporated into the agency Annual Report by the Agency PREA Coordinator and submitted to the Agency Head before its dissemination on the agency website.

Reviewed documentation to determine compliance:

1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01)
2. PREA Sexual Abuse Incident Review

Interviews:

1. Interview with Facility Director
2. Interview with Facility PREA Compliance Manager
3. Interview with Incident Review Team Members

115.387	Data collection
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states MSC, and all OCFS facilities, will collect uniform data for all allegations of sexual abuse and sexual assault. This information must be entered into the agency PREA Database using standardized data fields and standardized definitions. The agency PREA database is the central repository for all information regarding allegations of sexual abuse and sexual assault. The Facility PREA Compliance Manager is responsible for ensuring all allegations of resident-on-resident sexual abuse and staff sexual misconduct/sexual harassment are entered into the agency PREA Database.</p> <p>This auditor was able to interview the Facility PREA Compliance Manager who confirmed she collects uniform data for all allegations of sexual abuse and sexual assault and enters this data into the agency PREA Database. In addition, this auditor was able to review the agency PREA Database with the Facility PREA Compliance Manager to confirm compliance.</p> <p>(b) The Agency PREA Coordinator is responsible for gathering data on each reported incident of sexual abuse and sexual assault to aggregate an annual report. This auditor was able to review the 2019 Annual PREA Report. This Annual PREA Report provided in-depth information regarding PREA implementation throughout the agency. The Annual PREA Report notes the PREA Audit results for OCFS facilities audited, allegation statistics, definitions, and a comparison of statistics from previous years. In addition to the 2019 Annual PREA Report, this auditor also noted agency Annual PREA Reports since 2013 were posted on the agency website. These Annual PREA Reports also were in-depth and well-written as they noted the PREA Audit results for OCFS facilities audited, allegation statistics, definitions, and a comparison of statistics from previous years.</p> <p>(c) OCFS Policy 3247.00 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment notes the agency Annual PREA Report will include at a minimum the data necessary to complete the United States Department of Justice Survey of Sexual Victimization. The 2018 Survey of Sexual Victimization was completed and submitted to the Department of Justice. This survey is posted on the agency website and was reviewed by this auditor.</p> <p>(d) As noted in OCFS Policy 3247.00 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment, MSC utilizes data collected from incident reports, reports, investigation files, and incident reviews.</p> <p>(e) This substandard is not applicable to MSC as OCFS does not contract with private facilities for the confinement of its residents.</p> <p>(f) The Agency PREA Coordinator is responsible for providing all data to the United States Department of Justice from the previous calendar year upon request no later than June 30. The United States Department of Justice Survey of Sexual Victimization was submitted for 2018 and is posted on the agency website. This was confirmed by this auditor while reviewing the agency website. In addition to the 2018 United States Department of Justice Survey of Sexual Victimization, surveys since 2014 were also completed, submitted to the United States</p>

Department of Justice, and are posted on the agency website. An interview with the Agency PREA Coordinator noted the agency did not receive a Survey of Sexual Victimization this year to report on 2019 data.

Reviewed documentation to determine compliance:

1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01)
2. OCFS PREA Database Report
3. 2019 OCFS Annual PREA Report
4. 2018 United States Department of Justice Survey of Sexual Victimization

Interviews:

1. Interview with Agency PREA Coordinator
2. Interview with Facility PREA Compliance Manager

115.388	Data review for corrective action
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>(a) OCFS Policy 3247.00 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment notes the Agency PREA Coordinator will review data regarding sexual abuse at OCFS facilities in order to assess and improve the effectiveness of sexual abuse prevention, detection, and response policies, practices, and trainings. The Agency PREA Coordinator will also review data and identify if there are problem areas, recommend facility-specific or agency-wide action to augment current practices on an on-going basis, and use the data to prepare an annual report.</p> <p>This auditor interviewed the Agency PREA Coordinator and he stated he reviews data collected and aggregated in order to assess and improve the effectiveness of agency prevention, detection, and response policies and trainings. He stated OCFS ensures the data collected is securely retained in the agency PREA Database as it is password protected and only authorized individuals are able to view it and input data.</p> <p>(b) OCFS completes an annual report which details statistics of reported allegations of sexual abuse and sexual harassment. This annual report includes a comparison of the current year’s data and corrective actions with those from prior years. This auditor was able to review the 2019 OCFS Annual PREA Report and confirmed this report contained the above-mentioned data, comparisons, and corrective actions. This annual report, along with all agency annual reports since 2013, are posted on the agency website.</p> <p>(c) The OCFS Annual PREA Reports are approved by the OCFS Deputy Commissioner and made available through the agency’s website. This was confirmed during an interview with the Agency Head designee and by reviewing the agency website.</p> <p>(d) OCFS Policy 3247.00 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment states “specific material is redacted from reports when publication would present a clear and specific threat to the safety and security of the program but must indicate the nature of the material redacted.” The 2019 Annual PREA Report is posted on the agency website and was reviewed by this auditor. It was confirmed that specific material/information has been redacted from this report.</p> <p>The Agency Head designee and Agency PREA Coordinator were interviewed and both stated information that would present clear and specific threats to the safety and security of the program would be redacted from the annual report as noted in OCFS Policy 3247.00.</p> <p>Reviewed documentation to determine compliance:</p> <ol style="list-style-type: none"> 1. Agency Website 2. 2018 OCFS Annual PREA Report 3. 2019 OCFS Annual PREA Report 4. OCFS PREA Database Report <p>Interviews:</p>

1. Interview with Agency Head Designee
2. Interview with Agency PREA Coordinator

115.389	Data storage, publication, and destruction
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>(a) OCFS Policy 1900.00 – Telecommunications and Computer Use and OCFS Policy 3247.00 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment establishes procedures to direct all data is securely maintained. The Agency PREA Coordinator reviews data collected and aggregated in order to asses and improve the effectiveness of the Agency’s sexual abuse prevention, detection, and response polices. The agency PREA Database is the central repository for all information regarding allegations of sexual abuse and sexual assault. Data must be entered into the PREA Database using standardized data fields and standardized definitions.</p> <p>An interview with the Agency PREA Coordinator confirmed the agency takes corrective action on an on-going basis utilizing the data collected. This corrective action has been noted in each Annual Report that is prepared by the Agency PREA Coordinator and approved by the Agency Head on an annual basis.</p> <p>(b) OCFS makes all aggregated sexual abuse data from its facilities readily available to the public on the agency website. The agency’s Annual PREA Report is reviewed and approved by the Deputy Commissioner and made available to the public through the agency website. OCFS Annual PREA Reports since 2013 are posted on the agency website and were reviewed by this auditor to confirm compliance with this standard.</p> <p>(c) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment notes that all personal identifiers are to be removed prior to making aggregated sexual abuse data available to the public on the agency website. This auditor was able to review Annual PREA Reports posted on the agency website since 2013 and confirmed all personal identifiers were removed.</p> <p>(d) OCFS Policy 3247.01 – Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment notes data collected is retained via limited access through a secure server for at least 10 years after the initial collection, unless Federal, State, or local law requires otherwise.</p> <p>This was confirmed during an interview with the Agency PREA Coordinator and by reviewing the Agency PREA Database.</p> <p>Reviewed documentation to determine compliance:</p> <ol style="list-style-type: none"> 1. Prevention, Detection, and Response to Sexual Abuse, Assault, or Harassment Policy (PPM 3247.01) 2. Telecommunications and Computer Use Policy (PPM 1900.00) 3. Agency Website 4. OCFS PREA Database Report 5. 2019 OCFS Annual PREA Report <p>Interviews:</p>

1. Interview with Agency PREA Coordinator

115.401	Frequency and scope of audits
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>(a) MSC was audited during the first year of the 1st three-year PREA cycle (audited on June 4 – 6, 2014, and was found to be fully compliant on March 1, 2015) and during the first year of the 2nd three-year PREA cycle (audited on June 6, 2017, and was found to be fully compliant on June 20, 2017). These audit reports are posted on the agency website. This re-audit occurred during the second year of the 3rd three-year PREA cycle on October 5 – 6, 2020.</p> <p>(b) OCFS has met this standard by having each of its 12 facilities audited during the first and second 3-year PREA cycle. One third of the facilities (4) were audited during each one-year period of the 1st and 2nd PREA cycles. One third of OCFS’s facilities were scheduled to be audited during the first year of the 3rd PREA cycle. However, these on-site audits had to be postponed and rescheduled due to the COVID-19 pandemic. This audit was originally scheduled to be completed during the first year of the 3rd cycle (June 1 – 2, 2020) but was postponed until October 5 – 6, 2020 due to the COVID-19 pandemic.</p> <p>(h) This auditor had unimpeded access to all areas of MSC during the on-site portion of this audit. The administrative team at MSC accompanied this auditor on the tour of the facility. All areas in which residents have access to were toured.</p> <p>(i) This auditor received all requested documents from the Agency PREA Coordinator and Facility PREA Compliance Manager in a timely fashion.</p> <p>(m) This auditor was provided a private area to conduct interviews with both residents and staff members.</p> <p>(n) PREA Audit notifications were posted in all housing units, visiting area, and lobby six weeks prior to the on-site portion of this audit (posted on July 22, 2020). In addition, the notifications were also posted on the Agency website. An address was provided on this notification for the residents to be able to send confidential correspondence to this auditor. Dated photographs were emailed to this auditor to confirm the notifications were posted in the above-mentioned areas of the facility.</p> <p>Reviewed documentation to determine compliance:</p> <ol style="list-style-type: none"> 1. MSC Pre-Audit Questionnaire 2. PREA Audit Notification 3. Photographs of PREA Audit Notification 4. Tour of Facility 5. Agency Website

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(f) This auditor confirmed that OCFS has published on its agency website all Final Audit Reports from the 1st and 2nd PREA cycles.</p> <p>Reviewed documentation to determine compliance:</p> <ol style="list-style-type: none"> 1. Agency Website

Appendix: Provision Findings		
115.311 (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
115.311 (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
115.311 (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
115.312 (a)	Contracting with other entities for the confinement of residents	
	If this agency is public and it contracts for the confinement of its residents with private agencies or other entities including other government agencies, has the agency included the entity's obligation to adopt and 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 residents.)	na
115.312 (b)	Contracting with other entities for the confinement of residents	
	Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of residents OR the response to 115.312(a)-1 is "NO".)	na
115.313 (a)	Supervision and monitoring	

	Does the agency ensure that each facility has developed a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect residents against sexual abuse?	yes
	Does the agency ensure that each facility has implemented a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect residents against sexual abuse?	yes
	Does the agency ensure that each facility has documented a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect residents against sexual abuse?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Generally accepted juvenile detention and correctional/secure residential practices?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Any judicial findings of inadequacy?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Any findings of inadequacy from Federal investigative agencies?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Any findings of inadequacy from internal or external oversight bodies?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: All components of the facility's physical plant (including "blind-spots" or areas where staff or residents may be isolated)?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: The composition of the resident population?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels	yes

	and determining the need for video monitoring: The number and placement of supervisory staff?	
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Institution programs occurring on a particular shift?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Any applicable State or local laws, regulations, or standards?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Any other relevant factors?	yes
115.313 (b)	Supervision and monitoring	
	Does the agency comply with the staffing plan except during limited and discrete exigent circumstances?	yes
	In circumstances where the staffing plan is not complied with, does the facility fully document all deviations from the plan? (N/A if no deviations from staffing plan.)	na
115.313 (c)	Supervision and monitoring	
	Does the facility maintain staff ratios of a minimum of 1:8 during resident waking hours, except during limited and discrete exigent circumstances? (N/A only until October 1, 2017.)	yes
	Does the facility maintain staff ratios of a minimum of 1:16 during resident sleeping hours, except during limited and discrete exigent circumstances? (N/A only until October 1, 2017.)	yes
	Does the facility fully document any limited and discrete exigent circumstances during which the facility did not maintain staff ratios? (N/A only until October 1, 2017.)	yes
	Does the facility ensure only security staff are included when calculating these ratios? (N/A only until October 1, 2017.)	yes
	Is the facility obligated by law, regulation, or judicial consent decree to maintain the staffing ratios set forth in this paragraph?	yes

115.313 (d)	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: Prevailing staffing patterns?	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
115.313 (e)	Supervision and monitoring	
	Has the facility implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment? (N/A for non-secure facilities)	yes
	Is this policy and practice implemented for night shifts as well as day shifts? (N/A for non-secure facilities)	yes
	Does the facility 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? (N/A for non-secure facilities)	yes
115.315 (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
115.315 (b)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting cross-gender pat-down searches in non-exigent circumstances?	yes

115.315 (c)	Limits to cross-gender viewing and searches	
	Does the facility document and justify all cross-gender strip searches and cross-gender visual body cavity searches?	yes
	Does the facility document all cross-gender pat-down searches?	yes
115.315 (d)	Limits to cross-gender viewing and searches	
	Does the facility implement policies and procedures that enable residents 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 a resident housing unit?	yes
	In facilities (such as group homes) that do not contain discrete housing units, does the facility require staff of the opposite gender to announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing? (N/A for facilities with discrete housing units)	yes
115.315 (e)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from searching or physically examining transgender or intersex residents for the sole purpose of determining the resident's genital status?	yes
	If a resident's genital status is unknown, does the facility determine genital status during conversations with the resident, 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
115.315 (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 residents in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes
115.316 (a)	Residents with disabilities and residents who are limited English proficient	
	Does the agency take appropriate steps to ensure that residents with disabilities have an equal opportunity to participate in or benefit from all	yes

	aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Residents who are deaf or hard of hearing?	
	Does the agency take appropriate steps to ensure that residents 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: Residents who are blind or have low vision?	yes
	Does the agency take appropriate steps to ensure that residents 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: Residents who have intellectual disabilities?	yes
	Does the agency take appropriate steps to ensure that residents 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: Residents who have psychiatric disabilities?	yes
	Does the agency take appropriate steps to ensure that residents 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: Residents who have speech disabilities?	yes
	Does the agency take appropriate steps to ensure that residents 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 residents who are deaf or hard of hearing?	yes
	Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with residents with disabilities including residents who: Have intellectual disabilities?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with residents with disabilities including residents who: Have limited reading skills?	yes
	Does the agency ensure that written materials are provided in formats or	yes

	through methods that ensure effective communication with residents with disabilities including residents who: Who are blind or have low vision?	
115.316 (b)	Residents with disabilities and residents 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 residents 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
115.316 (c)	Residents with disabilities and residents who are limited English proficient	
	Does the agency always refrain from relying on resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties under §115.364, or the investigation of the resident's allegations?	yes

115.317 (a)	Hiring and promotion decisions	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with residents 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 residents who: Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with residents who: Has been civilly or administratively adjudicated to have engaged in the activity described in the bullet immediately above?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with residents 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 residents 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 residents who: Has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
115.317 (b)	Hiring and promotion decisions	
	Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents?	yes

115.317 (c)	Hiring and promotion decisions	
	Before hiring new employees who may have contact with residents, does the agency: Perform a criminal background records check?	yes
	Before hiring new employees who may have contact with residents, does the agency: Consult any child abuse registry maintained by the State or locality in which the employee would work?	yes
	Before hiring new employees who may have contact with residents, 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
115.317 (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 residents?	yes
	Does the agency consult applicable child abuse registries before enlisting the services of any contractor who may have contact with residents?	yes
115.317 (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 residents or have in place a system for otherwise capturing such information for current employees?	yes
115.317 (f)	Hiring and promotion decisions	
	Does the agency ask all applicants and employees who may have contact with residents 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 residents 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

115.317 (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
115.317 (h)	Hiring and promotion decisions	
	Unless prohibited by law, 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
115.318 (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 residents 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.)	yes
115.318 (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 residents from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)	yes
115.321 (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.)	na

115.321 (b)	Evidence protocol and forensic medical examinations	
	Is this protocol developmentally appropriate for youth? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	na
	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.)	na
115.321 (c)	Evidence protocol and forensic medical examinations	
	Does the agency offer all residents who experience 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
115.321 (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?	yes
	Has the agency documented its efforts to secure services from rape crisis centers?	yes

115.321 (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
115.321 (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 entity follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency is not responsible for investigating allegations of sexual abuse.)	na
115.321 (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? (Check N/A if agency attempts to make a victim advocate from a rape crisis center available to victims per 115.321 (d) above.)	na
115.322 (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
115.322 (b)	Policies to ensure referrals of allegations for investigations	
	Does the agency have a policy 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

115.322 (c)	Policies to ensure referrals of allegations for investigations	
	<p>If a separate entity is responsible for conducting criminal investigations, does such publication describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.321(a))</p>	yes

115.331 (a)	Employee training	
	Does the agency train all employees who may have contact with residents on: Its zero-tolerance policy for sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with residents 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 residents on: Residents' right to be free from sexual abuse and sexual harassment	yes
	Does the agency train all employees who may have contact with residents on: The right of residents 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 residents on: The dynamics of sexual abuse and sexual harassment in juvenile facilities?	yes
	Does the agency train all employees who may have contact with residents on: The common reactions of juvenile victims of sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with residents on: How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between residents?	yes
	Does the agency train all employees who may have contact with residents on: How to avoid inappropriate relationships with residents?	yes
	Does the agency train all employees who may have contact with residents on: How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents?	yes
	Does the agency train all employees who may have contact with residents on: How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?	yes
	Does the agency train all employees who may have contact with residents on: Relevant laws regarding the applicable age of consent?	yes

115.331 (b)	Employee training	
	Is such training tailored to the unique needs and attributes of residents of juvenile facilities?	yes
	Is such training tailored to the gender of the residents at the employee's facility?	yes
	Have employees received additional training if reassigned from a facility that houses only male residents to a facility that houses only female residents, or vice versa?	yes
115.331 (c)	Employee training	
	Have all current employees who may have contact with residents 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
115.331 (d)	Employee training	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes
115.332 (a)	Volunteer and contractor training	
	Has the agency ensured that all volunteers and contractors who have contact with residents have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes
115.332 (b)	Volunteer and contractor training	
	Have all volunteers and contractors who have contact with residents 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 residents)?	yes
115.332 (c)	Volunteer and contractor training	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes

115.333 (a)	Resident education	
	During intake, do residents receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do residents receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes
	Is this information presented in an age-appropriate fashion?	yes
115.333 (b)	Resident education	
	Within 10 days of intake, does the agency provide age-appropriate comprehensive education to residents either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?	yes
	Within 10 days of intake, does the agency provide age-appropriate comprehensive education to residents either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?	yes
	Within 10 days of intake, does the agency provide age-appropriate comprehensive education to residents either in person or through video regarding: Agency policies and procedures for responding to such incidents?	yes
115.333 (c)	Resident education	
	Have all residents received such education?	yes
	Do residents receive education upon transfer to a different facility to the extent that the policies and procedures of the resident's new facility differ from those of the previous facility?	yes
115.333 (d)	Resident education	
	Does the agency provide resident education in formats accessible to all residents including those who: Are limited English proficient?	yes
	Does the agency provide resident education in formats accessible to all residents including those who: Are deaf?	yes
	Does the agency provide resident education in formats accessible to all residents including those who: Are visually impaired?	yes
	Does the agency provide resident education in formats accessible to all residents including those who: Are otherwise disabled?	yes
	Does the agency provide resident education in formats accessible to all residents including those who: Have limited reading skills?	yes

115.333 (e)	Resident education	
	Does the agency maintain documentation of resident participation in these education sessions?	yes
115.333 (f)	Resident education	
	In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to residents through posters, resident handbooks, or other written formats?	yes
115.334 (a)	Specialized training: Investigations	
	In addition to the general training provided to all employees pursuant to §115.331, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received 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 115.321(a).)	na
115.334 (b)	Specialized training: Investigations	
	Does this specialized training include: Techniques for interviewing juvenile sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.321(a).)	na
	Does this specialized training include: Proper use of Miranda and Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.321(a).)	na
	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 115.321(a).)	na
	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 115.321(a).)	na
115.334 (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 115.321(a).)	na

115.335 (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 juvenile victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: How and to whom to report allegations or suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
115.335 (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
115.335 (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

115.335 (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 §115.331? (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
	Do medical and mental health care practitioners contracted by and volunteering for the agency also receive training mandated for contractors and volunteers by §115.332? (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
115.341 (a)	Obtaining information from residents	
	Within 72 hours of the resident's arrival at the facility, does the agency obtain and use information about each resident's personal history and behavior to reduce risk of sexual abuse by or upon a resident?	yes
	Does the agency also obtain this information periodically throughout a resident's confinement?	yes
115.341 (b)	Obtaining information from residents	
	Are all PREA screening assessments conducted using an objective screening instrument?	yes

115.341 (c)	Obtaining information from residents	
	During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Prior sexual victimization or abusiveness?	yes
	During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the resident may therefore be vulnerable to sexual abuse?	yes
	During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Current charges and offense history?	yes
	During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Age?	yes
	During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Level of emotional and cognitive development?	yes
	During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Physical size and stature?	yes
	During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Mental illness or mental disabilities?	yes
	During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Intellectual or developmental disabilities?	yes
	During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Physical disabilities?	yes
	During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: The resident's own perception of vulnerability?	yes
	During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Any other specific information about individual residents that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other residents?	yes

115.341 (d)	Obtaining information from residents	
	Is this information ascertained: Through conversations with the resident during the intake process and medical mental health screenings?	yes
	Is this information ascertained: During classification assessments?	yes
	Is this information ascertained: By reviewing court records, case files, facility behavioral records, and other relevant documentation from the resident's files?	yes
115.341 (e)	Obtaining information from residents	
	Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the resident's detriment by staff or other residents?	yes
115.342 (a)	Placement of residents	
	Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Housing Assignments?	yes
	Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Bed assignments?	yes
	Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Work Assignments?	yes
	Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Education Assignments?	yes
	Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Program Assignments?	yes

115.342 (b)	Placement of residents	
	Are residents isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other residents safe, and then only until an alternative means of keeping all residents safe can be arranged?	yes
	During any period of isolation, does the agency always refrain from denying residents daily large-muscle exercise?	yes
	During any period of isolation, does the agency always refrain from denying residents any legally required educational programming or special education services?	yes
	Do residents in isolation receive daily visits from a medical or mental health care clinician?	yes
	Do residents also have access to other programs and work opportunities to the extent possible?	yes
115.342 (c)	Placement of residents	
	Does the agency always refrain from placing: Lesbian, gay, and bisexual residents in particular housing, bed, or other assignments solely on the basis of such identification or status?	yes
	Does the agency always refrain from placing: Transgender residents in particular housing, bed, or other assignments solely on the basis of such identification or status?	yes
	Does the agency always refrain from placing: Intersex residents in particular housing, bed, or other assignments solely on the basis of such identification or status?	yes
	Does the agency always refrain from considering lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator or likelihood of being sexually abusive?	yes

115.342 (d)	Placement of residents	
	When deciding whether to assign a transgender or intersex resident to a facility for male or female residents, does the agency consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns residents 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 residents, does the agency consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether a placement would present management or security problems?	yes
115.342 (e)	Placement of residents	
	Are placement and programming assignments for each transgender or intersex resident reassessed at least twice each year to review any threats to safety experienced by the resident?	yes
115.342 (f)	Placement of residents	
	Are each transgender or intersex resident'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
115.342 (g)	Placement of residents	
	Are transgender and intersex residents given the opportunity to shower separately from other residents?	yes
115.342 (h)	Placement of residents	
	If a resident is isolated pursuant to paragraph (b) of this section, does the facility clearly document: The basis for the facility's concern for the resident's safety? (N/A for h and i if facility doesn't use isolation?)	na
	If a resident is isolated pursuant to paragraph (b) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged? (N/A for h and i if facility doesn't use isolation?)	na
115.342 (i)	Placement of residents	
	In the case of each resident who is isolated as a last resort when less restrictive measures are inadequate to keep them and other residents safe, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS?	yes

115.351 (a)	Resident reporting	
	Does the agency provide multiple internal ways for residents to privately report: Sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for residents to privately report: 2. Retaliation by other residents or staff for reporting sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for residents to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?	yes
115.351 (b)	Resident reporting	
	Does the agency also provide at least one way for residents 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 resident reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the resident to remain anonymous upon request?	yes
	Are residents detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security to report sexual abuse or harassment?	yes
115.351 (c)	Resident reporting	
	Do staff members accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Do staff members promptly document any verbal reports of sexual abuse and sexual harassment?	yes
115.351 (d)	Resident reporting	
	Does the facility provide residents with access to tools necessary to make a written report?	yes
115.351 (e)	Resident reporting	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of residents?	yes

115.352 (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 resident grievances regarding sexual abuse. This does not mean the agency is exempt simply because a resident 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
115.352 (b)	Exhaustion of administrative remedies	
	Does the agency permit residents 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.)	na
	Does the agency always refrain from requiring an resident 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.)	na
115.352 (c)	Exhaustion of administrative remedies	
	Does the agency ensure that: A resident who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	na
	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.)	na

115.352 (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 residents in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)	na
	If the agency determines that the 90 day timeframe is insufficient to make an appropriate decision and claims an extension of time (the maximum allowable extension of time to respond is 70 days per 115.352(d)(3)) , does the agency notify the resident 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.)	na
	At any level of the administrative process, including the final level, if the resident does not receive a response within the time allotted for reply, including any properly noticed extension, may a resident consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)	na

115.352 (e)	Exhaustion of administrative remedies	
	Are third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)	na
	Are those third parties also permitted to file such requests on behalf of residents? (If a third party, other than a parent or legal guardian, files such a request on behalf of a resident, 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.)	na
	If the resident declines to have the request processed on his or her behalf, does the agency document the resident's decision? (N/A if agency is exempt from this standard.)	na
	Is a parent or legal guardian of a juvenile allowed to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of such juvenile? (N/A if agency is exempt from this standard.)	na
	If a parent or legal guardian of a juvenile files a grievance (or an appeal) on behalf of a juvenile regarding allegations of sexual abuse, is it the case that those grievances are not conditioned upon the juvenile agreeing to have the request filed on his or her behalf? (N/A if agency is exempt from this standard.)	na

115.352 (f)	Exhaustion of administrative remedies	
	Has the agency established procedures for the filing of an emergency grievance alleging that a resident is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	na
	After receiving an emergency grievance alleging a resident 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.)	na
	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.)	na
	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.)	na
	Does the initial response and final agency decision document the agency's determination whether the resident is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	na
	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.)	na
	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.)	na
115.352 (g)	Exhaustion of administrative remedies	
	If the agency disciplines a resident for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the resident filed the grievance in bad faith? (N/A if agency is exempt from this standard.)	na

115.353 (a)	Resident access to outside confidential support services and legal representation	
	Does the facility provide residents with access to outside victim advocates for emotional support services related to sexual abuse by providing, posting, or otherwise making accessible mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations?	yes
	Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies?	yes
	Does the facility enable reasonable communication between residents and these organizations and agencies, in as confidential a manner as possible?	yes
115.353 (b)	Resident access to outside confidential support services and legal representation	
	Does the facility inform residents, 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
115.353 (c)	Resident access to outside confidential support services and legal representation	
	Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide residents 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
115.353 (d)	Resident access to outside confidential support services and legal representation	
	Does the facility provide residents with reasonable and confidential access to their attorneys or other legal representation?	yes
	Does the facility provide residents with reasonable access to parents or legal guardians?	yes

115.354 (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 a resident?	yes
115.361 (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 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?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information they receive regarding retaliation against residents 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 they receive regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation?	yes
115.361 (b)	Staff and agency reporting duties	
	Does the agency require all staff to comply with any applicable mandatory child abuse reporting laws?	yes
115.361 (c)	Staff and agency reporting duties	
	Apart from reporting to designated supervisors or officials and designated State or local services agencies, are staff prohibited 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
115.361 (d)	Staff and agency reporting duties	
	Are medical and mental health practitioners required to report sexual abuse to designated supervisors and officials pursuant to paragraph (a) of this section as well as to the designated State or local services agency where required by mandatory reporting laws?	yes
	Are medical and mental health practitioners required to inform residents of their duty to report, and the limitations of confidentiality, at the initiation of services?	yes

115.361 (e)	Staff and agency reporting duties	
	Upon receiving any allegation of sexual abuse, does the facility head or his or her designee promptly report the allegation to the appropriate office?	yes
	Upon receiving any allegation of sexual abuse, does the facility head or his or her designee promptly report the allegation to the alleged victim's parents or legal guardians unless the facility has official documentation showing the parents or legal guardians should not be notified?	yes
	If the alleged victim is under the guardianship of the child welfare system, does the facility head or his or her designee promptly report the allegation to the alleged victim's caseworker instead of the parents or legal guardians? (N/A if the alleged victim is not under the guardianship of the child welfare system.)	yes
	If a juvenile court retains jurisdiction over the alleged victim, does the facility head or designee also report the allegation to the juvenile's attorney or other legal representative of record within 14 days of receiving the allegation?	yes
115.361 (f)	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
115.362 (a)	Agency protection duties	
	When the agency learns that a resident is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the resident?	yes
115.363 (a)	Reporting to other confinement facilities	
	Upon receiving an allegation that a resident 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
	Does the head of the facility that received the allegation also notify the appropriate investigative agency?	yes
115.363 (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

115.363 (c)	Reporting to other confinement facilities	
	Does the agency document that it has provided such notification?	yes
115.363 (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
115.364 (a)	Staff first responder duties	
	Upon learning of an allegation that a resident 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 a resident 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 a resident 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 a resident 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
115.364 (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
115.365 (a)	Coordinated response	
	Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse?	yes

115.366 (a)	Preservation of ability to protect residents 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 limits the agency's ability to remove alleged staff sexual abusers from contact with any residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes
115.367 (a)	Agency protection against retaliation	
	Has the agency established a policy to protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff?	yes
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes
115.367 (b)	Agency protection against retaliation	
	Does the agency employ multiple protection measures for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations, such as housing changes or transfers for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services?	yes

115.367 (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 residents or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by residents 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 residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor: Any resident 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: Resident 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: Resident 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
115.367 (d)	Agency protection against retaliation	
	In the case of residents, does such monitoring also include periodic status checks?	yes

115.367 (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
115.368 (a)	Post-allegation protective custody	
	Is any and all use of segregated housing to protect a resident who is alleged to have suffered sexual abuse subject to the requirements of § 115.342?	yes
115.371 (a)	Criminal and administrative agency investigations	
	When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency does not conduct any form of administrative or criminal investigations of sexual abuse or harassment. See 115.321(a).)	na
	Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency does not conduct any form of administrative or criminal investigations of sexual abuse or harassment. See 115.321(a).)	na
115.371 (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 involving juvenile victims as required by 115.334?	yes
115.371 (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
115.371 (d)	Criminal and administrative agency investigations	
	Does the agency always refrain from terminating an investigation solely because the source of the allegation recants the allegation?	yes

115.371 (e)	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
115.371 (f)	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 resident or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes
115.371 (g)	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
115.371 (h)	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
115.371 (i)	Criminal and administrative agency investigations	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
115.371 (j)	Criminal and administrative agency investigations	
	Does the agency retain all written reports referenced in 115.371(g) and (h) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention?	yes
115.371 (k)	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 facility or agency does not provide a basis for terminating an investigation?	yes

115.371 (m)	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 115.321(a).)	yes
115.372 (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
115.373 (a)	Reporting to residents	
	Following an investigation into a resident's allegation of sexual abuse suffered in the facility, does the agency inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	yes
115.373 (b)	Reporting to residents	
	If the agency did not conduct the investigation into a resident'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 resident? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)	yes

115.373 (c)	Reporting to residents	
	Following a resident'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 posted within the resident's unit?	yes
	Following a resident'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 a resident'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 a resident'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
115.373 (d)	Reporting to residents	
	Following a resident's allegation that he or she has been sexually abused by another resident, 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 a resident's allegation that he or she has been sexually abused by another resident, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?	yes
115.373 (e)	Reporting to residents	
	Does the agency document all such notifications or attempted notifications?	yes

115.376 (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
115.376 (b)	Disciplinary sanctions for staff	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes
115.376 (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
115.376 (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
115.377 (a)	Corrective action for contractors and volunteers	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with residents?	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
115.377 (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 residents?	yes

115.378 (a)	Interventions and disciplinary sanctions for residents	
	Following an administrative finding that a resident engaged in resident-on-resident sexual abuse, or following a criminal finding of guilt for resident-on-resident sexual abuse, may residents be subject to disciplinary sanctions only pursuant to a formal disciplinary process?	yes
115.378 (b)	Interventions and disciplinary sanctions for residents	
	Are disciplinary sanctions commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories?	yes
	In the event a disciplinary sanction results in the isolation of a resident, does the agency ensure the resident is not denied daily large-muscle exercise?	yes
	In the event a disciplinary sanction results in the isolation of a resident, does the agency ensure the resident is not denied access to any legally required educational programming or special education services?	yes
	In the event a disciplinary sanction results in the isolation of a resident, does the agency ensure the resident receives daily visits from a medical or mental health care clinician?	yes
	In the event a disciplinary sanction results in the isolation of a resident, does the resident also have access to other programs and work opportunities to the extent possible?	yes
115.378 (c)	Interventions and disciplinary sanctions for residents	
	When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether a resident's mental disabilities or mental illness contributed to his or her behavior?	yes
115.378 (d)	Interventions and disciplinary sanctions for residents	
	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 offer the offending resident participation in such interventions?	yes
	If the agency requires participation in such interventions as a condition of access to any rewards-based behavior management system or other behavior-based incentives, does it always refrain from requiring such participation as a condition to accessing general programming or education?	yes

115.378 (e)	Interventions and disciplinary sanctions for residents	
	Does the agency discipline a resident for sexual contact with staff only upon a finding that the staff member did not consent to such contact?	yes
115.378 (f)	Interventions and disciplinary sanctions for residents	
	For the purpose of disciplinary action, does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation?	yes
115.378 (g)	Interventions and disciplinary sanctions for residents	
	Does the agency always refrain from considering non-coercive sexual activity between residents to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between residents.)	yes
115.381 (a)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.341 indicates that a resident has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the resident is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening?	yes
115.381 (b)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.341 indicates that a resident has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the resident is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening?	yes
115.381 (c)	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
115.381 (d)	Medical and mental health screenings; history of sexual abuse	
	Do medical and mental health practitioners obtain informed consent from residents before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the resident is under the age of 18?	yes

115.382 (a)	Access to emergency medical and mental health services	
	Do resident 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
115.382 (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 staff first responders take preliminary steps to protect the victim pursuant to § 115.362?	yes
	Do staff first responders immediately notify the appropriate medical and mental health practitioners?	yes
115.382 (c)	Access to emergency medical and mental health services	
	Are resident 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
115.382 (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
115.383 (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 residents who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?	yes
115.383 (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
115.383 (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

115.383 (d)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are resident victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if all-male facility.)	na
115.383 (e)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If pregnancy results from the conduct described in paragraph § 115.383(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.)	na
115.383 (f)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are resident victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes
115.383 (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
115.383 (h)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners?	yes
115.386 (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
115.386 (b)	Sexual abuse incident reviews	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes

115.386 (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
115.386 (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 §§ 115.386(d) (1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?	yes
115.386 (e)	Sexual abuse incident reviews	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes
115.387 (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
115.387 (b)	Data collection	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes

115.387 (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
115.387 (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
115.387 (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 residents? (N/A if agency does not contract for the confinement of its residents.)	na
115.387 (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
115.388 (a)	Data review for corrective action	
	Does the agency review data collected and aggregated pursuant to § 115.387 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 § 115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?	yes
	Does the agency review data collected and aggregated pursuant to § 115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole?	yes
115.388 (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

115.388 (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
115.388 (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
115.389 (a)	Data storage, publication, and destruction	
	Does the agency ensure that data collected pursuant to § 115.387 are securely retained?	yes
115.389 (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
115.389 (c)	Data storage, publication, and destruction	
	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes
115.389 (d)	Data storage, publication, and destruction	
	Does the agency maintain sexual abuse data collected pursuant to § 115.387 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.)	no
	If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.)	yes
	If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)	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, residents, and detainees permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes
115.403 (f)	Audit contents and findings	
	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