

**PREA AUDIT REPORT Interim Final
COMMUNITY CONFINEMENT FACILITIES**

Date of report: January 7, 2017

Auditor Information			
Auditor Name: K. E. Arnold			
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Email: kenarnold220@gmail.com			
Telephone number: (484)999-4167			
Date of facility visit: November 16-18, 2016			
Facility Information			
Facility name: Warm Springs Addiction Treatment and Change and the Connections Corrections Program West (WATCH-CCP West)			
Facility physical address: P. O. Box G, Xanthopoulos Building on the Montana State Hospital, Warm Springs, MT 59756			
Facility mailing address: (if different from above) NA			
Facility telephone number: (406)693-2272			
The facility is:	<input type="checkbox"/> Federal	<input type="checkbox"/> State	<input type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private for profit
	X <input type="checkbox"/> Private not for profit		
Facility type:	<input type="checkbox"/> Community treatment center	X <input type="checkbox"/> Community-based confinement facility	
	<input type="checkbox"/> Halfway house	<input type="checkbox"/> Mental health facility	
	X <input type="checkbox"/> Alcohol or drug rehabilitation center	<input type="checkbox"/> Other	
Name of facility's Chief Executive Officer: Alex Vukovich			
Number of staff assigned to the facility in the last 12 months: 64			
Designed facility capacity: 167			
Current population of facility: 162			
Facility security levels/inmate custody levels: Minimum, Alternative Secure			
Age range of the population: 18-77			
Name of PREA Compliance Manager: Josh Saba		Title: WATCH-CCP West PREA Manager/Training Manager	
Email address: jsaba@cccscorp.com		Telephone number: (406)491-6584	
Agency Information			
Name of agency: Community Counseling and Correctional Services, Inc.			
Governing authority or parent agency: (if applicable) NA			
Physical address: 471 East Mercury St. Butte, MT 59701			
Mailing address: (if different from above) NA			
Telephone number: (406)782-0417			

Agency Chief Executive Officer	
Name: Mike Thatcher	Title: CEO
Email address: mthatcher@cccscorp.com	Telephone number: (406)782-0417
Agency-Wide PREA Coordinator	
Name: Marwan Saba	Title: PREA Coordinator
Email address: msaba@cccscorp.com	Telephone number: (406)491-0245

AUDIT FINDINGS

NARRATIVE

The Prison Rape Elimination Act (PREA) on-site audit of the Warm Springs Addiction Treatment and Change and the Connections Corrections Program West (WATCH-CCP West) was conducted November 16-18, 2016 by K. E. Arnold from Castle Rock, CO, a United States Department of Justice Certified PREA Auditor for both juvenile and adult facilities. Pre-audit preparation included review of all materials and self reports electronically uploaded to an encrypted thumb drive and mailed to the Auditor's address via the United States Postal Service. The thumb drive was securely packaged in such a manner as to alert to envelope tampering. The documentation reviewed included, but was not limited to, agency and facility policies, staff training slides, completed forms regarding both staff and resident training, MOUs, organizational chart(s), PREA brochures, the PREA video presented to offenders, offender education materials, photographs of PREA related materials (e.g. posters, etc.), and staff training certifications. This review prompted several questions and informational needs that were addressed with the Community Counseling and Correctional Services (CCCS) PREA Coordinator. The majority of informational needs were addressed pursuant to this process.

During the on-site audit, the Auditor was provided a private office on the WATCH West side of the facility from which to review documents and facilitate confidential interviews with staff and family members.

The Auditor randomly selected (from a family member roster provided by the CCCS PREA Coordinator) and interviewed 10 of the 170 family members (with varying lengths of stay) on-site pursuant to the Random Sample of Residents Questionnaire. Family members represented the four WATCH West General Population Family Member designated units and the two CCP West living units. According to the WATCH-CCP West PREA Manager, there were no family member(s) currently confined in the facility who reported a sexual abuse incident. The CCCS PREA Coordinator advised that there were no family members who were limited-English proficient in the facility at the time of the audit.

It is noted that the 10 random family member interviewees were generally questioned regarding their knowledge of a variety of PREA protections and their knowledge of reporting mechanisms available to family members for reporting sexual abuse or harassment.

Eleven random staff selected by the Auditor from a staff roster provided by the CCCS PREA Coordinator, were interviewed. The Non-Medical Staff Involved in Cross-Gender Strip or Visual Searches, Security and Non-Security Staff Who Have Acted as First Responders, Staff Who Perform Screening for Risk of Victimization and Abusiveness, Intake Staff, in addition to the Questionnaire for a Random Sample of Staff Interview Guides were administered. Staff were questioned regarding PREA training and overall knowledge of the agency's zero tolerance policy, reporting mechanisms available to family members and staff, the response protocols when a family member alleges abuse, and First Responder duties.

The following specialty staff/offender questionnaires were utilized during this review including:

- Agency Head
- Warden or Designee
- PREA Coordinator
- Designated Staff Charged with Monitoring Retaliation (1)
- Incident Review Team (1)
- Volunteers and Contractors Who May Have Contact with Residents (1)
- Medical and Mental Health Staff (1- Medical, 1- Mental Health)
- Human Resources (1)
- Investigator (2)
- SAFE/SANE Staff- (Emergency Trauma and Surgical Services at St. James Hospital)

The Auditor reviewed four (4) Staff Training records, four (4) offender files, nine staff HR files, one contractor HR file, and one PREA investigative file, and other records reflected throughout the following narrative, during the audit and following completion of the same. As reflected in subsequent sections of this report, the family member involved in the one "Unfounded" PREA sexual harassment allegation that occurred within the past 12 months was not confined at WATCH-CCP West during the on-site audit.

On November 16, 2016, the Auditor met with the WATCH-CCP West Program Administrator, the CCCS PREA Coordinator, a CCCS Compliance Director, the WATCH-CCP West Security Coordinator, PREA Manager, Clinical Supervisor, Assistant Clinical Supervisor/LAC, CCP Unit Supervisor/LAC, a Case Manager, and the START PREA Manager at 11:00AM in a Conference Room located in the Administrative Conference Room. Introductions were facilitated and the audit plan was discussed. Additionally, any developments in support of WATCH-CCP West sexual safety, were discussed.

From 12:00 Noon to 2:30PM on the same date, the Assistant Clinical Supervisor/LAC, Security Coordinator, 1st Shift Security Supervisor, the afore-mentioned CCP Unit Supervisor/LAC and Case Manager, and Auditor toured the entire facility. The Auditor observed, among other features, the facility configuration, location of cameras, staff supervision of offenders, unit layout (inclusive of shower/toilet areas), placement of PREA posters and informational resources, security monitoring, and offender programming.

It is noted that on the Ground Floor of the facility, there is a total of three toilets and one shower on the Red Family Unit (CCP West) and

three toilets and three showers on the Green Family Unit (WATCH West). Essentially, there is a toilet and a shower on each wing of each unit, with the exception of the Red Family Unit (CCP West). On the Second Floor (all WATCH West), there is a shower and toilet on each wing of the Dark Blue and Light Blue Family Units with an additional two toilets on the Light Blue Family Unit. The showers are shielded by a half wall and an acceptable curtain. Genitalia cannot be seen as the result of this configuration. It is noted that toilet and sink units are affixed in the CCP West rooms.

During the tour, it was noted that there are several solid doors throughout the facility. When questioned regarding the same and the relevance to PREA, the Auditor was advised that such doors must remain open when the room is occupied. It was also noted that some staff offices, although the door was equipped with a window, were covered. This presented some PREA challenges for the Auditor and upon notification of the CCCS PREA Coordinator, he promptly addressed the situation. The Auditor was advised that no family members were authorized to be in staff offices with the door closed. The window coverings were removed throughout the remainder of the audit with the directive that the practice was to cease. Additionally, a plan was implemented to address the solid doors as windows will either be installed or new doors (complete with windows) will be installed.

Currently, there are 28 cameras scattered throughout the facility. It was noted that throughout the facility, no cameras were positioned in the wings. There are several areas that are in need of additional camera coverage and as is reflected in 115.213, the 1st Shift Security Supervisor and the Auditor spoke regarding camera placements and coverage. He (1st Shift Security Supervisor) advised that a camera upgrade analysis had been facilitated and he thought that a proposal had been submitted to CCCS leadership.

The Auditor did secure a copy of the proposal and the increase in cameras and coverage is substantial (approximately 56 cameras). According to the 1st Shift Security Supervisor, he and the vendor representative jointly facilitated the analysis, taking into account sexual safety considerations. Once installed, this will be an enhancement to sexual safety at the facility.

The Auditor was advised by the CCCS PREA Coordinator that the building is owned by the State of Montana and accordingly, CCCS leadership is awaiting approval to proceed from MDOC. Pursuant to observation/review of staffing/review of the PREA program at WATCH-CCP West/ and review of current camera coverage, it appears that supervision is adequate, at this point until the camera upgrade is complete, to ensure sexual safety at the facility.

From a PREA perspective, there are some "Best Practice" recommendations regarding the Holding Area and CCP Hall 3 toilet areas. When brought to the attention of the Security Coordinator and the CCCS PREA Coordinator, portable movable hospital screens were immediately implemented.

Notices of the PREA audit were generously posted throughout the facility and both residents and staff were aware that a PREA audit would be conducted from November 16-18, 2016.

The Auditor did question the Director of Safe Space (sexual advocacy group who provides such services to WATCH-CCP West offenders) as to whether any sexual assault/abuse allegations were received from family members at the facility. She responded in the negative.

DESCRIPTION OF FACILITY CHARACTERISTICS

WATCH is a partnership between CCCS and MDOC. The program is based on a Modified Therapeutic Community model of treating addiction and the subsequent social issues.

The WATCH program opened on February 1, 2002 and was the culmination of efforts by CCCS and MDOC to provide effective treatment and correctional programming services for a rapidly increasing segment of the adult male population who are chemically dependent.

WATCH is an alternative, pro-active response to traditional sentencing of adult felony DUI offenders.

The WATCH program is located in the Xanthopoulos Building on the campus of Montana State Hospital, Warm Springs, Montana. The Warm Springs campus is located in southwestern Montana, approximately 20 miles northwest of Butte on Interstate 90.

WATCH serves male fourth and subsequent DUI family members and has a capacity of 115 individuals. This program is a cost-effective sentencing alternative that allows individuals to receive treatment, in lieu of, extended stays in jail or prison.

WATCH West is a six-month intensive, cognitive behavioral based Modified Therapeutic Community, which assists family members in developing those skills necessary to create pro-social change, reduce anti-social thinking, criminal behavioral patterns, and the negative effects of chemical addiction while integrating more fully into society.

Although the WATCH West program is a treatment program, it is still a correctional program and those family members receiving treatment at the facility are still offenders. Therefore, public safety is of paramount concern for the WATCH West program. Accordingly, the following security control features are implemented at WATCH West:

24/7 security staff on site;

Regular and random security searches of offenders commensurate with sound PREA and security procedures;

Regular and random breathalyzer and urinalysis screening and testing;

Perimeter fencing;

28 security cameras strategically placed throughout the interior and exterior areas. Cameras supplement, not supplant, security staff.

Family members in the WATCH West program receive extensive and varied programming seven days per week. Family members are also responsible to complete individual assignments, participate in recreational and religious opportunities, complete therapeutic tasks and participate in other projects as determined by their respective treatment team and family.

Cognitive Principles and Restructuring (CP&R) is a program that was developed by Montana State Prison staff, and has achieved impressive outcome results. CP&R is conducted five days per week for approximately 1.5 hours per session. This component is delivered in both individual and group settings by trained staff.

The WATCH West program includes three distinct phases. Each phase has specific requirements, as well as, individual responsibilities and privileges. Family members may not progress through the phases without the endorsement of their respective team.

The Connections Corrections Program (CCP) is a comprehensive, community-based correctional program designed to serve the unique needs of the Montana correctional population who are chemically dependent. Family members are provided with a full range of treatment services focusing not only on the chemical dependency issue of each individual, but also the underlying behavioral and dysfunctional thinking patterns which contribute to or sustain chemical use and result in criminal behavior.

CCS, in partnership with MDOC, opened 42 State beds, as well as, 10 sanction beds (all male population) for a total of 52 beds at the Connections West facility located in Warm Springs, Montana. The CCP West facility is the sister to the CCP East facility and is co-located with WATCH West.

CCP is based on the intensive outpatient model and is structured to meet the individual needs of clients for a period of up to 60 days.

CCP provides clients with the education and insight into their disease and maladaptive behaviors so they integrate these skills and information into their daily lives. Through this process and intensive programming, the following goals are developed:

- Promote public safety by creating a milieu of programs and services for the adult male offenders in or entering local communities;
- Provide programs and services that assist eligible offenders with their transition from prison to the community;
- Provide an alternative to prison for those offenders who do not pose a significant threat to public safety and whose correctional programming and treatment needs could be best served by community placement;
- Provide an alternative to probation for those offenders who do not pose a significant threat to public safety and who require greater programming structure and monitoring than can be offered through probation;
- Meet the supervision and control needs of adult offenders in a community-based correctional setting;
- Establish and maintain a continuum of programming through formal and informal links to other human service and correctional agencies.

Pursuant to the CCP mission, the program is a highly structured 60 day cognitive behavioral based Intensive Residential Treatment Center that incorporates addiction counseling, thinking errors counseling, cognitive principles and restructuring, victimization counseling, anger management counseling, in conjunction with a strong emphasis on relapse prevention for the criminal offender.

CCP West is designed to serve the following types of male offenders:

- Intensive Supervision Probationers (ISP) and Parolees violating the conditions of their parole plans to a level that would result in imprisonment;
- Offenders at the Montana State Prison (MSP) who are mandated by the Board of Pardons and Parole to complete chemical dependency programming;
- Offenders at MSP who are court-ordered to complete chemical dependency programming prior to release;
- Offenders participating in pre-release programs who violate as a result of chemical use;
- Offenders referred by U. S. Probation Officers.

Offenders with sex-related crimes are normally not accepted at CCP West. Additionally, offenders with a history of violent crime will generally not be served at CCP West however, each offender is considered on a case-by-case basis. Finally, offenders who have serious medical or mental health problems that would prohibit or significantly limit participation in correctional programming and chemical dependency treatment would generally not be served at CCP West. The local screening committee considers many factors including the following: 1. Nature and number of offenses; 2. Previous community placements; 3. Behavior at other institutions; 4. Desire to change and motivation to participate in programming; and 5. Medical or psychological limitation that could prevent participation in the program.

As a point of interest, a PREA Compliance Acknowledgement is issued to all contractors, visitors, and volunteers each time they enter WATCH-CCP West. Potential entrants are instructed to read this Acknowledgement and affix their signature to the same. The Acknowledgement addresses definitions of sexual abuse, sexual harassment, and voyeurism. Additionally, the same includes a certification of understanding of the requirements of PREA as scripted in the document, verbiage regarding zero tolerance towards any form of sexual abuse and sexual harassment, and verbiage regarding immediate reporting of any knowledge of sexual abuse or sexual harassment. This document serves as a constant PREA reminder to affected individuals entering the confines of WATCH-CCP West.

The WATCH-CCP West facility is comprised of two stories with all four housing units, Intake, Medical, Food Service, and Maintenance
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operations (no family members authorized in the Maintenance Shop) located on both floors. A Gymnasium and outdoor recreation area, Medical, Maintenance, and Intake are located on the Ground Floor. Food Service and the Laundry are located on the Second Floor.

During the tour, the Auditor noted that PREA informational posters were affixed to walls throughout the facility, inclusive of Food Service, living units, etc. Clearly, offenders are provided ample opportunities to familiarize and educate themselves regarding PREA reporting and the zero tolerance policy regarding sexual assault/abuse and sexual harassment.

It is noted that during the tour, the Auditor did observe Emergency Grievance Boxes that were built into facility walls in each living unit area. Reportedly, PREA Emergency Grievances are picked up by the Grievance Coordinator on a daily basis, with the exception of days off. Shift Supervisors also pick up Emergency Grievances every shift and provide the same to the Grievance Coordinator. PREA Emergency Grievances are immediately distributed to the WATCH-CCP PREA Manager for immediate processing.

SUMMARY OF AUDIT FINDINGS

In view of the afore-mentioned PREA Acknowledgement that is signed by entrants to the facility (does not include staff), the Auditor has determined that the WATCH-CCP West program exceeds Standard 115.211 based on this practice. An important segment of PREA familiarity is engrained in potential entrants each and every time they visit the facility.

It is noted that the Montana Public Criminal History Record is used as the assessment vehicle to identify criminal background history as applicable to "New Hires" and staff promotions. This procedure encompasses only those arrests/convictions occurring within the State of Montana. Given the transient society in which we work, this process leaves the possibility of hiring employees who have been involved in the offenses articulated in provision 115.217(a) in a State other than Montana. Accordingly, offender and staff sexual safety at WATCH-CCP West could be adversely impacted by this condition.

Accordingly, in an effort to facilitate the best hiring/promotion decision-making in promotion of sexual safety as previously articulated, it is recommended that a different background check procedure be implemented. As an example, utilization of NCIC would provide a better snapshot from a national perspective. Given the fact that CCCS is a private corporation, there may be some difficulties in terms of certifying their staff to facilitate the NCIC.

As the result of personal experience, accomplishment of this critical task may be more appropriately handled by the State of Montana. Personal experience has revealed that staff from State entities are generally more likely to be granted such access following a training and certification process. This is recommended as a PREA "Best Practice" in an attempt to facilitate sexual safety at the WATCH-CCP West facility.

In summary, after reviewing all pertinent information and pursuant to both offender and staff interviews, the Auditor finds that both agency and facility leadership have clearly made PREA compliance a high priority and have devoted a significant amount of time and resources to policy development and family member and staff training regarding all key aspects of PREA. It is noted that many of the key players (staff) in terms of the PREA process (inclusive of the PREA Manager) have changed however, the level of attention and services appears to be very solid. Coordination of PREA requirements and follow through with the same is noted to be headed in a positive direction.

By virtue of policy requirements and actual practice at WATCH-CCP West, the Auditor has determined that the facility exceeds requirements for Standard 115.273. Specifically, WATCH-CCP West PREA Policy 3.10, page 3, section III(A) stipulates that following an investigation into a Family Member's allegation of sexual abuse/sexual harassment in the facility, Program Administrator informs the Family Member of the findings- whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

While there were no allegations of sexual abuse lodged by family members during this audit period, there was one allegation of sexual harassment. As substantiated by evidence and articulated in the narrative for the standard, the family member in that case was advised of the outcome of the investigation.

Clearly, the standard, in question, requires such notification in the scenario of a sexual abuse case, but not a sexual harassment case. The WATCH-CCP West policy and practice clearly exceeds the requirements of the standard.

Pursuant to Standard 115.286, the facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. WATCH-CCP West PREA Policy 3.7, page 1, section II(A)(1)(a) stipulates that WATCH-CCP West shall conduct a sexual abuse incident review at the conclusion of every criminal or administrative sexual abuse or sexual harassment investigation including whether the allegation has not been substantiated, unless the allegation has been determined to be unfounded. The review will include all members of Sexual Assault Review Team (SART).

Although no administrative or criminal investigations for sexual abuse were conducted at WATCH-CCP West during the audit period, an administrative investigation for sexual harassment was conducted. The investigation was determined to be "Unfounded" and accordingly, pursuant to this provision, a sexual abuse incident review (SART) was not required. Despite the same, a SART was conducted with respect to this incident and investigation.

For the above reasons, the Auditor has determined that WATCH-CCP West has exceeded expectations with respect to this standard.

Number of standards exceeded: 3

Number of standards met: 33

Number of standards not met: 0

Number of standards not applicable: 3

Standard 115.211 Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator

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

WATCH CCP West PREA Policy 3-1, pages 1-10 addresses 115.211(a). This policy stipulates the "zero tolerance" policy towards all forms of sexual abuse and sexual harassment, as well as, the strategies to be employed to prevent, detect, and respond to sexual abuse and sexual harassment. Definitions of prohibited behaviors regarding sexual abuse and sexual harassment, as well as, sanctions to be imposed for those found to have participated in prohibited behaviors, are also articulated therein.

WATCH CCP West PREA Policy 3.1, page 7, section IV(A)(1) addresses 115.211(b). This policy stipulates that WATCH-CCP West has an upper-level corporate-wide PREA coordinator, with sufficient time and authority to develop, implement, and oversee the facility efforts to comply with the PREA standards. Additionally, there is a designated WATCH-CCP West PREA Manager who oversees the day to day compliance with PREA Standards and communicates and reports directly to the PREA Coordinator with all PREA related issues. The PREA Compliance Manager is responsible for:

Identifying, monitoring, and tracking, staff sexual misconduct, harassment, and nonconsensual sexual acts and contact;

Ensuring that all staff are in compliance with PREA training requirements; and

Compiling and reporting statistical data to the Community Counseling and Correctional Services Inc. (CCCS) PREA Coordinator on an annual basis.

The CCCS Organizational Chart reflects the PREA Coordinator's reporting status within the organization. The PREA Coordinator reports directly to the CCCS CEO and the WATCH-CCP West PREA Manager reports directly to the WATCH-CCP West Program Administrator.

According to the WATCH-CCP West PREA Manager, he does have sufficient time to manage all PREA-related responsibilities. In an effort to manage all facility PREA responsibilities, he stays in contact with management team. He ensures that the team is in the loop regarding training needs, camera needs, staffing needs. etc. If issues are identified, he looks at the issue and analyzes the same, identifies the root of the problem, conveys need(s) to the administrative team, and works to resolve the issue(s).

As a point of interest, a PREA Compliance Acknowledgement is issued to all contractors, visitors, and volunteers each time they enter WATCH-CCP West. Potential entrants are instructed to read this Acknowledgement and affix their signature to the same. The Acknowledgement addresses definitions of sexual abuse, sexual harassment, and voyeurism. Additionally, the same includes a certification of understanding of the requirements of PREA as scripted in the document, verbiage regarding zero tolerance towards any form of sexual abuse and sexual harassment, and verbiage regarding immediate reporting of any knowledge of sexual abuse or sexual harassment. This document serves as a constant PREA reminder to affected individuals entering the confines of WATCH-CCP West.

In view of the above, the Auditor has determined that the WATCH-CCP West program exceeds Standard 115.211 based on this practice. An important segment of PREA familiarity is engrained in potential entrants each and every time they visit the facility.

Standard 115.212 Contracting with other entities for the confinement of residents

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

Pursuant to memorandum dated August 1, 2016, WATCH-CCP West does not contract with other agencies for the confinement of residents. A Contract Administrator is not employed by CCCS.

It is noted that WATCH-CCP West family members, if no longer appropriate for the facility for one reason or another, would be transferred to another CCCS facility or returned to the Montana Department of Corrections (MDOC).

Standard 115.213 Supervision and monitoring

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

WATCH-CCP West PREA Policy 3.1, page 8, section IV(A)(5) addresses 115.213(a). This policy stipulates that WATCH-CCP West has developed and documented an annual staffing plan approved by corporate office that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect Family Members against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, the staffing plan takes into consideration:

The physical layout of the facility including any blind spots;

The composition of the Family Member population;

The prevalence of substantiated and unsubstantiated incidents of sexual abuse and;

Any other relevant factors.

The WATCH-CCP West PREA Staffing Plan is dated August 23, 2016. While the same addresses staff assigned by department, job classifications and responsibilities, staffing allotments by department, and replacement procedures when staffing falls below acceptable levels, the Staffing Plan Review is actually more specific to this standard. It is noted that WATCH-CCP West is a minimum security facility wherein MDOC inmates (known as family members at the facility) are housed in accordance with the facility mission. All family members are closely screened to ensure there is no history of physical assaults or substantiated sexual assaults within the past year. Video monitoring capabilities and camera monitoring assignments are also addressed in the Staffing Plan Review.

According to the WATCH-CCP West Administrator, a Staffing Plan is in effect at the facility and the same is reviewed a couple times per year. Adequate staffing levels appear to be in place to protect family members against sexual abuse. Video monitoring is considered as part of the plan. The Staffing Plan is documented in an official document, inclusive of a Staffing Plan review document.

Pursuant to the PAQ, the Administrator reported that the PREA Staffing Plan is predicated upon 165 family members. This figure constitutes the average daily number of residents at the facility within the past year.

The Administrator further advised that blind spots, areas of family member concentration and gathering, and areas which staff frequent are considered when assessing adequate staffing levels and the need for video monitoring. Daily population sheets are evaluated by various PREA process staff to assess any potential supervision needs. Substantiated and unsubstantiated investigations are continually assessed in terms of the need for additional staffing or video monitoring.

In regard to monitoring the Staffing Plan, the Security Coordinator tracks on-board strength on a daily basis. He will fill behind sick leave and annual leave, etc., using a process articulated in the Staffing Plan and Staffing Plan Review. He monitors any patterns or staffing nuances to ensure that unsafe situations are not created.

According to the WATCH-CCP West PREA Manager, blind spots are the primary physical layout consideration in terms of staffing determinations and video monitoring. As the result of administrative or criminal investigations and SART reviews, assessments are made to determine if and where additional staff or cameras are needed to negate issues in both high and low visibility areas. The key is to ensure sufficient staff supervision in units, movements, Recreation Yard, etc.

WATCH-CCP West PREA Policy 3.1, page 8, section IV(A)(6) addresses 115.213(b). This policy stipulates that in circumstances where the staffing plan is not complied with, the WATCH-CCP West will document and justify all deviations from the plan.

Pursuant to the PAQ and the PREA Staffing Plan/Review, the six most common reasons for deviating from the PREA Staffing Plan during the past 12 months have been Employee Sick Leave, Family Leave, Annual Leave, mandatory training, adverse weather conditions, and institutional emergencies/irregularities. The Auditor's review of several WATCH-CCP West Deviation Forms validated the above.

It is noted that the WATCH-CCP West Deviation Form is the accepted method of documenting deviations from the PREA Staffing Plan.

It is also noted that the initial step to fill vacancies by the Shift Supervisor is through off-duty security staff. Other options include the utilization of treatment staff including Case Managers, the Intake/Aftercare Coordinator, Life Skills Coordinator, Counselor Technicians, or the Security Coordinator. The final options would include administrative support staff, as well as, the Administrator and Clinical Supervisor.

According to the Administrator, all instances of non-compliance with the Staffing Plan are documented and deviation explanations are articulated. The same is validated as reflected above. The Auditor did review 18 WATCH-CCP West Deviation Forms and found the same to be commensurate with the provision.

WATCH-CCP West PREA Policy 3.1, page 8, section IV(A)(7) addresses 115.213(c). This policy stipulates that whenever necessary, but no

less frequently than once each year, WATCH-CCP West will assess, determine, and document whether adjustments are needed to:
The Staffing plan established pursuant to 115.213(a);
Prevailing staffing patterns;
Deployment of video monitoring systems and other monitoring technologies; and
The resources available to commit to ensure adequate staffing levels are met.

According to the WATCH-CCP West PREA Manager, the PREA Staffing Plan is reviewed annually and he is consulted regarding any necessary adjustments. The CCCS PREA Coordinator also confirmed his review of the facility PREA Staffing Plan on an annual basis.

During the tour, the 1st Shift Security Supervisor and the Auditor spoke regarding camera placements and coverage. He advised that a camera upgrade analysis had been facilitated and he thought that a proposal had been submitted to CCCS leadership.

The Auditor did secure a copy of the proposal and the increase in cameras and coverage is substantial (approximately 56 cameras). According to the 1st Shift Security Supervisor, he and the vendor representative jointly facilitated the analysis, taking into account sexual safety considerations. Once installed, this will be an enhancement to sexual safety at the facility.

The Auditor was advised by the CCCS PREA Coordinator that the building is owned by the State of Montana and accordingly, CCCS leadership is awaiting approval to proceed from MDOC. Pursuant to observation/review of staffing/review of the PREA program at WATCH-CCP West/ and review of current camera coverage, it appears that supervision is adequate to ensure sexual safety at the facility.

Standard 115.215 Limits to cross-gender viewing and searches

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

WATCH-CCP West PREA Policy 3.1, page 8, section IV(A)(8) addresses this 115.215(a). This policy stipulates that staff will not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners. Strip searches, and body cavity searches are strictly prohibited, except:

Exigent Circumstances

Security staff will be trained on cross-gender pat searches and will only perform these searches under emergency/exigent circumstances.

No strip searches or body cavity searches will be conducted unless prior authorization of the CEO and in his/her absence, their respective designee, is obtained. If a strip search should be deemed a necessity by the CEO or designee, typically it will be performed only by a staff member of the same sex as the Family Member; however, the CEO or designee may authorize an opposite gender staff member in the case of a transgender or intersex Family Member.

The facility shall not search or physically examine any Family Member, including transgender and intersex Family Members for the sole purpose of determining the Family Member's genital status. If staff cannot determine the biological sex of a Family Member, the staff shall ask medical personal for Family Member verification of the sex of the genitalia. Medical Staff must conduct this inquiry in private and in a professional manner to preserve confidentiality in order to avoid subjecting the Family Member to abuse or ridicule.

The facility will maintain a log of exigent circumstances which resulted in deviance from 115.215 and will be kept in the administrator's office.

Of the three Non-Medical Staff Who May be Involved in Cross Gender Strip or Visual Searches, all three advised that such searches could only be conducted in "emergency or exigent circumstances". The most common example cited is family member possession of a weapon and there are no same sex staff available at the time. Of course, policy considerations, as reflected above, come into play.

Pursuant to the PAQ, the Administrator self reported that during the past 12 months, no cross gender strip or cross gender visual body cavity searches were conducted at WATCH-CCP West. In view of the above, the questionnaire regarding non-medical staff who were involved in cross-gender strip or visual searches, was not administered.

115.215(b) has been determined to be NA as there are no female family members housed at WATCH-CCP West according to the CCCS website. Nonetheless, staff are trained regarding the conduct of cross-gender pat searches.

WATCH-CCP West PREA Policy 3.2, page 8, section IV(A)(9) addresses 115.215(c). Specifically, this policy stipulates that staff will document any cross-gender strip searches and cross-gender visual body cavity searches, and documents all cross-gender pat-down searches on the exigent circumstances log. As previously mentioned, such searches were not conducted during this audit period.

WATCH-CCP West PREA Policy 3.1, page 9, section IV(A)(10 and 11) addresses 115.215(d). This policy stipulates that WATCH-CCP West enables Family Members to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender

viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks.

Opposite gender staff will announce their presence on the floor and prior to entering any living area, bathroom, or shower room. Signage stating WATCH-CCP West is staffed with female and male staff 24 hours per day will be posted in conspicuous areas for Family Member awareness.

All of the ten random family members interviewed advised that female staff announce their presence when entering housing units and that family members are never naked in full view of female staff (not including female medical staff such as doctors, nurses). Similarly, all of the eleven random staff interviewees advised that female staff always announce their presence when entering housing areas and that family members are never naked in full view of female staff (not including female medical staff such as doctors, nurses).

It is noted that during the tour and all other times at which the Auditor was in the units, female staff were diligent in announcing their presence. Additionally, the Auditor did not observe any instances wherein opposite gender Non-Medical staff were able to view family members in various stages of undress, etc.

While WATCH-CCP West PREA Policy 3.2, page 3, section IV(A)(1)(b) is not entirely specific to 115.215(e), the same does limit the desired end to inquiry by Medical staff in a private and professional manner. Additionally, WATCH-CCP West PREA Policy 3.1, page 9, section IV(A)(9)(a)(3) addresses 115.215(e). This policy stipulates that the facility shall not search or physically examine any Family Member, including transgender and intersex Family Members, for the sole purpose of determining the Family Member's genital status. If staff cannot determine the biological sex of a Family Member, the staff shall ask medical personnel for Family Member verification of the sex of the genitalia. Medical Staff must conduct this inquiry in private and in a professional manner to preserve confidentiality in order to avoid subjecting the Family Member to abuse or ridicule.

Pursuant to the PAQ, the Administrator self reported that, during the last 12 months, there were no physical searches of a transgender or intersex family member for the sole purpose of determining the resident's genital status.

Of the 11 random staff interviewees, all advised that non-medical staff could not physically examine a transgender or intersex family member for the sole purpose of determining the family member's genital status. Nine of the 11 interviewees advised that genital status may be determined by a medical practitioner pursuant to medical examination and inquiry.

It is noted that during the audit, there were no transgender or intersex family members housed at WATCH-CCP West. Accordingly, there was no interview regarding 115.215(e).

WATCH-CCP West PREA Policy 3.2, page 9, section IV(A)(12)(a) addresses 115.215(f). This policy stipulates that WATCH-CCP West will train security staff how to conduct cross-gender pat-down searches, and searches of transgender and intersex Family Members in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs in the event such search is deemed necessary.

Transgender and intersex Family Members will have the option to complete a Search and Pronoun Preference Form, allowing them to choose the gender of staff; (including medical practitioners) they are most comfortable with conducting clothed and unclothed body searches, and their preferred pronoun in accordance with their current gender identity. Every effort will be made by WATCH-CCP West to meet the transgender or intersex Family Member's preferences, and will document if not able to. Security supervisory staff will review the documentation.

Pursuant to the PAQ, the Administrator self reported that 100% of security staff have received training on conducting cross-gender pat-down searches and searches of transgender and intersex family members in a professional and respectful manner, consistent with security needs.

The Administrator forwarded a comprehensive video regarding cross-gender pat searches, and searches of transgender and intersex family members, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs, on the thumb drive received prior to the audit. The video, produced under the auspices of the National PREA Resource Center, is entitled Guidance on Cross Gender and transgender pat searches. Additionally, a Power Point presentation entitled Gender Responsive Strategies was included on the afore-mentioned thumb drive.

The Auditor reviewed both training vehicles and found the same to be thorough and content appropriate to the facility, as well as, commensurate with the standard.

The Auditor also reviewed several Staff Development and Training Record Forms that certify receipt of the requisite training. The Auditor finds compliance with provision 115.215(f).

Standard 115.216 Residents with disabilities and residents who are limited English proficient

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the

relevant review period)

□ Does Not Meet Standard (requires corrective action)

WATCH-CCP West PREA Policy 3.3, pages 2 and 3, section II(A)(2) and CCCS PREA Policy 1.3.5.12, page 6, section IV(115.16) address 115.216(a). This policy stipulates that WATCH-CCP West shall take appropriate steps to ensure that Family Members with disabilities (including, for example, Family Members who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of WATCH-CCP West's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary to ensure effective communication with Family Members who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, WATCH-CCP West shall ensure that written materials are provided in formats or through methods that ensure effective communication with Family Members with disabilities, including Family Members who have intellectual disabilities, limited reading skills, or who are blind or have low vision. By taking no actions to assist those with disabilities, would result in a violation of title II of the Americans with Disabilities Act, 28 CFR 35.164.

In regard to family members who present with intellectual, psychiatric, speech disabilities, the Administrator advised that a Pre-Screening by a screening committee occurs with respect to each potential WATCH-CCP West designee and history of violence/sexual assault and medical/mental health issues are considered. Due to the nature of the WATCH-CCP West program, it is imperative that participants be able to successfully participate in the program, inclusive of comprehension and implementation of material presented during groups, etc. Additionally, the ability to effectively communicate is essential during programs, etc. Accordingly, such cases could be denied at the pre-assessment stage of the acceptance process. Adult Community Corrections Division Standard Operating Procedures ACCD 5.4.300, page 2, section III(B) corroborates the Administrator's assertion.

With respect to a family member who presents as previously described, who has "fallen through the cracks", the Administrator related that the following protocol would be implemented:

Screening staff contact the Shift Supervisor and advise of all facts. The Shift Supervisor then contacts either the Security Coordinator or Administrator and the Administrator ultimately contacts the MDOC to advise of the issue(s). The family member will be turned around and placed in MDOC custody. WATCH-CCP West Mental Health staff interview the family member prior to the telephone call being placed to the Administrator.

The Agency Head designee advised that, if needed, a Corporate Special Education Teacher could be called in to translate/interpret for developmentally delayed/cognitively impaired/low reading level family member(s).

With respect to those family members with low vision, an enhanced print CCCS PREA Handbook is available. For those who are deaf, they can read the materials and staff can communicate with them, in writing. For those who are blind, staff will read relevant provisions to them. According to the CCCS PREA Coordinator, no family members who present with blindness have been admitted to WATCH-CCP West during this audit period.

WATCH-CCP West PREA Policy 3.3, page 3, section II(A)(3) addresses 115.216(b). This policy stipulates that WATCH-CCP West shall take reasonable steps to ensure meaningful access to all efforts to prevent, detect, and respond to sexual abuse and sexual harassment to Family Members who are limited English proficient, including interpreters, where a list of interpreters can be provided from the Program Administrator, who are capable of interpreting effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

WATCH-CCP West staff provided a copy of the contract between the facility and Language Link for provision of translation/interpretation services for family members. The menu of language translation/interpretation services is vast and appears to be quite comprehensive. Pursuant to memorandum dated August 1, 2016 from the START Administrator and the CCCS PREA Coordinator, there were no instances during this audit period wherein an interpreter was needed for any family member.

It is noted that staff training does reflect the availability of Language Link for those family members in need of the same. Clearly, staff are aware of tools to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to family members who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

WATCH-CCP West PREA Policy 3.3, page 3, section II(A)(4) addresses 115.216(c). This policy stipulates that WATCH-CCP West will not rely on Family Member interpreters, Family Member readers, or other types of Family Member assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the Family Member's safety, the performance of first-response duties under § 115.264, or the investigation of the Family Members allegations. Limited circumstances will be promptly documented, if they occur. Information will be communicated to the Family Member orally and in writing, in language clearly understood by the Family Member. If the Family Member is disabled (deaf, blind, etc.) information will be communicated orally or written to the Family Member. If a Family Member has a primary language other than English, interpreters will be used as necessary to communicate with the Family Member.

Pursuant to the PAQ, the Administrator self reported that in the past 12 months, there were no instances wherein family member interpreters, readers, or other types of family member assistants were used and it was not the case that an extended delay in obtaining another interpreter could compromise the resident's safety, the performance of first-response duties under § 115.264, or the investigation of the resident's allegations.

Eight of the 11 random staff interviewees advised that the agency does not allow the use of family member interpreters, readers, or other types of family member assistants to assist disabled family members or family members with limited English proficiency. Three of the interviewees cited that family member interpreters could be used when the family member's safety is at risk or the investigation could be contaminated or jeopardized by a delay. All 11 interviewees advised that there has been no such uses for sexual abuse allegations or sexual harassment.

In view of the above, staff have internalized that they will not use family member translators/interpreters, period. It is noted that the PREA Power Point slides do allow for use of offender translators/interpreters as prescribed in this provision.

During the audit period, it was discovered that in an effort to ensure that family member interpreters, readers, and assistants are not utilized in practice, one training slide was misleading and required adjustment. The same was adjusted to ensure that the exceptions were clear and the same will be implemented in the training curriculum henceforth. Clearly, some staff were aware of the exceptions.

Standard 115.217 Hiring and promotion decisions

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

CCCS Policy 1.3.1.12, pages 1 and 2, section IV (B)(1-3), CCCS Policy 1.3.1.2, pages 2 and 3, section IV (B)(1)(f) and (B)(3), CCCS Policy 1.3.1.2, paragraph 1, and CCCS PREA Policy 1.3.5.12, page 7, section (115.217)(a) address 115.217(a). These policies stipulate that CCCS shall not hire or promote anyone who may have contact with residents, and shall not enlist the services of any contractor who may have contact with residents, who:

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

(2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or

(3) Has been civilly or administratively adjudicated to have engaged in the activity

The Auditor did review four employee files for "New Hires" and found the CCCS application, interview questions, and accompanying Montana Public Criminal History Record Responses to be commensurate with the provisions of this standard. Additionally, the Auditor reviewed employee files for three staff who have been promoted during the audit period. Again, all components of this standard reflected compliance.

CCCS Policy 1.3.5.12, page 7, section IV(115.217)(b) addresses 115.217(b). This policy stipulates that CCCS, Inc. shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents.

When asked if prior incidents of sexual harassment are considered when determining whether to hire or promote anyone, or to enlist the services of any contractor who may have contact with offenders, the CCCS HR Director responded in the affirmative.

CCCS PREA Policy 1.3.5.12, page 7, section IV(115.217)(c) and CCCS Policy 1.3.1.12, page 1, section IV(A)(1) and (2) address 115.217(c). These policies stipulate that before hiring new employees who may have contact with residents, CCCS, Inc. shall: (1) Perform a criminal background records check; (2) 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.

According to the CCCS PREA Coordinator, in the last 12 months, 14 staff have been hired who may have contact with offenders and criminal background record checks have been conducted for all of these staff. According to the CCCS PREA Coordinator, this constitutes 100%.

When asked if criminal record background checks are conducted or pertinent civil or administrative adjudications are considered for all newly hired employees who may have contact with offenders, the CCCS HR Director responded in the affirmative. Likewise, the same occurs when staff are considered for promotions. Promotions are contingent upon criminal background re-investigation. Reportedly, the same occurs with respect to selection of any contractors who may have contact with offenders.

As previously indicated, the Auditor reviewed promotion files for three random staff and initial hire files for four random staff and found compliance with this provision. Background checks were prevalent in each case.

CCCS PREA Policy 1.3.5.12, page 7, section IV(115.217)(d) and CCCS Policy 1.3.1.12, page 1, section III address 115.217(d). These policies stipulate that CCCS, Inc. shall also perform a criminal background records check before enlisting the services of any contractor who may have contact with residents.

Pursuant to the PAQ, the Administrator asserts that one criminal background records check was conducted during the past 12 months with respect to a contractor. This was reportedly a 5-year re-check. This individual is the only contractor utilized at WATCH-CCP West and he has been with the facility and CCCS long before the audit period commenced.

CCCS PREA Policy 1.3.5.12, page 7, section IV(115.217)(e) and CCCS Policy 1.3.1.12, page 2, section IV(C), third paragraph address 115.217(e). These policies stipulate that CCCS, Inc. shall conduct criminal background records checks at least every five years of current employees, contractors and volunteers who may have contact with residents.

In regard to the system presently in place to conduct criminal record background checks of current employees and contractors who have contact with offenders, the CCCS HR Director advised that criminal background checks and five-year re-investigations are tracked by CCCS Corporate staff. The checks are ordered by facility staff. Five-year background checks are conducted.

Two HR files were reviewed regarding tenured employees (initial hiring dates of 2001 and 2002, respectively) and 5-year re-investigations were current in both cases.

CCCS PREA Policy 1.3.5.12, page 7, section IV(115.217)(f) and CCCS Policy 1.3.1.2, page 1, section IV(A) address 115.217(f). Additionally, CCCS Policy 1.3.1.2 entitled Recruiting and Selection, pages 2 and 3, section IV(B)(3) addresses this provision. These policies stipulate that CCCS, Inc. shall also ask all applicants and employees who may have contact with offenders directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. CCCS, Inc. shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.

In response to whether applicants and employees, who may have contact with offenders, are asked about previous misconduct as described above in written applications for hiring or promotions, the CCCS HR Director responded in the affirmative. She related that the questions are reflected on the application for new hires. Policy also requires that the same be asked during any interviews or written self-evaluations conducted as part of reviews of current employees. Additionally, the CCCS HR Director advised that there is a continuing affirmative duty to disclose any such previous misconduct.

Review of the afore-mentioned four HR files for new hires revealed that interview notes are clearly scripted and noted regarding the subject-matter reflected two paragraphs previous.

CCCS PREA Policy 1.3.5.12, page 7, section IV(115.217)(g) addresses 115.217(g). This policy stipulates that material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

CCCS PREA Policy 1.3.5.12, page 7, section IV(115.217)(h) addresses 115.217(h). This policy stipulates that unless prohibited by law, CCCS, Inc. shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

In response to questioning as to whether, unless prohibited by law, the agency provides 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, the CCCS HR Director responded in the affirmative.

Standard 115.218 Upgrades to facilities and technologies

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

No new construction at WATCH-CCP West since August 20, 2012. However, WATCH-CCP West policy 3.8, page 2, section II(A)(12) (a) addresses 115.218(a). This policy stipulates that in planning any substantial expansion or modification to WATCH-CCP West, CCCS, Inc. in partnership with WATCH-CCP West, will consider the effect of the expansion or modification upon WATCH-CCP West's ability to protect

Family Members from sexual abuse and sexual harassment.

Pursuant to memorandum dated August 1, 2016, the monitoring system, electronic surveillance system, or other monitoring technology at WATCH-CCP West has not been updated since August 20, 2012. However, WATCH-CCP West policy 3.8, page 2, section II(A)(12) (b) addresses 115.218(b). This policy stipulates that when installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, WATCH-CCP West and CCCS, Inc. will consider how such technology may enhance its ability to protect Family Members from sexual abuse and sexual harassment.

In view of the above, this standard has been determined to be NA.

Standard 115.221 Evidence protocol and forensic medical examinations

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

Administrative investigations are conducted by facility staff while criminal investigations are conducted by the Anaconda/Deer Lodge County Law Enforcement Department (ADLCSD). This information is articulated in an MOU between WATCH-CCP West and ADCSD co-signed on March 24, 2016 and March 25, 2016.

The two WATCH-CCP West PREA investigators utilize an investigative protocol presented through the National Institute of Corrections (NIC). The NIC training is intended to accomplish compliance with PREA standards, as advertised on the NIC website, inclusive of evidence protocol for Administrative sexual abuse investigations in a confinement setting.

Pursuant to random staff interviews, all eleven interviewees were aware of First Responder duties in terms of preservation of evidence. While staff were aware of evidence preservation protocols, it is recommended that laminated cards be issued to all staff, specifying step by step instructions to eliminate any potential for contamination of evidence, etc.

Developmental application of the evidence protocol to youth is not relevant to WATCH-CCP West as only adult male family members are housed at the facility. As previously mentioned, facility investigators are not responsible for facilitation of criminal sexual abuse investigations (inclusive of family member-on-family member sexual abuse or staff sexual misconduct) as ADCSD investigators facilitate the same. As previously indicated, the NIC training is intended to accomplish compliance with PREA standards, as advertised on the NIC website, inclusive of the evidence protocol for administrative sexual abuse investigations in a confinement setting.

The requirements for the evidence protocol as articulated in 115.221(b) are reflected in the afore-mentioned MOU with ADCSD.

WATCH-CCP West PREA Policy 3.4, page 9, section II(E)(3) addresses 115.221(c). This policy stipulates that forensic examinations will be conducted at no cost to the Family Member. Every attempt will be made to have the exam conducted by a Sexual Assault Forensic Examiner (SAFE) or a Sexual Assault Nurse Examiner (SANE) through St. James Hospital in which an MOU is in place between WATCH-CCP West and St. James Hospital and this can be found at CCCS Inc. website at cccscorp.com. If a SAFE or SANE is not available, the examinations will be performed by another qualified medical practitioner. Staff will document their efforts to provide SAFE or SANE professionals in the Family Member's progress notes and in all incident reports. WATCH-CCP West shall document its efforts to provide SAFEs or SANES.

The nurses at St. James Hospital are well versed in conducting sexual assault examinations and evidence collection. Verification of the above is uploaded to the thumb drive pursuant to documentation from the Senior Director, Emergency/Trauma and Surgical Services in response to the WATCH-CCP West Administrator's inquiry regarding SAFEs/SANES. Pursuant to the Senior Director at St. James Healthcare, the SANE examination consists of an interview and preparation of the victim for the examination. Included are an STD evaluation and preventive care, HIV testing, as well as, counseling. Evidence is subsequently and properly gathered/documented. Referrals to legal aid and/or advocacy groups is also provided.

Pursuant to the SAFE/SANE interviewee, it was determined that 80% of the Nurses at St. James Healthcare are SANE trained however, there are no SAFE/SANE certified Nurses. The remaining 20% of the Nurses are provided SANE Orientation training. Training includes the issues identified in the preceding paragraph. The Auditor is convinced that SAFE/SANE coverage is sufficient and can be accommodated at St. James Healthcare should the need present itself.

Pursuant to the PAQ, the Administrator self reported that there were 0 forensic exams conducted, 0 exams conducted by SAFE/SANES, and 0 exams conducted by a qualified medical practitioner, during the last 12 months in conjunction with a sexual abuse incident originating at WATCH-CCP West.

WATCH-CCP West PREA Policy 3.4, pages 9 and 10, section II(E)(4) addresses 115.221(d). Pursuant to the PAQ, the Administrator advised that WATCH-CCP West and Safe Space have entered into a Memorandum of Understanding that specifically addresses provision of advocacy services. The Auditor has reviewed the MOU as the same has been uploaded to the previously referenced thumb drive. The document is comprehensive and appears to meet the intent of 115.221(d). Confidentiality requirements are well scripted in the document, as well as, specific services to be provided.

Pursuant to interview with the WATCH-CCP West PREA Manager, he related that victim advocacy services are made available to offenders through Safe Space. The MOU between WATCH-CCP West and Safe Space spells out duties, inclusive of remaining with the victim throughout processes.

It is noted that a Licensed Addiction Counselor (LAC) has also received training as a victim advocate. She completed the PREA and Victim Services: A Trauma Informed Approach course presented by the PREA Resource Center. Accordingly, this trained staff member is available to provide assistance until Safe Space staff are available.

As there has been no reports of sexual abuse allegations at WATCH-CCP West, there were no such interviews with family members who reported a sexual abuse.

WATCH-CCP West PREA Policy 3.4, page 10, section II(E)(5) addresses 115.221(e). This policy stipulates that as requested by the victim, the victim advocate, qualified staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

Given the plethora of substantiating documentary evidence uploaded to the thumb drive regarding the criminal investigative process, MOU, and all working parts of this standard, the Auditor finds WATCH-CCP West compliant with 115.221(f).

It is noted that a copy of the criminal investigative protocol was not produced either prior to or during the conduct of the audit. The MOU between WATCH-CCP West is very specific to the extent that ADLCS D investigators shall utilize protocols 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 Examination, Adults/Adolescents", or similarly comprehensive and authoritative protocols developed after 2011. The document is appropriately signed by the appropriate CCCS and ADLCS D officials.

Standard 115.222 Policies to ensure referrals of allegations for investigations

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

WATCH-CCP West PREA Policy 3.4, pages 2 and 3, II(A)(11) addresses 115.222(a). This policy stipulates that WATCH-CCP West will ensure that an administrative and/or criminal investigation is completed for all allegations of abuse, neglect, sexual abuse and sexual harassment.

The Administrator self-reported that there was one Administrative PREA investigation completed within the last 12 months. There was one sexual abuse or sexual harassment allegation received during the last 12 months.

Pursuant to interview with the Agency Head, it is a Company requirement that an Administrative or Criminal investigation is completed for all allegations of sexual abuse or sexual harassment. In terms of an Administrative investigation, designated Administrative staff investigate the allegation, addressing merits of the same. Review of video footage, review of staff memorandums, and any staff or resident interviews are conducted. Additionally, the strength of the program and policy implementation is assessed to determine corrective measures for the future. Finally, staff culpability is assessed to determine if disciplinary action is necessary.

The Auditor has reviewed the administrative investigation in this matter. The incident that gave rise to this investigation (sexual harassment) and the evidence known to investigators was inconclusive. The same does not appear to rise to that of a criminal matter (evidence beyond a reasonable doubt) and accordingly, the same was addressed as an administrative investigation.

WATCH-CCP West PREA Policy 3.4, page 3, section II(A)12 and page 10, sections II(E)(6 and 7) address 115.222(b). Additionally, CCCS PREA Policy 1.3.5.12, page 9, section IV (115.222)(b) and WATCH-CCP West PREA Policy 3.10, page 2, section II(B) address 115.222(b). Cumulatively, these policies stipulate that ADLCS D will be considered the lead agency for allegations of sexual assault investigations and will determine if criminal charges are warranted. A mutual agreement exists between WATCH-CCP West and ADLCS D for investigations related to sexual assault and sexual abuse. The existing MOU can be found on the CCCS Inc. website at www.cccscorp.com. The MDOC and Federal Bureau of Prisons investigators shall be kept informed of proceedings conducted by the ADLCS D investigation team.

As previously mentioned, the Auditor has reviewed the MOU between WATCH-CCP West and ADLCS and finds the same to be sufficiently detailed to meet the standard. The MOU is posted on the CCCS website.

According to PREA investigative staff, agency policy does require that allegations of sexual abuse or 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. Investigative staff clarified that criminal referrals are only facilitated as long as there is evidence to support the same.

Standard 115.231 Employee training

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

WATCH-CCP PREA Policy 3.6, pages 1 and 2, section II(A)(1-10) addresses 115.231(a). This policy stipulates that all new employees receive PREA training (2.5 hrs.) prior to contact with Family Members, included in the Corporate's 40 hour New Employee Training. This training is completed by the PREA Manager of WATCH-CCP West or CCCS PREA Coordinator. Corporate training, along with WATCH-CCP West, shall be presented through PREA trainers via PowerPoint presentation, handouts and audio-visual aides to all employees, volunteers and contractors who may have contact with Family Members on:

The facility's zero-tolerance policy for sexual abuse/sexual harassment;
How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies;
Family Members' rights to be free from sexual abuse/sexual harassment;
Family Members' and staffs' right to be free from retaliation when reporting sexual abuse and sexual harassment procedures;
The dynamics of sexual abuse and sexual harassment in confinement;
The common reactions of sexual abuse and sexual harassment victims;
How to detect and respond to signs of threatened and actual sexual abuse;
How to avoid inappropriate relationships with Family Members;
How to communicate effectively/professionally with Family Members and staff, including lesbian/gay/bisexual/transgender/questioning/intersex/gender nonconforming Family Members;
How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Training resources provided to the Auditor via thumb drive included the PREA Resource Center Unit 3, Part I entitled "Prevention and Detection of Sexual Abuse and Sexual Harassment" and Unit 3, Part II entitled "Response and Reporting of Sexual Abuse and Sexual Harassment" Power Point presentations and PREA video entitled "What You Need to Know". Two other videos entitled "Facing Prison Rape", parts 1 and 2 are also presented to PREA Orientation and Annual Refresher staff participants. The facility is very clear regarding zero tolerance, etc. Additionally, a PREA Resource Center Power Point presentation entitled "Gender Responsive Strategies" is also provided throughout the training year in conjunction with the PREA Resource Center video entitled "Guidance on Cross-Gender and Transgender Pat Searches". These tools address effective and professional communication with LGBTI and gender non-conforming family members. All components of 115.231(a) are addresses pursuant to policy reviews and the afore-mentioned training resources.

All 11 of the random staff interviewees advised that they had received training regarding all of the afore-mentioned provision topics. Dependent upon their length of service at WATCH-CCP West, training was received either during PREA Orientation training or PREA Annual Refresher Training.

WATCH-CCP West PREA Policy 3.6, page 2, section II(B) addresses 115.231(b). This policy stipulates that such training at WATCH-CCP West will be tailored to the gender of the male Family Member. The employee shall receive additional training if the employee is reassigned from a facility that houses only female Family Members, offenders, residents, such as WATCH-CCP West, to a facility that houses only female Family Members, or vice versa.

Pursuant to the Auditor's review of the afore-mentioned training materials, it is clear that they are applicable to the male family member population represented at WATCH-CCP West.

The Auditor did review a broad sampling of Staff Development and Training Record Forms reflecting receipt of PREA Refresher Training and Staff Development and Training Record Forms reflecting review of the PREA: What You Need to Know video. Accordingly, he is satisfied that training is comprehensive and institutionalized.

WATCH-CCP West PREA Policy 3.6, page 2, section II(C) addresses 115.231(c). This policy stipulates that all current employees will receive refresher training annually to ensure that they know WATCH-CCP West's current sexual abuse and sexual harassment policies and procedures and changes that may have been made.

Pursuant to self report from the Administrator, staff are expected to review policies periodically. All staff receive PREA Orientation within two days of hire. PREA training is conducted on an annual basis. The Administrator also self reported that 64 facility staff, who may have contact with family members, were trained or re-trained in PREA requirements during the audit period. This constitutes 100% of staffing strength.

WATCH-CCP West PREA Policy 3.6, page 2, sections II(D) addresses 115.231(d). This policy stipulates that employee training shall be documented through employee signature or electronic verification that employees understand the training they have received. Specialized training will be required of medical and mental health, investigators, and PREA Coordinator. The signed acknowledgment form will be maintained in the employee's personnel files.

Employees sign a Staff PREA Acknowledgement Form, signifying that they received the training and understand the same. As previously mentioned, the Auditor reviewed numerous Staff Development and Training Record Forms signed by staff regarding Gender Responsive Strategies, What You Need to Know, and PREA Refresher Training. As noted, some of the courses were provided as annual In-Service courses.

It is noted that some of the earlier training forms (March and April and June, 2016) were absent the "understand" verbiage and reportedly, the new forms were not implemented at that time. Based on the Auditor's review of documents, he is convinced that this practice and provision are part of the facility culture based on the consistency observed.

Standard 115.232 Volunteer and contractor training

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

WATCH-CCP West PREA Policy 3.6, page 2, section II(E) addresses 115.232(a). This policy stipulates that volunteers and contractors who work with or have contact with Family Members will be trained on:

Responsibilities under the agency's sexual abuse/harassment prevention, detection, and response policies and procedures;
The zero tolerance policy regarding sexual abuse and sexual harassment;
Methods of reporting such incidents.

Pursuant to self report, the Administrator advised that there are three volunteers and 1 contractor who have contact with family members at WATCH-CCP West. According to the CCCS PREA Coordinator, 100% of the contractor/volunteers have been trained during the audit cycle.

The Auditor has reviewed signed copies of the CCCS PREA Policy Volunteer PREA Acknowledgement Form or the WATCH-CCP West PREA Education Volunteer/Contractor PREA Acknowledgement Forms for the three volunteers. These documents are dated June and August, 2016. These forms represent PREA Education and understanding of the same.

According to the volunteer interviewee, he has been trained in his responsibilities regarding sexual abuse and sexual harassment prevention, detection, and response, per agency policy and procedure. He related that he has been volunteering for one year at the facility. He has met with the WATCH-CCP West PREA Manager since he has been coming to the facility.

WATCH-CCP West PREA Policy 3.6, page 2, section II(F) addresses 115.232(b). This policy stipulates that 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 Family Members, but all volunteers and contractors who have contact with Family Members shall be notified of WATCH-CCP West's zero tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

According to the volunteer interviewee, training consisted of a video review, review of the PREA Handbook, and he signed for receipt of the same. He further related that he had been notified of the agency's zero tolerance policy on sexual abuse and sexual harassment, as well as, informed about how to report such incidents.

WATCH-CCP West PREA Policy 3.6, page 3, section II(G) addresses 115.232(c). Specifically, this policy stipulates that WATCH-CCP West Program will maintain documentation confirming volunteers and contractors understand the training they have received.

The Auditor also reviewed a document entitled START Program Staff PREA Acknowledgement Form that was signed by the contractor on October 26, 2016. The same reflects that he received the handout regarding START PREA policy, reviewed the DVD entitled "PREA:What You Need to Know", and he received answers from the START PREA Manager regarding any PREA related questions.

While the afore-mentioned document references the START program, the same procedures apply to WATCH-CCP West. The contractor provides services to numerous CCCS facilities. The CCCS PREA Coordinator advised that it was agreed the contract physician would complete training at one facility and the same would apply for all CCCS facilities at which he provides services. Reportedly, the training is identical for the same.

The Auditor is satisfied that the intent of the standard has been met.

Standard 115.233 Resident education

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

WATCH-CCP West PREA Policy 3.3, pages 1 and 2, section II(A)(1)(a)(1-4) addresses 115.223(a). This policy stipulates that during a Family Member's admission into the facility, staff will:

Communicate to the Family Member, verbally and in writing, information about the Prison Rape Elimination Act, including:
The program's zero tolerance policy regarding sexual activity, abuse, and/or harassment

Information on prevention/intervention, self-protection, and availability of treatment and/or counseling

Methods of reporting sexual abuse/harassment and consequences for false reporting

Family Member's right to be free from sexual abuse and sexual harassment and from retaliation for reporting an incident of sexual abuse or harassment.

Family member training materials include review of the video "PREA- What You Need to Know" and review of the PREA Handbook and the PREA Brochure.

Pursuant to self report in the PAQ, the Administrator advised that 569 family members were provided the above information at Intake.

Both Intake Staff interviewees advised that family members are provided information about the zero tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment. Family members are advised verbally and pursuant to receipt of the CCCS PREA Handbook and PREA Pamphlet. Furthermore, it was reported that family members receive additional education during Orientation and during re-assessments.

All ten of the random family member interviewees advised that they received information about the facility rules against sexual abuse and harassment. According to interviewees, they received the information at Intake pursuant to reading and receipt of the CCCS PREA Handbook, PREA Brochure, and Client Handbook. In terms of being advised about the family member's right to not be sexually abused or sexually harassed, how to report sexual abuse/sexual harassment, the family member's right to not be punished for reporting sexual abuse or sexual harassment, seven of the ten interviewees asserted that they received information 1-3 days subsequent to arrival during Orientation and three interviewees advised that they received the information right away.

Given the fact that all ten interviewees advised that they received the PREA Handbook, PREA Brochure, Client Handbook at Intake, it appears that there was some confusion as to the actual question. Pursuant to the Auditor's review of the CCCS PREA Handbook and PREA Brochure, it is clear that the requisite information is received, minimally, at Intake.

CCCS PREA Policy 1.3.5.12, page 9, section IV(115.233)(b) and WATCH-CCP PREA Policy 3.3, page 2, section II(A)(1)(d) address 115.233(b). This policy stipulates that WATCH-CCP West training staff shall provide refresher information whenever a Family Member is transferred to and from a different facility.

Pursuant to the PAQ, the Administrator self reported that within the past 12 months, four family members were transferred from a different community confinement center. Records reflect that these family members were screened and did receive the requisite training.

According to the two Intake Staff interviewees, family members are educated regarding these rights immediately at Intake or during Orientation conducted within 1-3 days of Intake. It is noted that none of the random family member interviewees were received from another CCCS community corrections facility.

WATCH-CCP West PREA Policy 3.3, page 2, section II(A)(1)(b) addresses 115.233(c). This policy stipulates that WATCH-CCP West will provide Family Member education in formats accessible to all Family Members, which will include written material and viewing the video "What You Need to Know", including those who are limited English proficient by providing interpreters who speak the same language, deaf, visually impaired, or otherwise disabled as well as Family Members who have limited reading skills. By reading the information to them.

In regard to family members who present with intellectual, psychiatric, speech disabilities, the Administrator advised that a Pre-Screening by a screening committee occurs with respect to each potential designee and history of violence/sexual assault and medical/mental health issues are considered. Due to the nature of the WATCH-CCP West program, it is imperative that participants be able to successfully participate in the program, inclusive of comprehension and implementation of material presented during groups, etc. Additionally, the ability to effectively communicate is essential during programs, etc. Accordingly, such cases could be denied at the pre-assessment stage of the acceptance process. Adult Community Corrections Division Standard Operating Procedures ACCD 5.4.300, page 2, section III(B) corroborates the Administrator's assertion.

With respect to a family member who presents as previously described, who has "fallen through the cracks", the Administrator related that the following protocol would be implemented:

Screening staff contact the Shift Supervisor and advise of all facts. The Shift Supervisor then contacts either the Security Coordinator or Administrator and the Administrator ultimately contacts MDOC to advise of the issue(s). The family member will be turned around and placed in MDOC custody. WATCH-CCP West Mental Health staff interview the family member prior to the telephone call being placed to the Administrator.

The Agency Head designee advised that, if needed, a Corporate Special Education Teacher could be called in to translate/interpret for developmentally delayed/cognitively impaired offender(s).

WATCH-CCP West staff provided a copy of the contract between the facility and Language Link for provision of translation/interpretation services for family members. The menu of language translation/interpretation services is vast and appears to be quite comprehensive.

With respect to those family members with low vision, an enhanced print CCCS PREA Handbook is available. For those who are deaf, they can read the materials and staff can communicate with them, in writing. For those who are blind, staff will read relevant provisions to them.

WATCH-CCP West PREA Policy 3.3, page 2, section II(A)(1)(f) addresses 115.233(d). This policy stipulates that Family Members shall sign the Family Member PREA Handbook/PREA Acknowledgment form, verifying they have been given this information.

The Auditor reviewed numerous family member documents entitled "Receipt of WATCH/CCP West Sexual Abuse/Assault Prevention and Intervention Overview for Offenders" and "Watch/CCP West PREA Education", signifying receipt of the requisite information as articulated in this standard. All are signed by both the family member and a staff witness.

CCCS PREA Policy 1.3.5.12, page 9, section IV(115.233)(e) and WATCH-CCP PREA Policy 3.3, page 2, section II(A)(1)(c) address 115.233(e). This policy stipulates that In addition to providing such education, WATCH-CCP West shall ensure that key information is continuously and readily available or visible to Family Members through posters, Family Member handbooks.

Throughout the tour, it was noted that numerous PREA informational posters are visible throughout the facility. Additionally, copies of the CCCS PREA Handbook (regular print) and the enlarged print version for visually impaired family members, is included on the previously referenced thumb drive and the same is available to family members.

Standard 115.234 Specialized training: Investigations

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

WATCH-CCP West PREA Policy 3.6, page 3, section II(I)(1) address 115.234(a). This policy stipulates that in addition to the general training provided to all employees pursuant to § 115.231, WATCH-CCP West shall ensure that, to the extent WATCH-CCP West itself conducts the initial sexual abuse investigations, its investigators, PREA Manager, and Program Administrator have received training in conducting such investigations in confinement settings through the NIC learning website, particularly PREA and any Department of Corrections or Federal Bureau of Prisons (FBOP) trainings for investigators they may provide. Even though the PREA Manager, and Program Administrator may not participate in an initial sexual abuse or sexual harassment investigation, completion of the Specialized Investigator training is key in understanding and supporting the SART process.

Included in the previously mentioned thumb drive were the NIC Certificates (PREA: Investigating Sexual Abuse in a Confinement Setting) for the 1st Shift Supervisor, the previous WATCH-CCP West PREA Manager, the Security Coordinator, and the Administrator. A copy of the current WATCH-CCP West PREA Manager's Certificate has also been received and is incorporated as evidence. It is noted that the previous WATCH-CCP West PREA Manager completed the one administrative PREA investigation that was previously mentioned in 115.222.

According to both Investigative Staff interviewees, both completed the NIC Course entitled "Investigating Sexual Abuse in a Confinement

Setting". This on-line course included topics such as the role of the investigator, responsibilities, how to interview sexual abuse victims and perpetrators, notifications to be made, evidentiary standards, preservation of evidence, and Miranda vs. Garrity warnings. The course addressed PREA investigative mandates. There were questions at the end of each section and if any were missed, the test taker had to go back to the relevant section of the course to correct the same. The course included clarification of some legal terms and serves as a resource for use in the future.

WATCH-CCP West PREA Policy 3.6, page 3, section II(I)(3) addresses 115.234(b). This policy stipulates that Specialized Investigator training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

According to the two Investigative Staff interviewees, in addition to the topics reflected above, sexual abuse evidence collection in a confinement setting was covered.

WATCH-CCP PREA Policy 3.6, page 4, sections II(I)(3) addresses 115.234(c). This policy stipulates that WATCH-CCP West will maintain documentation that the facility's investigators have completed the required specialized training in conducting sexual abuse investigations.

It is noted that the Security Coordinator and the 1st Shift Supervisor are the designated PREA Investigators at WATCH-CCP West.

Standard 115.235 Specialized training: Medical and mental health care

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

WATCH-CCP West PREA Policy 3.5, page 4, section III(A) addresses 115.235(a). This policy stipulates that WATCH-CCP West requires all part-time and full-time medical and mental health care practitioners who work regularly to attend the specialized training course offered through the NIC learning website and Department of Corrections or Federal Bureau of Prisons hands-on training that they may provide on the following:

- How to detect and assess signs of sexual abuse and sexual harassment.
- How to preserve physical evidence of sexual abuse.
- How to respond effectively and professionally to victims of sexual abuse and sexual harassment.
- How and to whom allegations/suspicions of sexual abuse/harassment should be reported.

The Auditor did review the NIC Certificates for the contract physician, three medical practitioners and one mental health practitioner who work regularly at WATCH-CCP West. All of these individuals completed either the NIC course entitled "PREA: Medical Health Care for Sexual Assault Victims in a Confinement Setting" or "Behavioral Health Care for Sexual Assault Victims in a Confinement Setting", whichever is appropriate to their discipline.

According to the two Medical/Mental Health interviewees, both received specialized training regarding sexual abuse and sexual harassment. The training was completed pursuant to the NIC training course entitled "PREA: Medical Health Care for Sexual Assault Victims in a Confinement Setting" or "Behavioral Health Care for Sexual Assault Victims in a Confinement Setting". Both interviewees reported that the training included the following topics:

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

115.235(b) has been determined to be NA as forensic examinations are not and would not be conducted at WATCH-CCP West.

WATCH-CCP West PREA Policy 3.5, page 4, section III(C) addresses 115.235(c). This policy stipulates that the WATCH-CCP West Program Administrator shall maintain documentation that medical and mental health practitioners have received the training referenced in the PREA standard either from the Corporate or elsewhere.

The Certificates, in question, are addressed in preceding paragraphs.

WATCH-CCP West PREA Policy 3.5, page 4, section III(D) addresses 115.235(d). This policy stipulates that Medical and Mental Health

Staff shall receive annual employee training required by the agency as well as PREA Standard 115.231 or for contractors and volunteers under § 115.232, depending upon the practitioner's status WATCH-CCP West.

The Auditor did review PREA training records and the facility PREA training spreadsheet for the afore-mentioned four Medical/Mental Health providers and determined that some, and in most cases, all PREA Annual Refresher training was provided to them prior to the audit. Additionally, other PREA training sessions were also provided. As reflected in 115.232, the contract physician also completed requisite PREA training.

Standard 115.241 Screening for risk of victimization and abusiveness

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

WATCH-CCP PREA Policy 3.3, page 4, section II(B) addresses 115.241(a). This policy stipulates that Family Members are screened by Security Techs through the use of the WATCH-CCP West screening tool, within 24 hours of arrival at the facility, for potential vulnerabilities or tendencies of being sexually abused by other Family Members or sexually abusive toward other Family Members. Security staff meets with the Family Member within twenty-four (24) hours and completes the medical and mental health –screening instrument. Medical staff will screen the Family Member within seven (7) days. Housing and programming assignments are made accordingly on a case-by-case basis by the Admission and Intake Supervisor, Security Coordinator and PREA Manager.

According to both staff who perform risk screening for risk of victimization and abusiveness, they do screen residents upon admission to the facility or transfer from another facility for risk of sexual abuse investigation or sexual abusiveness toward other residents.

All 10 random family member interviewees advised that when they first arrived at WATCH-CCP West, they were asked whether they had been in prison or jail before, whether they had ever been sexually abused, whether they identified as being gay, lesbian, or bisexual, and whether they thought they might be in danger of sexual abuse at the facility. These questions were reportedly asked at Intake.

WATCH-CCP PREA Policy 3.3, page 4, section II(B) addresses 115.241(b). Screening is completed within 24 hours pursuant to this policy.

Pursuant to the PAQ, the Administrator self reported that within the last 12 months, a total of 569 family members entered the facility (either through intake or transfer) whose length of stay in the facility was 72 hours or more, who were screened for risk of sexual victimization or risk of sexually abusing other family members. These screenings were completed within 72 hours as required by the standard however, they were completed within 24 hours as required by policy.

According to both staff who perform screening for risk of victimization and abusiveness, new commitments are screened for risk of sexual victimization or risk of sexually abusing other residents, at Intake. As previously noted, the same was validated pursuant to the 10 random family member interviewees.

WATCH-CCP PREA Policy 3.3, pages 4 and 5, section II(B)(1) addresses 115.241(c). This policy stipulates that the objective PREA screening instrument shall assess the Family Members risk of sexual victimization through information pertaining to:

Whether the Family Member has a mental, physical, or developmental disability

The age of the Family Member

The physical build of the Family Member

If the Family Member has previously been incarcerated

If the Family Member's criminal history is exclusively nonviolent

If the Family Member has prior convictions for sex offenses against an adult or child

If the Family Member is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming

If the Family Member has previously experienced sexual victimization

The Family Members' own perception of vulnerability

The transgender or intersex Family Member's gender identity; whether the Family Member self-identifies as male or female.

The Auditor did review 21 initial assessments and found the same to be thorough and completed in accordance with both standard and policy requirements. Assessments were completed in a timely manner, addressing all relevant assessment points.

The CCCS Initial Assessment/Re-Assessment PREA tool for the WATCH-CCP PREA program has been in use since May, 2016. Prior to May, 2016, another version of the instrument was utilized. The Auditor has reviewed the entire tool and has determined that all requisite components, as mentioned in this provision, are addressed. The instrument used prior to May, 2016 and the entire Intake process captures the requisite information as articulated in the provision.

The two Staff Who Perform Risk Screening interviewees were able to cite the majority of requisite information sought pursuant to the Initial Assessment/Re-Assessment PREA tool. Specifically, they cited that questions and observations center on the age of the offender, Medical/

Mental Health disabilities, previous incarcerations, appearance, whether the offender is a known sexual aggressor or victim of sexual abuse, whether the offender is a previous Sex Offender, history of violence, personal sexual identity, and offender's perception of vulnerability at the facility. They further related that the Initial Assessment/Re-Assessment PREA tool is the tool used to facilitate this process.

WATCH-CCP PREA Policy 3.3, page 5, section II(B)(2) addresses 115.241(e). This policy stipulates that the intake screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to WATCH-CCP West in assessing Family Members for risk of being sexually abusive. If screening results indicate the Family Member is likely to be an aggressor, or to be vulnerable to sexually abusive or assaultive behavior, the Family Member status will be logged in the staff log book of this individual Family Member's status.

It is noted that prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, are considered in the Assessment process and pursuant to the tool. These issues are considered as part of the assessment for risk of being sexually abusive.

WATCH-CCP West PREA Policy 3.3, page 5, section II(B)(3) addresses 115.241(f). This policy stipulates that within a set time period, not to exceed 30 days from the Family Member's arrival at the facility, the facility's Case Managers will reassess the Family Members' risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.

It is noted that during the interviews, it was determined that the WATCH-CCP West PREA Manager facilitates reassessments. The CCCS PREA Coordinator advised that the policy change had not yet been effected. Accordingly, it is recommended that policy be revised to align with actual practice.

Pursuant to the PAQ, the Administrator self reported that during the last 12 months, 375 family members were reassessed for their risk of sexual victimization or being sexually abusive. In accordance with the standard, the re-assessment is conducted within 30-days of arrival at the facility based on additional, relevant information received since Intake. Accordingly, 66% of the population confined at WATCH-CCP West during the last 12 months were re-assessed within 30 days of arrival for their risk of sexual victimization or of being sexually abusive. According to the START PREA Compliance Manager, the dates of Re-Assessment are logged on a CCCS generated tracking sheet. Known/Potential Aggressors and Known/Potential Victims are specifically tracked on a routine basis and the dates reflected for Re-Assessments are generally within the 30-day window.

According to the Staff Who Perform Risk Screening Interviewees, offender risk levels are re-assessed within 30 days following arrival at the facility. Eight of the 10 random family member interviewees advised that they had been re-assessed and Auditor review of documentation supported the same.

The Auditor reviewed 21 reassessments and found the same to be facilitated in a timely manner, commensurate with both standards and policy. Clearly, reassessments are given significant emphasis at WATCH-CCP West.

WATCH-CCP PREA Policy 3.3, page 5, section II(B)(4) addresses 115.241(g). This policy stipulates that a Family Members' risk level shall be reassessed by Case Managers when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the Family Members risk of sexual victimization or abusiveness.

As reflected above, such re-assessments would be facilitated by the Case Managers. The same policy revision will be necessary in this instance. Both Staff Who Perform Screening for Risk of Victimization and Abusiveness responded that they do not reassess a family member's risk level as needed due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the family member's risk of sexual victimization or abusiveness.

WATCH-CCP PREA Policy 3.3, page 5, section II(B)(6) addresses 115.241(h). This policy stipulates that Family Members may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to this section. Family Members will sign a disclaimer prior to all questions being asked.

A well designed Disclaimer is signed by each family member during the screening process.

According to both Staff Responsible for Risk Screening interviewees, family members are not disciplined in any way for refusing to respond to (or for not disclosing complete information related to): whether the family member has a mental, physical, or developmental disability; whether the resident is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming; whether the family member has previously experienced sexual victimization; and the family member's own perception of vulnerability.

WATCH-CCP West PREA Policy 3.3, page 5, section II(B)(7) addresses 115.241(i). The policy stipulates that WATCH-CCP West shall implement 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 Family Member's detriment by staff or other Family Members. WATCH-CCP West enforces the breach of confidentiality through our personnel policies and WATCH-CCP West policies. Additionally, page 3 of the Family Member PREA Handbook provides some specificity.

According to the Staff Who Perform Risk Screening interviewees, the assessment/reassessment tool is forwarded to the WATCH-CCP West PREA Manager subsequent to completion by Intake staff. According to the WATCH-CCP West PREA Manager, he controls access to assessments/reassessments. Further distribution is based on a "Need to Know" basis.

Pursuant to the Auditor's review of the document, the same is forwarded to the Security Coordinator or Designee and WATCH-CCP West PREA Manager who reviews the same and documents his review. Pursuant to the Re-Assessment portion of the document, the same is reviewed by the Administrator or Designee. Accordingly, it would appear that dissemination of information is limited as reflected above.

While the policy and practice generally meet the standards element, it is recommended that policy be amended to provide more specificity as to the titles of the staff involved in the informational loop. As an example, is dissemination limited to specific staff involved in the PREA chain of command (e.g. Administrator, Security Coordinator, WATCH-CCP PREA Manager) and/or can these staff make the determination to bring other staff into the "Need to Know" realm? If other staff need to be brought into that loop as treatment needs evolve, etc., it should be so stipulated that information provision can be provided to those with a "Need to Know". This stipulation should be reflected in the aforementioned WATCH-CCP West PREA Policy 3.3.

The amended policy should be provided to all staff and included in training sessions to ensure that staff are aware of the specific provisions.

Standard 115.242 Use of screening information

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

WATCH-CCP PREA Policy 3.3, page 6, section II(C)(2) addresses 115.242(a). This policy stipulates that WATCH-CCP West shall use information, through the use of access to the server, from the risk screening required by § 115.241 to inform housing, bed, work, education, and program assignments with the goal of keeping separate those Family Members at high risk of being sexually victimized from those at high risk of being sexually abusive.

According to the WATCH-CCP West PREA Manager, information from the WATCH-CCP West Initial Assessment/Re-Assessment PREA tool is used to facilitate housing assignments. He further stated that strategic housing assignments are used to offset PREA concerns. According to the two Staff Who Perform Risk Screening interviewees, the WATCH-CCP West Initial Assessment/Re-Assessment PREA tool is used to house known aggressors and known victims. As an example, one would not house the same classifications together. Placement in a bunk near the Client Technician's desk, placement in a bottom bunk, etc. would be examples of decisions based on the afore-mentioned findings.

The Administrator included one document (entitled Room Assignment based on PREA Risk Assessment) used to track known aggressors and victims, showing bed assignments within the units. The Auditor did facilitate a cursory review of the document and determined that aggressors and victims were not housed in the same cells.

WATCH-CCP PREA Policy 3.3, page 6, section II(C)(3) addresses 115.242(b). This policy stipulates that the Program Administrator, Chief of Security and PREA Manager shall make individualized determinations about how to ensure the safety of each Family Member.

WATCH-CCP PREA Policy 3.3, page 6, section II(C)(4) addresses 115.242(c). This policy stipulates that in deciding whether to assign a transgender or intersex Family Member to a facility for male or female Family Members, and in making other housing and programming assignments, including possible transfer to another facility if most appropriate, WATCH-CCP West shall consider on a case-by-case basis whether a placement would ensure the Family Member's health and safety, and whether the placement would present management or security problems.

As reported by the WATCH-CCP West PREA Manager, there were no transgender or intersex family members housed at WATCH-CCP West at the time of the audit and accordingly, the transgender/intersex interview was not conducted. According to the WATCH-CCP West PREA Manager, housing for transgender/intersex family members would be accomplished with the "big picture" in mind. One would have to question the safety factor(s) of the affected family members and other family members, as well as, with whom the affected family member might be compatible. There are no transgender/intersex specific units or wings. Additionally, the nature of the population is heavily assessed when making determinations regarding placement.

WATCH-CCP PREA Policy 3.3, page 7, section II(C)(6) addresses 115.242(d). This policy stipulates that a transgender or intersex Family Member's own views with respect to his or her own safety shall be given serious consideration.

According to the WATCH-CCP PREA Manager, transgender/intersex family member's own views with respect to his own safety would be given serious consideration in placement and programming assignments. This provision was corroborated by both Staff Who Perform Screening for Risk of Victimization and Abusiveness interviewees.

WATCH-CCP PREA Policy 3.3, page 7, section II(C)(9) addresses 115.242(e). This policy stipulates that transgender and intersex Family Members shall be given the opportunity to shower separately from other Family Members.

According to the WATCH-CCP West PREA Manager, transgender/intersex residents would be given the opportunity to shower separately from other family members. Shower stalls are single occupancy. The two Staff Who Perform Screening for Risk of Victimization and Abusiveness interviewees corroborated the statement from the WATCH-CCP West PREA Manager.

WATCH-CCP PREA Policy 3.3, page 7, section II(C)(10) addresses 115.242(f). This policy stipulates that WATCH-CCP West shall not place lesbian, gay, bisexual, transgender, or intersex Family Members in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility unit, or wing is established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such Family Members.

The WATCH-CCP West PREA Manager advised that the facility was not subject to a consent decree, legal settlement, or legal judgment requiring that a dedicated facility, unit, or wing be established for lesbian, gay, bisexual, transgender, or intersex residents. In regard to the method employed by WATCH-CCP West to ensure such placements are not made solely on the basis of sexual orientation, genital status, or gender identity, the PREA Manager advised that he monitors the Housing Sheet which is denoted with special considerations. The two LGBTI family member interviewees advised that they have not been placed in a housing area at WATCH-CCP West designated only for LGBTI family members. Accordingly, this provision is validated.

Standard 115.251 Resident reporting

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

WATCH-CCP PREA Policy 3.4, page, section II(A)(2) addresses 115.251(a). This policy stipulates that staff shall inform Family Members on the multiple internal ways (report to staff, write a letter, call one of the numbers listed) to privately report sexual abuse and sexual harassment, retaliation by other Family Members or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents, through Family Member intake, and orientation. Also, refer to Family Member PREA handbook.

It is noted that the majority of reporting information is scripted on pages 3 and 4 of the PREA Handbook.

Of the 10 random family member interviewees, all cited more than one method for offenders to privately report sexual abuse or sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Some of the reporting methods articulated by this group of interviewees included, but was not limited to, the following: submit a kite to staff, report to staff; submit a letter to Safe Space; contact Safe Space (advocacy services provided on PREA posters) via telephone; report to family; submit an Emergency Grievance; report to Probation Officer; Third Party Report; report via PREA Hotline.

Of the 11 random staff interviewees, all provided very similar answers in comparison the random offender interviewees. All articulated multiple methods of reporting.

It is noted that the CCCS PREA Handbook, page 4, section entitled "Other Ways to Report" clearly reflects that offenders can submit letters to the Security Coordinator, Administrator, CCCS PREA Coordinator, or MDOC. Special Mail procedures (attorney/client mail procedure) can be used to facilitate such communication in a confidential manner.

WATCH-CCP PREA Policy 3.4, page 2, section II(A)(4 and 5) addresses 115.251(b). This policy stipulates that information about how to report sexual abuse and sexual harassment for a Family Member, staff, and outside agencies will be posted in the facility. Contact information for Safe Space, a rape crisis center and victims advocate program, will be posted next to phones. Reports to this agency allow the Family Member to remain anonymous upon request. Again, pages 3 and 4 of the PREA handbook address the requirements of this provision.

An MOU with ADLCS D reflects agreement regarding family member report of abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. Therefore the WATCH-CCP West PREA Hotline provides offenders with direct toll free access to ADLCS D who then notifies the Administrator of any reports. It is noted that the PREA Hotline, as well as, the telephone number to Safe Space (advocacy provider) is clearly provided pursuant to posters located adjacent to each offender telephone in the housing units. Additionally, these telephone numbers are available pursuant to the CCCS PREA Handbook.

It is noted that all random offender interviewees referenced the PREA Hotline. Of the 10 random offender interviewees, ten advised that they could contact the PREA Hotline. Only one interviewee advised that he was unsure about anonymous reporting. Safe Space was also frequently mentioned as a reporting resource.

According to the WATCH-CCP West PREA Manager, contact with the PREA Hotline and Safe Space constitute external methods for reporting to a public or private entity or office that is not part of the agency and whereby anonymity can be maintained.

CCCS PREA Policy 1.3.5.12, page 14, section IV(115.251)(c) addresses 115.51(c).

Of the 11 random staff interviewees, all advised that when a family member alleges sexual abuse or sexual harassment, he can do so verbally, in writing, anonymously, and from third parties. Eight of the 11 interviewees advised that documentation of verbal reports would be immediate. Three interviewees advised that the same would be completed ASAP.

Of the 10 random family member interviewees, all advised that an offender could make reports of sexual abuse or sexual harassment either in person or in writing. All of the family member interviewees advised that Third Party reports could be made so that the offender would not have to be named.

CCCS PREA Policy 1.3.5.12, page 14, section IV(115.251)(e) addresses 115.251(d) however, no specific procedures are articulated. WATCH-CCP West PREA Policy 3.4, page 1, section II(A)(1) also addresses staff reporting.

All of the 11 random staff interviewees articulated multiple methods to privately report sexual abuse and sexual harassment of offenders. Verbal reports to their supervisors, written reports, e-mails, contacting ADLCSD and Safe Space by telephone, and contacting the Administrator/ Security Coordinator/On-Call Duty Officer via their cell phone, constitute some of the methods articulated by interviewees. Some of the interviewees advised that the cell phone numbers for the Administrator, Security Coordinator, and some programs administrators are posted in the Control Center.

It is recommended that WATCH-CCP West PREA Policy 3.4 be amended to reflect the location of work cell phone numbers (Control Center) for all officials in the PREA Chain of Command. Inclusion of such information in the PREA Power Point training slides would also be a good way to ensure that such information is broadly disseminated to all staff.

In the alternative, all relevant work cell phone numbers could be included on a laminated pocket card and provided to all WATCH-CCP West staff. In later standards, it is recommended that such laminated cards be developed for First Responders. All critical PREA-related information could be documented on one or two laminated PREA pocket cards.

Standard 115.252 Exhaustion of administrative remedies

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

WATCH-CCP West PREA Policy 3.4, page 3, section II(A)(13)(a, b, c, and d) addresses 115.252(b). This policy stipulates that WATCH-CCP West shall not impose a time limit on when a Family Member may submit a grievance regarding an allegation of sexual abuse. Any report given shall be dealt with immediately by the Program Administrator and the Security Coordinator.

WATCH-CCP West may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse. This coincides with the WATCH-CCP West Family Member Grievance process.

WATCH-CCP West shall not require a Family Member to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. Family Members are advised upon entry to use the emergency grievance form located on the unit or to contact staff immediately to report any alleged incident of sexual abuse or sexual harassment.

Nothing in this section shall restrict WATCH-CCP West's ability to defend against a lawsuit filed by a Family Member on the ground that the applicable statute of limitations has expired.

CCCS PREA Handbook, page 4, section entitled Grievance Procedure also addresses 115.252(b).

WATCH-CCP PREA Policy 3.4, page 3, section II(A)(13)(e)(5) addresses 115.252(c). This policy stipulates that WATCH-CCP West shall ensure that— (1) A Family Member who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint. Grievance forms are located on all units of the WATCH-CCP West facility, and there is a locked grievance box as well for all Family Members and (2) Such grievance is not referred to a staff member who is the subject of the complaint. Grievances are

reviewed by the Security Coordinator and Program Administrator.

CCCS PREA Handbook, page 5, section entitled Grievance Procedure, (b)(2) addresses this provision.

Pursuant to self report by the Administrator on the PAQ, no grievances were filed within the last 12 months wherein sexual abuse was alleged. Therefore, there were no requests for extension. Pursuant to controlling policy, the agency would notify the inmate, in writing, should a request for extension be filed. Notice of the date by which a decision would be made would be included in the extension notice.

WATCH-CCP West PREA Policy 3.4, page 5, section II(A)(13)(f)(1-4) addresses 115.252(d). This policy stipulates that WATCH-CCP West Program Administrator shall ensure the following:

WATCH-CCP West shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.

Computation of the 90-day time period shall not include time consumed by Family Members in preparing any administrative appeal.

WATCH-CCP West may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. WATCH-CCP West shall notify the Family Member in writing of any such extension and provide a date by which a decision will be made.

At any level of the administrative process, including the final level, if the Family Member does not receive a response within the time allotted for reply, including any properly noticed extension, the Family Member may consider the absence of a response to be a denial at that level.

The WATCH-CCP West PREA Manager advised that there were no offenders housed at the facility at the time of the audit, who had reported a sexual abuse. Accordingly, an interview could not be facilitated.

Pursuant to the PAQ, the Administrator self reported that no grievances were filed regarding sexual abuse during the last 12 months. Accordingly, there is no evidence from which to substantiate actual practice.

WATCH-CCP PREA Policy 3.4, pages 8 and 9, section II(D)(2 and 3) addresses 115.252(e). This policy stipulates that Third parties, including fellow Family Members, staff members, family members, attorneys, and outside advocates, shall be permitted to assist Family Members in filing requests for administrative remedies, such as filing grievances relating to allegations of sexual abuse and sexual harassment, and will also be permitted to file such requests on behalf of Family Members.

If a third party files a grievance on behalf of the Family Member, 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. Should the alleged victim decline to have the request filed on his or her behalf, the center shall document the Family Member's decision.

Pursuant to the Administrator's self report in the PAQ, there were zero grievances alleging sexual abuse filed by offenders during the past 12 months wherein the offender declined third-party assistance.

WATCH-CCP PREA Policy 3.4, pages 3 and 4, section II(A)(13)(e)(1 and 2) addresses 115.252(f). This policy stipulates that Emergency Grievances-WATCH-CCP West has an emergency grievance procedure in place for alleging a Family Member is in imminent risk of sexual abuse or sexual harassment. All emergency grievances are dealt with immediately and an initial response will be provided within 48 hours upon receipt.

Upon receiving an emergency grievance, the Security Coordinator along with Program Administrator shall review and make a final decision within 5 calendar days.

The initial response and final decision shall document WATCH-CCP West's determination whether the Family Member is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance. This decision shall be documented by the Program Administrator.

Pursuant to the Administrator's self report in the PAQ, there were zero grievances alleging imminent sexual abuse filed by family members during the past 12 months.

During the tour, the Auditor did observe the Emergency Grievance boxes in the units.

WATCH-CCP PREA Policy 3.4, page 4, section II(A)(13)(e)(3) addresses 115.252(g). The policy stipulates that WATCH-CCP West may discipline a Family Member for filing a grievance related to alleged sexual abuse only where WATCH-CCP West demonstrates that the Family Member filed the grievance in bad faith.

Pursuant to the Administrator's self report in the PAQ, during the past 12 months, there were zero emergency grievances alleging sexual abuse that resulted in disciplinary action by the agency against the offender for having filed the grievance.

Standard 115.253 Resident access to outside confidential support services

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

WATCH-CCP West PREA Policy 3.5, page 2, section II(B)(1), addresses 115.253(a). This policy stipulates that WATCH-CCP West provides Family Members with access to outside victim advocates through Safe Space and other outside agencies for emotional support services related to sexual abuse by giving Family Members mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and by enabling reasonable communication between Family Members and these organizations, in as confidential a manner as possible. These numbers are posted near the phones and throughout the facility as well as located in your PREA brochure. Brochures are located throughout the facility.

The CCCS PREA Handbook, page 4, section entitled Offender Access to Outside Confidential Support Services also supports the aforementioned provision.

Of the 10 random offender interviewees, nine were aware of the existence of advocacy services (all nine were specifically, aware of Safe Space) and related that the information was available on a poster affixed to the walls near the family member telephones. Additionally, most related that the information was available in the CCCS PREA Handbook. All of the 10 random family member interviewees advised that contact with such services was available anytime.

It is noted that PREA Posters, available throughout the facility, are very specific in terms of advertising the requisite contact information as required by this provision. This information is readily available to all family members through multiple channels as outlined in this narrative.

As previously indicated, the WATCH-CCCP PREA Manager advised that there were no offenders housed at the facility at the time of the audit, who had reported a sexual abuse. Accordingly, an interview could not be facilitated.

The Auditor did review the MOU between the facility and Safe Space (community based organization that provides advocacy services to victims of sexual abuse and sexual assault) regarding the provision of crisis intervention and victim advocacy services to family members in the legal and physical custody of WATCH-CCP West. The MOU is detailed, addressing all requirements of PREA Standard 115.253, inclusive of confidentiality.

WATCH-CCP West PREA Policy 3.5, page 2, section II(B)(2), addresses 115.253(b). This policy stipulates that WATCH-CCP West shall inform Family Members, 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 regarding PREA incidents.

Additionally, the CCCS PREA Handbook, pages 3 and 4, section regarding "How to Report and Incident of Sexual Abuse" addresses confidentiality with respect to 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.

WATCH-CCP West shall inform Family Members, 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 regarding PREA incidents.

Of the 10 random family member interviewees, all advised that conversations with Advocacy providers would remain confidential and the same would not be listened to or conversations shared with others, other than routine telephone monitoring. Most asserted that information would be shared for law enforcement purposes.

It is noted that neither the CCCS PREA Handbook nor the afore-mentioned policy citation guarantee confidentiality as this standard provision does not guarantee confidentiality. The provision requires that the offender be advised of the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. Minimally, by virtue of receipt of the afore-mentioned Handbook, family members are placed on notice regarding this subject-matter.

As previously indicated, the WATCH-CCP West PREA Manager advised that there were no offenders housed at the facility at the time of the audit, who had reported a sexual abuse. Accordingly, an interview could not be facilitated.

WATCH-CCP West PREA Policy 3.5, page 2, section II(B)(3) addresses 115.253(c). This policy stipulates that WATCH-CCP West has entered into a Memorandum of understanding with Safe Space to provide emotional support service.

As previously advised, the Auditor did review the MOU between WATCH-CCP West and Safe Space (community based organization that provides advocacy services to victims of sexual abuse and sexual assault) regarding the provision of crisis intervention and victim advocacy services to family members in the legal and physical custody of WATCH-CCP West. The MOU is detailed, addressing all requirements of PREA Standard 115.253, inclusive of confidentiality. The MOU is available pursuant to review of the WATCH-CCP West website.

Standard 115.254 Third-party reporting

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

WATCH-CCP West PREA Policy 3.4, page 8, section II(D)(1) addresses 115.254(a). This policy stipulates that CCCS, Inc. has posted a method for third party reporting and the reporting forms on the corporate website at www.cccscorp.com.

Third party reports may be sent via mail, or email to the WATCH-CCP West PREA Manager or CCCS PREA Coordinator. Third Party reporters may call or report to the CCCS PREA Coordinator or WATCH-CCP West PREA Manager personally. Third Party reporting forms are available on each unit however, they can also be accessed by asking any staff member, Case Manager, Family Member, volunteer, contractor, Program Administrator or Security Coordinator. WATCH-CCP West family members may then forward the same to the Third Party Reporter for follow-up.

Third Party Reporting is also addressed on page 4 of the CCCS PREA Handbook.

Telephone numbers are reflected on the WATCH-CCP West and CCCS website. Pursuant to memo dated October 6, 2016, information regarding third party reporting is publicly distributed to all offenders. As previously indicated, offenders have access to third party reporting forms that can be mailed to appropriate parties.

Standard 115.261 Staff and agency reporting duties

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

WATCH-CCP West PREA Policy 3.4, page 6, section II(C)(1) addresses 115.261(a). This policy stipulates that staff, volunteers, and contractors will immediately report to the Program Administrator or Security Coordinator any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred at the WATCH-CCP West facility, and any other facility, whether or not the facility is part of CCCS, Inc., retaliation against Family Members or staff who reported such an incident, and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

Of the 11 random staff interviewees, all advised that staff must report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against family members or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Minimally, most interviewees advised that immediate reporting must be made to the Shift Supervisor and ten interviewees specifically advised that the report should be directed to the Administrator or Security Coordinator.

Pursuant to the afore-mentioned policy, reporting must be made to the Administrator or Security Coordinator. As previously discussed, the telephone numbers for the Administrator and Security Coordinator are available in the Control Center.

Clearly, all staff have been trained and are keenly aware of the immediacy requirement in terms of reporting such incidents. The Shift Supervisor is part of the administrative chain of command and it is apparent that staff have internalized the reporting requirement.

While the Auditor is convinced that the reporting process is cultural, it is recommended that reporting to the Administrator or Security Coordinator be reinforced as the same is clearly articulated in policy. This can be accomplished during PREA Annual Refresher Training. The same could also be accomplished pursuant to policy reviews.

WATCH-CCP West PREA Policy 3.4, page 6, section II(B)(4) addresses 115.261(b). This policy stipulates that staff shall not release any confidential information related to abuse of any type to anyone other than the Shift Supervisor, Program Administrator, state or local law enforcement, and only to the extent necessary. These provisions are deemed necessary for treatment, investigation, security and management decisions.

It is clear that confidential information related to any type of abuse is limited to the Shift Supervisor, Administrator, state or local law enforcement, and only to the extent necessary. This release listing is deemed necessary for treatment, investigation, security, and management decisions.

While there is no evidence to support any breach of confidentiality during this audit period, it is recommended that the release of information aspect be reinforced with staff during PREA Annual Refresher Training. This should be reflected in the PREA Annual Refresher Training slides, as well as, the training curriculum.

WATCH-CCP West PREA Policy 3.4, page 7, section II(C)(5) addresses 115.261(c). This policy stipulates that unless otherwise precluded by Federal, state, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph (1) of this section, regarding 115.261, and to inform Family Members of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.

According to the Medical and Mental Health Staff interviewees, they would disclose the limitations of confidentiality and their duty to report at the initiation of services, in sexual abuse/assault cases. They are absolutely required to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment to a designated supervisor (Administrator) or official immediately upon hearing of it. The Mental Health Staff interviewee became aware of an incident that was reported last year wherein one family member exposed himself to another family member. The same was reported to the PREA Coordinator and Security Coordinator.

Follow-up with the CCCS PREA Coordinator has revealed that this alleged incident occurred 30 years ago. The family member was offered Mental Health intervention and he reportedly consented to the same.

WATCH-CCP West PREA Policy 3.4, page 7, section II(C)(4) addresses 115.261(d). This policy stipulates that if the alleged victim is under the age of 18 or considered a vulnerable adult under a state or local vulnerable person's statute, WATCH-CCP West shall report the allegation to the designated state or local services agency under applicable mandatory reporting laws.

As is reflected at 115.216, offenders who may qualify as vulnerable adults, are not housed at WATCH-CCP West. Additionally, pursuant to the WATCH-CCP West PREA PAQ, no youthful offenders are housed at WATCH-CCP West. Both the START Administrator and CCCS PREA Coordinator advised that this particular provision is NA based on the above.

WATCH-CCP West PREA Policy 3.4, page 7, section II(C)(6) addresses 115.261(e). This policy stipulates that WATCH-CCP West shall report all allegations of sexual abuse and sexual harassment, including third party or anonymous reports to the Program Administrator or Security Coordinator immediately.

It is noted that the Security Coordinator and the 1st Shift Security Supervisor are the designated and trained PREA investigators at WATCH-CCP West. The afore-mentioned policy clearly requires that all allegations of sexual abuse and sexual harassment, including third party or anonymous reports, be reported to the Administrator or Security Coordinator immediately.

The Administrator advised that such allegations are reported to the Administrator, Security Coordinator, WATCH-CCP West PREA Manager, and 1st Shift Security Supervisor. Clearly, the PREA investigators are included in the immediate reporting structure, with the Administrator and Security Coordinator having the ability to promptly delegate the investigation, if deemed acceptable.

Standard 115.262 Agency protection duties

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

Pursuant to memorandum dated October 6, 2016, it is stipulated that during the past 12 months, there has been one instance of an offender being subjected to substantial risk or imminent risk of sexual abuse. Pursuant to the Auditor's review of the investigation, the same does not appear to constitute sexual abuse, but rather, sexual harassment. Accordingly, while facility staff were proactive in their actions to address the allegation immediately, the same does not appear to meet the parameters of this standard.

WATCH-CCP West PREA Policy 3.4, page 2, section II(A)(7) addresses 115.262(a). This policy stipulates that in the event that sexually abusive or assaultive behaviors are alleged, threatened, or have occurred, staff will take immediate action to intervene and ensure the safety

of all persons involved. Staff will immediately document all reports and notify their Shift Supervisor, who will then consult the Program Administrator for guidance.

According to the Agency Head designee, when it is learned that a family member is subject to a substantial risk of imminent sexual abuse, the offender may be removed from the facility and placed in another CCCS facility or at a facility designated by MDOC. Another option may be placement of the offender in another unit or room.

The WATCH-CCP West Administrator advised that the family member may be placed in another housing unit or room, placed in another family, and/or moved closer to the security technician observation points. Additionally, the family member could be moved to WATCH-CCP East in Butte, MT, if deemed appropriate.

All of the 11 random staff interviewees advised that they would contact the Shift Supervisor as soon as possible, document observations, place the potential victim in another room (e.g. closer to the Client Technician), minimally separating the potential victim and potential perpetrator, and monitor all offenders identified as being involved. Action would be initiated immediately.

Standard 115.263 Reporting to other confinement facilities

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

WATCH-CCP West PREA Policy 3.4, page 8, section II(C)(10) addresses 115.263(a). This policy stipulates that if staff receives information that a Family Member was sexually abused or sexually harassed while confined in another facility they will immediately report it to the Program Administrator. The Program Administrator will then notify the head of the facility where the alleged abuse occurred within twenty-four (24) hours, although this standard allows for notification to occur within seventy-two (72) hours. Documentation of notification will be maintained in the Program Administrator's office. Once notification is made, it is up to the facility head or agency office which received notification to ensure the allegation is fully investigated according to state law and PREA standards.

Pursuant to the PAQ, the Administrator advised that, in the last 12 months, one allegation was received at the facility wherein an offender alleged abuse while confined at another facility. The CCCS PREA Coordinator has advised that he interviewed the family member, in question, on the day he mentioned the PREA incident at the Butte Silver Bow Jail, to staff. The family member advised, during this interview, that Sheriff's Office staff did conduct an investigation into his allegations. The CCCS PREA Coordinator reports that he subsequently contacted the Sheriff's Office via telephone to secure an e-mail address and was advised that they were aware of the incident and they conducted the investigation.

WATCH-CCP PREA Policy 3.4, page 8, section II(C)(10) addresses 115.263(c). Policy verbiage is reflected above. Pursuant to policy, documentation of such notification is maintained in the Administrator's Office.

The explanation as reflected in 115.263(a) above, clearly substantiates timely notification however, as stipulated by the CCCS PREA Coordinator, the same was not documented at the time. The alleged incident had occurred 1-2 years prior to the family member's notification of the incident. Given the chronology and facts of events related to this situation, it is logical that the CCCS PREA Coordinator's e-mail submitted as the result of the audit, be considered as substantiating evidence for documentation of notification.

While there is substantial compliance with this standard and given the fact pattern as previously cited, the afore-referenced e-mail must be properly secured in a designated secure location.

Pursuant to the PAQ, the Administrator advised that during the last 12 months, zero allegations were received from Wardens, Administrators, Directors at other facilities regarding incidents that allegedly arose at WATCH-CCP West.

According to the Agency Head designee, in such cases when the Administrator at the receiving institution receives information regarding a sexual abuse/sexual harassment allegation (that allegedly occurred at the receiving institution) from an Administrator at the sending institution, the designated point of contact at the receiving facility is the Administrator. When such a report is received, the matter is immediately investigated and the Administrator notifies the sending Administrator of the investigative results.

According to the Administrator, when he receives such a report, the same would be handled immediately. Investigation would commence immediately. A telephone call and e-mail to the Administrator at the referring facility would ensue upon completion of the investigation.

According to the Administrator, no such referrals were received during this audit period.

Standard 115.264 Staff first responder duties

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

WATCH-CCP PREA Policy 3.11, pages 1 and 2, section II(A(1))(a-j) addresses 115.264(a). This policy stipulates that First Responder: The first staff member responding at an allegation of sexual abuse must physically separate the alleged victim from the alleged abuser. Notify all necessary staff (immediate supervisor, administrator, medical, mental health) of WATCH-CCP West. Address the need for acute medical treatment and contact community medical (hospital) personnel if needed. Follow universal precautions for bodily fluids. Ensure a staff member stays with the alleged victim until the alleged victim is placed in the care of another staff member such as mental health or medical at all times.

Preserve and protect any potential crime scene until law enforcement arrives

Escort Family Members to “dry” areas where water may not be accessed, ensuring sight and sound separation of alleged victim and alleged abuser.

If the alleged abuse occurred within 96 hours, first responder staff shall immediately 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.

Refrain from asking alleged victim detailed questions about the incident to avoid possible traumatization.

If the abuse occurred within 96 hours, first responder staff shall immediately request that the alleged perpetrator not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

Pursuant to the PAQ, the Administrator self reported that no allegations of sexual abuse were received during this audit period.

It is noted that a Sexual Assault Initial Response and Containment Checklist has been developed for implementation in the event of a sexual abuse/assault incident. The same addresses all of the relevant points articulated in this provision, with space for dates and signatures of staff completing the action steps.

While this document is an exceptional method of tracking for investigatory and packet preparation purposes, it is recommended that a laminated pocket card be developed and issued to all staff wherein all First Responder Duties are defined. This should serve to eliminate the possibility of "missed steps".

All 11 random staff interviewees, inclusive of a non-Security employee, were well versed in terms of First Responder duties as articulated in this provision.

As previously indicated, the WATCH-CCP West PREA Manager advised that there were no offenders housed at the facility at the time of the audit, who had reported a sexual abuse. Accordingly, an interview could not be facilitated.

It is apparent that all staff (Security and Non-Security) receive the same training.

Standard 115.265 Coordinated response

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

WATCH-CCP West PREA Policy 3.11, pages 1-10 addresses 115.265(a). This policy is comprehensive in terms of specific duties and responsibilities to be implemented by each stakeholder in the process.

The Auditor has reviewed the entire Coordinated Response Plan (START PREA Policy 3.11) and finds the same to be comprehensive, in accordance with this provision. All relevant points have been addressed with staff duties and responsibilities articulated therein.

The Administrator, pursuant to his interview, did advise that there is a coordinated response plan at WATCH-CCP West. He did advise that the plan is discussed during PREA Annual Refresher Training.

Standard 115.266 Preservation of ability to protect residents from contact with abusers

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

This standard has been determined to be NA. Pursuant to August 1, 2016 memo, no Union at WATCH-CCP West and consequently, no Collective Bargaining Agreement.

Standard 115.267 Agency protection against retaliation

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

CCCS Policy Number 1.3.5.10 stipulates that no employee who in good faith reports a violation of the Standards of Conduct shall suffer harassment, retaliation, or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. WATCH-CCP West PREA Policy 3.9, page 4, section II(J)(1) also addresses 115.267(a). This policy stipulates that retaliation against Family Members, employees, or other parties, for reporting or cooperating with an investigation of sexual misconduct shall not be tolerated. Individuals that retaliate will face disciplinary action. Program Administrator and Security Coordinator shall be in charge of monitoring retaliation for WATCH-CCP West. If neither is available the PREA Manager will assume the responsibility.

WATCH-CCP West PREA Policy 3.9, page 4, section II(J)(2) addresses 115.267(b). This policy stipulates that staff and Family Members who fear retaliation can speak to the mental health professional on site. Staff can also access the Company's Employee Assistance Program. Alternative protection against retaliation may include moving a Family Member to another housing unit or to another detention facility if deemed necessary by the Program Administrator.

In response to a question regarding retaliation protection strategies for offenders and staff who report sexual abuse or sexual harassment allegations, the Agency Head designee advised that offenders can be moved from pod to pod, unit to unit, or facility to facility based on the circumstances. Staff can be moved from post to post, shift to shift, or facility to facility, dependent upon the circumstances. Referral to the employee assistance program is an option for staff victims of retaliation while referral to WATCH-CCP West Mental Health professionals is certainly a viable option for family member victims. According to the Administrator, he could change departmental or post assignments for staff victims of retaliation and/or perpetrators, as well as, facility transfers. Additionally, the staff perpetrator could be placed on Administrative Leave, terminated after being provided the proper Due Process requirements, or progressive discipline can be employed. Family member victims of retaliation could be removed from the room or facility, if necessary.

According to a Staff Member Who is a Member of the Retaliation Committee, he is responsible for ensuring that victims/witnesses are protected. This entails monitoring to ensure there is no retaliation by the abuser or others. He would work with Committee members to make recommendations (e.g. room movement, unit movement, or facility movement). Additionally, he would work with other Committee members to recommend support services (e.g. EAP for staff, mental health services for family members). This interviewee advised that he would informally follow-up daily with those affected.

Pursuant to the WATCH-CCP West PREA Manager, it was determined that there were no family members housed at WATCH-CCP West who reported a sexual abuse at the time of the audit. Accordingly, an interview for this family member group could not be facilitated.

WATCH-CCP West PREA Policy 3.9, page 4, section II(J)(3 (a-c) addresses 115.267(c). This policy stipulates that the Program Administrator shall monitor the conduct or treatment of Family Member and staff for a minimum of ninety (90) days after a report of abuse has been made. This measure is an attempt to ensure that retaliatory behavior towards those individuals is not occurring.

This includes initiating documented periodic checks with the Family Member, monitoring Family Member incident reports, housing changes, program changes, and negative performance of staff. If it has been found that retaliation has taken place, the Program Administrator shall take action in attempt to remedy the situation

The Program Administrator may elect to continue monitoring beyond ninety (90) days to ensure safety and security of Family Member(s)

and staff.

Pursuant to the PAQ, the Administrator self reported retaliation monitoring was implemented on one occasion at WATCH-CCP West during the past 12 months.

The measures the Administrator would take in terms of response to staff retaliation are reflected in the narrative for 115.267(b). Staff victims of retaliation would be monitored for decrease in productivity and effectiveness. Sick Leave usage and tardiness would be monitored for any increase in the same. Video review, if available, would also be used to monitor staff victim/perpetrator actions, etc.

The measures that may be taken with respect to response to family member sexual abuse/retaliation monitoring are likewise reflected in the narrative for 115.267(b). According to the Retaliation Committee Member interviewee, he would monitor the family member sexual abuse/retaliation victim(s) for signs of isolation, behavioral changes, interaction with other family members/staff. He would talk to the case managers regarding their observations and insights. The major question would be whether the victim was shutting down. With respect to staff victims of retaliation, excessive call-offs, isolation, behavioral changes, attitude changes, body language indicators, and asking for assignment changes would be focal monitoring points. Both family member and staff victims of retaliation would be monitored for a minimal period of 90 days however, even after conclusion of the monitoring period, inclusive of any extended period, he would monitor the victim until discharge from WATCH-CCP West.

WATCH-CCP West PREA Policy 3.9, page 4, section II(J)3 (a) addresses 115.267(d). This policy stipulates that the Program Administrator shall monitor the conduct or treatment of Family Member and staff for a minimum of ninety (90) days after a report of abuse has been made. This measure is an attempt to ensure that retaliatory behavior towards those individuals is not occurring.

This includes initiating documented periodic checks with the Family Member, monitoring Family Member incident reports, housing changes, program changes, and negative performance of staff.

Included with the afore-mentioned thumb drive were four documents entitled PREA Incident Retaliation Form that were signed as reviewed by the Administrator. The documents address how the family member is doing, whether anyone is harassing/bullying/or pressuring since the last meeting, whether anyone has approached the victim in a way that has made him feel uncomfortable or unsafe, whether the victim is being pressured for sexual favors or is being sexually harassed, and whether the victim feels that he would be able to stop the advances or seek help. The documents reflect a chronology of initial report, as well as, periodic status checks.

Pursuant to the Agency Head designee interviewee, if an individual who cooperates with an investigation expresses fear of retaliation, he/she would be monitored by the Administrator or Retaliation Committee, as previously indicated, regarding retaliation victims.

Standard 115.271 Criminal and administrative agency investigations

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

WATCH-CCP West PREA Policy 3.10, page 1, section 1 addresses 115.271(a). This policy stipulates that the Warm Springs Addiction Treatment and Change Program and the Connections Corrections Program (WATCH-CCP West) ensures that all reports of sexual abuse and sexual harassment are investigated promptly, thoroughly and objectively.

According to both administrative investigators, an investigation is generally initiated immediately following receipt of a sexual abuse/sexual harassment allegation. Additionally, Third Party reports are handled in the same manner as any other PREA investigation.

WATCH-CCP West PREA Policy 3.10, page 1, section II(A) addresses 115.271(b). This policy stipulates that WATCH-CCP West shall use investigators that have received specialized training in handling sexual abuse and sexual harassment cases. WATCH-CCP West will use the Program Administrator or Security Coordinator for administrative cases.

While the afore-mentioned policy reflects that the Administrator and Security Coordinator are the designated and trained PREA investigators, the audit revealed that the 1st Shift Security Supervisor and the Security Coordinator are the designated PREA investigators (administrative). Training Certificates corroborate proper training (NIC: Investigating Sexual Abuse in a Confinement Setting) and are on file for the Administrator, Security Coordinator, PREA Manager, and 1st Shift Security Supervisor.

Given the fact, as reflected above, regarding designated administrative PREA investigators at WATCH-CCP West, it is recommended that WATCH-CCP West START Policy 3.10 be amended to reflect the updated information.

According to the two investigative interviewees, both related they had completed the requisite NIC training. This on-line course included

topics such as the role of the investigator, responsibilities, how to interview sexual abuse victims and perpetrators, notifications to be made, evidentiary standards, preservation of evidence, and Miranda vs. Garrity warnings. The course addressed PREA investigative mandates. There were questions at the end of each section and if any were missed, the test taker had to go back to the relevant section of the course to correct the same. The course included clarification of some legal terms and serves as a resource for use in the future.

WATCH-CCP West PREA Policy 3.10, page 2, section II(C)(3) addresses 115.271(c). This policy stipulates that during a sexual abuse/sexual harassment investigation, WATCH-CCP West investigators ensure that all preserved direct and circumstantial evidence, including physical evidence, electronic monitoring data, interviews of alleged victims, suspected perpetrators and witnesses, and prior complaints regarding the alleged perpetrator, is reviewed.

According to the investigative interviewees, first investigative steps include the following: direct staff in First Responder duties; interview victim; contact Medical and Mental Health staff; make facility notifications; review written reports; validate statements pursuant to file reviews, work rosters, etc.; interview perpetrator; secure area; and assess administrative vs. criminal evidentiary standards. Assist ADLCSO investigators.

The following evidence (direct and circumstantial) would be assembled and reviewed during the administrative investigation: staff and witness reports; file documentation; staff rosters; staff sign-in/out logs; video; photographs; and Investigative Protocol Form. Facility PREA investigators do not generally collect physical evidence.

WATCH-CCP West PREA Policy 3.10, page 2, section II(B) addresses 115.271(d). This policy stipulates that it is the policy of CCCS, Inc. and WATCH-CCP West to refer criminal investigations of sexual abuse to Anaconda Deer Lodge County Law Enforcement, who will further refer substantiated allegations for prosecution if warranted. CCCS, Inc. and WATCH-CCP West do not conduct compelled interviews.

The "no compelled evidence" policy caveat, as specifically identified in the policy, was corroborated by both investigative interviewees. The same would be facilitated by ADLCSO investigators at their discretion.

WATCH-CCP West PREA Policy 3.10, page 3, section II(C)(4) and (5) addresses 115.271(e). This policy stipulates that WATCH-CCP West will assess the credibility of an alleged victim, suspect, or witness on an individual basis and will not determine credibility by the person's status as Family Member or staff.

CCCS, Inc. and WATCH-CCP West will not require a Family Member, who alleges sexual abuse, to submit to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation.

According to both investigative interviewees, the credibility of all family member victims, suspects, and/or witnesses is judged impartially and non-judgmentally. Status as a family member does not dictate the direction of the investigation. Statements are taken at "face value" unless the investigation proves otherwise. Additionally, under no circumstances is a family member who alleges sexual abuse, required to submit to a polygraph examination or truth-telling device as a condition for proceeding with an investigation.

WATCH-CCP West PREA Policy 3.10, page 2, section II(A)(1)(a) and (b) address 115.271(f). This policy stipulates that administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

Investigative interviewees advised that re-interviews of all involved and re-review of evidence, inclusive of video, is used to assess whether staff actions or failures to act contributed to the sexual abuse. Additionally, a thorough report, including but not limited to, an assessment and accounting of physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings, is generated at the conclusion of each investigation.

WATCH-CCP West PREA Policy 3.10, page 3, section II(C)(6) addresses 115.271(g). This policy stipulates that all investigations are documented in written reports that include a description of the physical and testimonial evidence, the reasons behind credibility assessments of reporters, and copies of documentary evidence where feasible.

According to the investigative interviewees, criminal investigations are documented. A thorough description of all physical, circumstantial, testimonial, and documentary evidence would be included in such investigative reports. An assessment of credibility, from a criminal evidence perspective, would also be included in the report.

WATCH-CCP West PREA Policy 3.10, page 2, section II(B) addresses 115.271(h). This policy stipulates that it is the policy of CCCS, Inc. and WATCH-CCP West to refer criminal investigations of sexual abuse to Anaconda Deer Lodge County Law Enforcement, who will further refer substantiated allegations for prosecution, if warranted.

Pursuant to the PAQ, the Administrator reported that there were no criminal misconduct referrals for prosecution during this audit period.

According to the two investigative interviewees, ADLCSO investigators make the determination(s) regarding referrals for prosecution to the PREA Audit Report

District Attorneys Office, etc. Facility PREA investigators make the determination as to whether the standard of evidence reaches the requisite for criminal and referral to ADLCS D investigators.

WATCH-CCP West PREA Policy 3.10, page 3, section II(D) addresses 115.271(i). This policy stipulates that WATCH-CCP West retains all written reports as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

As the audit, in question, is the Initial Audit for this facility, they are in compliance with the standard. The one administrative investigation is intact, inclusive of all supporting evidence.

WATCH-CCP West PREA Policy 3.10, page 1, section I. second paragraph addresses 115.271(j). This policy stipulates that investigations are carried to completion, even if the victim or reporter recants the allegation or if the alleged abuser or victim left the control or employment of the facility.

One of the PREA investigative interviewees advised that he did not know how to proceed with an investigation whenever either the staff member or family member alleged to have committed sexual abuse terminates employment or leaves the facility prior to completion of an investigation into their conduct. The Senior PREA Investigator advised that the investigation continues.

Although the fact pattern, as reflected in this provision, has not presented during this audit period, it is recommended that notes and the training modules be re-visited to ensure that all investigators continue investigations to conclusion under these circumstances. Completion of this refresher training should be documented for evidentiary purposes.

WATCH-CCP PREA Policy 3.10, page 2, section II(C)(2) addresses 115.271(l). This policy stipulates that during a sexual abuse/sexual harassment investigation, WATCH-CCP West cooperates with outside investigators, and endeavors to remain informed about the outside agency's progress with the investigation.

According to the Administrator, the Security Coordinator would maintain contact with ADLCS D investigators during the conduct of criminal investigations. The Security Coordinator advised that he would be the liaison with ADLCS D investigators throughout any criminal sexual abuse investigation. He would provide assistance with anything needed. The WATCH-CCP West PREA Manager corroborated the Administrator's statement to the extent that the Security Coordinator would maintain contact with ADLCS D investigators on a weekly basis to remain abreast of the status of the investigation.

Standard 115.272 Evidentiary standard for administrative investigations

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

WATCH-CCP West PREA Policy 3.10, page 3, section II(E) addresses 115.272(a). This policy stipulates that all allegations will be considered substantiated if supported by no standard higher than a preponderance of the evidence. If evidence is insufficient, the allegations will be considered unsubstantiated, but not unfounded.

Both PREA Investigator interviewees advised that the necessary standard of evidence necessary for an administrative finding in a sexual abuse or sexual harassment case, is a preponderance.

Standard 115.273 Reporting to residents

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

WATCH-CCP West PREA Policy 3.10, page 3, section III(A) addresses 115.273(a). This policy stipulates that following an investigation into a Family Member's allegation of sexual abuse/sexual harassment in the facility, Program Administrator informs the Family Member of the findings- whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

According to the Administrator, offenders who lodge allegation(s) of sexual abuse/sexual harassment are advised when the allegation has been determined to be substantiated, unsubstantiated, or unfounded following the conclusion of an investigation. The notification is generally one-on-one and is generally followed-up with a memorandum. Both PREA investigators corroborated the Administrator's

statement in regard to the actual notification, during their interview. As previously indicated, no residents who reported a sexual abuse were confined at WATCH-CCP West during the audit and accordingly, an interview could not be facilitated.

As mentioned in 115.271, there was one allegation of sexual harassment that allegedly occurred during this audit period. According to a memorandum dated July 14, 2016, the WATCH-CCP West PREA Manager advised the alleged victim of the outcome of the investigation at approximately 12:40PM on the same date.

WATCH-CCP West PREA Policy 3.10, page 2, section II(I)(B) addresses 115.273(b). This policy stipulates that WATCH-CCP West shall request the relevant information from Anaconda Deer Lodge County Law Enforcement, or other outside agencies who may have completed the investigation, in order to inform the Family Member.

The Administrator self reported in the PAQ that during the past 12 months, there were no investigations of alleged offender sexual abuse conducted by an outside agency.

WATCH-CCP West PREA Policy 3.10, page 4, section III(C) addresses 115.273(c). This policy stipulates that following a Family Member's allegation of sexual abuse by a staff member, WATCH-CCP West informs the Family Member (unless the allegation is unfounded) whenever:
The staff member is no longer assigned to the Family Member's unit;
The staff member is no longer employed at the facility;
WATCH-CCP West learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
WATCH-CCP West learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

As previously noted, the one administrative investigation conducted during the audit period focused on a sexual harassment issue. Accordingly, the same was not applicable to this provision.

Pursuant to the PAQ, the Administrator self reported that there has been no substantiated or unsubstantiated allegations of staff on family member sexual abuse during this reporting period.

WATCH-CCP West PREA Policy 3.10, page 4, section III(D) addresses 115.273(d). This policy stipulates that following a Family Member's allegation of sexual abuse by another Family Member WATCH-CCP West shall subsequently inform the alleged victim whenever:
WATCH-CCP West learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
WATCH-CCP West learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

WATCH-CCP West PREA Policy 3.10, page 4, section III(E) addresses 115.273(e). This policy stipulates that all such notifications shall be documented.

As previously indicated, there were no allegations of sexual abuse lodged by family members during this audit period. However, the family member in the singular sexual harassment investigation was advised of the outcome of the investigation. The WATCH-CCP West policy and practice clearly exceeds the requirements of the standard.

Standard 115.276 Disciplinary sanctions for staff

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

WATCH-CCP West PREA Policy 3.9, page 3, section II(H) and CCCS Policy 1.3.5.9, pages 1 and 2, section IV(A-F) address 115.276(a). This policy stipulates that WATCH-CCP West staff shall be subject to disciplinary sanctions up to and including termination for violating CCCS Inc./WATCH-CCP West sexual abuse or sexual harassment policies.

WATCH-CCP West PREA Policy 3.9, page 3, section II(H)(1) addresses 115.276(b). This policy stipulates that termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.

Pursuant to the PAQ, the Administrator self reported that during the past 12 months, no facility staff violated agency sexual abuse or sexual harassment policies and accordingly, no facility staff were terminated, or resigned prior to termination, for violation of agency sexual abuse or sexual harassment policies.

WATCH-CCP West PREA Policy 3.9, page 3, section II(H)(2) and CCCS Policy 1.3.5.9, pages 1 and 2, section IV(A-F) address 115.276(c). This policy stipulates that disciplinary sanctions for violations of CCCS Inc./WATCH-CCP West policies relating to sexual abuse or sexual
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harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

Pursuant to the PAQ, the Administrator self reported that in the past 12 months, no staff from the facility that have been disciplined, short of termination, for violation of agency sexual abuse or sexual harassment policies.

WATCH-CCP West PREA Policy 3.9, page 3, section II(H)(3) addresses 115.276(d). This policy stipulates that all terminations for violations of CCCS Inc. /WATCH-CCP West sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to Anaconda Deer Lodge County Law Enforcement, unless the activity was clearly not criminal, and to any relevant licensing bodies.

Pursuant to the PAQ, the Administrator self reported that in the past 12 months, no staff from the facility that have been reported to law enforcement or licensing boards following their termination (or resignation prior to termination) for violating agency sexual abuse or sexual harassment policies.

Standard 115.277 Corrective action for contractors and volunteers

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

WATCH-CCP West PREA Policy 3.9, page 4, section II(I)(1) addresses 115.277(a). This policy stipulates that any contractor or volunteer who engages in sexual abuse/sexual harassment shall be prohibited from contact with Family Members and shall be reported to Anaconda Deer Lodge County Law Enforcement, unless the activity was clearly not criminal, and to relevant licensing bodies.

Pursuant to the PAQ, the Administrator self reported that in the past 12 months, no contractors or volunteers have been reported to law enforcement agencies and relevant licensing bodies for engaging in sexual abuse of family members.

WATCH-CCP West PREA Policy 3.9, page 4, section II(I)(2) addresses 115.277(b). This policy stipulates that WATCH-CCP West shall take appropriate remedial measures, and shall consider whether to prohibit further contact with Family Members, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

According to the Administrator, remedial measures to address such scenarios would include prohibition of access to the building. Additionally, termination of privileges would be another strategy used in such scenarios.

Standard 115.278 Disciplinary sanctions for residents

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

WATCH-CCP West PREA Policy 3.9, page 2, section II(C) addresses 115.278(a). This policy stipulates that Family Members who have been found to have engaged in family member-on-family member sexual abuse/sexual harassment, or following a criminal investigation that has substantiated family member-on-family member sexual abuse/sexual harassment shall be subject to a formal disciplinary process.

Pursuant to the PAQ, the Administrator self reported that there were no administrative or criminal findings of either sexual abuse or sexual harassment at WATCH-CCP West during the last 12 months. It is noted that WATCH-CCP West policy is more stringent than the standard in terms of consideration of sexual harassment in addition to sexual abuse.

WATCH-CCP West PREA Policy 3.9, page 2, section II(C)(1-3) addresses 115.278(b). This policy stipulates that the disciplinary sanctions shall take into consideration the following:

Nature and circumstances of the abuse committed

Family Member's disciplinary history

Sanctions imposed for comparable offenses by other Family Members with similar histories

According to the Administrator, removal from the WATCH-CCP West program subsequent to facilitation of a hearing by the Security

Coordinator (with assistance from Mental Health staff) and finding that the family member engaged in family member-on-family member sexual abuse or sexual harassment is the norm in terms of sanctions. This sanction is proportionate to the nature and circumstances of the abuses committed, the family members' disciplinary histories, and the sanctions imposed for similar offenses by other family members with similar histories.

WATCH-CCP West PREA Policy 3.9, page 2, section II(D)(1) addresses 115.278(c). This policy stipulates that when determining the type of sanction, if any, to be imposed, the Program Administrator:

Shall consider whether or not a Family Member's mental disabilities or mental illness contributed to their behavior.

WATCH-CCP West PREA Policy 3.9, page 2, section II(D)(2 and 3) addresses 115.278(d). This policy stipulates that when determining the type of sanction, if any, to be imposed, the Program Administrator:

May offer therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse

May consider whether to require the offending Family Member to participate in these interventions as a condition of access to any type of behavior based programming, but not to general programming or education.

Both medical and mental health staff advised that therapy and counseling services designed to address and correct the underlying reasons or motivations for sexual abuse could either be offered at the facility or pursuant to community resources. According to the mental health staff interviewee, she would not require a family member's participation in the counseling, etc. as a condition of access to programming or other benefits.

WATCH-CCP West PREA Policy 3.9, page 3, section II(G) addresses 115.278(e). This policy stipulates that WATCH-CCP West may discipline a Family Member for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

Pursuant to memorandum from the Administrator and the PAQ, there has been no allegation of sexual assault or sexual harassment between a family member and a WATCH-CCP West employee during the audit period.

WATCH-CCP West PREA Policy 3.9, page 3, section II(E) addresses 115.278(f). This policy stipulates that for the purpose of disciplinary action, a report of sexual abuse/sexual harassment made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

WATCH-CCP West PREA Policy 3.9, page 3, section II(F) addresses 115.278(g). This policy stipulates that WATCH-CCP West prohibits all sexual activity between Family Members and disciplines Family Members for such activity with Class II violation of inappropriate misconduct. WATCH-CCP West does not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

Standard 115.282 Access to emergency medical and mental health services

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

WATCH-CCP West PREA Policy 3.5, pages 1 and 2, section II(B) addresses 115.282(a). This policy stipulates that Family Member victims of sexual abuse will receive timely, unimpeded access to emergency medical treatment and crisis intervention services, to the level determined necessary by medical and mental health professionals.

According to the Medical/Mental Health interviewees, family member victims of sexual abuse would receive timely and unimpeded access to emergency medical treatment and crisis intervention services immediately following the sexual assault. The nature and scope of the services are determined according to the Medical/Mental Health practitioner's professional judgment.

WATCH-CCP PREA Policy 3.11, pages 1 and 2, section II(A(1))(a-j) addresses 115.282(b). This policy stipulates that First Responder:

The first staff member responding at an allegation of sexual abuse must physically separate the alleged victim from the alleged abuser.

Notify all necessary staff (immediate supervisor, administrator, medical, mental health) of WATCH-CCP West.

Address the need for acute medical treatment and contact community medical (hospital) personnel if needed.

Follow universal precautions for bodily fluids.

Ensure a staff member stays with the alleged victim until the alleged victim is placed in the care of another staff member such as mental health or medical at all times.

Preserve and protect any potential crime scene until law enforcement arrives

Escort Family Members to “dry” areas where water may not be accessed, ensuring sight and sound separation of alleged victim and alleged abuser.

If the alleged abuse occurred within 96 hours, first responder staff shall immediately 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.

Refrain from asking alleged victim detailed questions about the incident to avoid possible traumatization.

If the abuse occurred within 96 hours, first responder staff shall immediately request that the alleged perpetrator not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

Of the 11 Security and Non-security staff First Responder interviewees, all responded appropriately in terms of First Responder duties as articulated in 115.62. Although five of these interviewees mentioned contact with Medical/Mental Health staff during their interviews, all advised that they would contact the Shift Supervisor. The afore-mentioned policy requires the Supervisor of First Responders to facilitate contact with Medical Services staff.

The Auditor is satisfied that staff understand their duties and responsibilities and that policy and procedures are sufficient to ensure compliance with this provision.

CCCS 1.3.5.12, page 22, section IV(115.82)(c) and WATCH-CCP West PREA Policy 3.5, page 3, section II(C)(4) address 115.282(c). This policy stipulates that timely access to sexually transmitted infection prophylaxis, general information, and forensic exams will be available, at no financial cost, for any Family Member victim of sexual abuse while incarcerated as medically appropriate.

The Medical staff interviewee advised that victims of sexual abuse would be offered timely information about access to emergency contraception and sexually transmitted infection prophylaxis while the Mental Health interviewee advised that the question was not applicable to WATCH-CCP West. Presumably, she construed contraception as a female family member medical issue and based her statement on the same.

WATCH-CCP West PREA Policy 3.5, page 3, section II(C)(3) addresses 115.282(d). This policy stipulates that treatment services, and all necessary testing, shall be provided to victims of sexual abuse without financial cost, regardless of whether the victim names the abuser, and regardless of whether or not the victim cooperates with any investigation arising from initial report of the incident.

Standard 115.283 Ongoing medical and mental health care for sexual abuse victims and abusers

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

WATCH-CCP West PREA Policy 3.5, page 3, section II(C)(1) addresses 115.283(a). This policy stipulates that WATCH-CCP West will offer a medical and mental health evaluation, at no financial cost, and if appropriate, treatment to all Family Members who have been victimized by sexual abuse in any community corrections facility, jail, lockup or juvenile facility. The mental health professional will need to ensure that when the victim is released or transferred from the facility to another facility, or release from custody that there are follow-up services, treatment plans, and referrals for continued care.

WATCH-CCP West PREA Policy 3.5, page 3, section II(C)(1) addresses 115.283(b). This policy stipulates that the mental health professional will need to ensure that when the victim is released or transferred from the facility to another facility, or release from custody that there are follow-up services, treatment plans, and referrals for continued care.

According to the Mental Health interviewee, evaluation and treatment of family members who have been victimized would entail a basic mental health assessment. Depression would be assessed and treatment plans/referrals/referrals for follow-up upon release would be developed. According to the Medical interviewee, the victim would be transported to St. James Hospital in Butte, MT where a SART Nurse would examine him, question him, run any STD, Hep C, and HIV tests. Additionally, a physician would then fully examine the victim, develop a treatment plan, and report to WATCH-CCP West medical professionals.

WATCH-CCP West PREA Policy 3.5, page 3, section II(C)(2) addresses 115.282(c). This policy stipulates that WATCH-CCP West shall provide such victims with medical and mental health services consistent with the community level of care.

According to Mental Health/Medical interviewees, medical and mental health services are offered consistent with the community level of care.

Provision 115.283(d) and (e) have been determined to be NA as WATCH-CCP West is an all male facility.

WATCH-CCP West PREA Policy 3.5, page 3, section II(C)(3) addresses 115.283(f) and (g). This policy stipulates that treatment services, and all necessary testing, shall be provided to victims of sexual abuse without financial cost, regardless of whether the victim names the abuser, and regardless of whether or not the victim cooperates with any investigation arising from initial report of the incident.

As previously indicated, there were no sexual assaults at WATCH-CCP West during this audit period.

WATCH-CCP West PREA Policy 3.5, page 3, section II(C)(5) addresses 115.283(h). This policy stipulates that WATCH-CCP West will contact a mental health professional to conduct a mental health evaluation of all known offender-on-offender abusers within sixty (60) days of learning of such abuse history, and offer treatment when deemed appropriate by mental health practitioners.

According to the Mental Health Clinician interviewee, a mental health evaluation of all known family member-on-family member abusers would be facilitated in accordance with the standard. The interviewee further related that such an incident has not occurred during the audit period.

Standard 115.286 Sexual abuse incident reviews

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

WATCH-CCP West PREA Policy 3.7, page 1, section II(A)(1)(a) addresses 115.286(a). This policy stipulates that WATCH-CCP West shall conduct a sexual abuse incident review at the conclusion of every criminal or administrative sexual abuse or sexual harassment investigation including whether the allegation has not been substantiated, unless the allegation has been determined to be unfounded. The review will include all members of Sexual Assault Review Team (SART).

Although no administrative or criminal investigations for sexual abuse were conducted at WATCH-CCP West during the audit period, an administrative investigation for sexual harassment was conducted. The investigation was determined to be "Unfounded" and accordingly, pursuant to this provision, a sexual abuse incident review (SART) was not required. Despite the same, a SART was conducted with respect to this incident and investigation.

For the above reasons, the Auditor has determined that WATCH-CCP West has exceeded expectations with respect to this standard.

WATCH-CCP West PREA Policy 3.7, page 1, section II(A)(1)(b) addresses 115.286(b). This policy stipulates that such review shall occur within 30 days of the conclusion of the investigation.

Pursuant to the Auditor's review of the SART Checklist, in question, the alleged "Unfounded" incident occurred on July 4, 2016, the family member reported the same to staff on July 13, 2016 and an investigation was promptly commenced on the same date, the investigation was concluded on July 14, 2016, and the SART was conducted on August 3, 2016. Clearly, WATCH-CCP West is compliant with this provision.

WATCH-CCP West PREA Policy 3.7, page 2, section II(A)(1)(c) addresses 115.286(c). This policy stipulates that the SART team includes the following: PREA Manager, Program Administrator, Security Coordinator, Mental Health, Nurse, Shift Supervisor, and PREA Investigators.

According to the Administrator, there is a SART team at WATCH-CCP West. The team does include upper level management officials and allows for input from line supervisors, investigators, and medical or mental health practitioners.

Pursuant to the Auditor's review of the afore-mentioned SART Checklist, the Treatment Supervisor, mental health representative, a security supervisor/PREA investigator, PREA Manager, and a licensed addiction counselor who is assigned as a member of the team, facilitated that SART.

WATCH-CCP West PREA Policy 3.7, page 2, section II(A)(1)(d) addresses 115.286(d). This policy stipulates that the review team shall: (1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; (2) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility; (3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; (4) Assess the adequacy of staffing levels in that area during different shifts; (5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and (6) Prepare a report of its findings, including but not necessarily limited to determinations made, and any recommendations for improvement, and submit such report to the PREA Coordinator for review. The WATCH-CCP West Program Administrator will be involved in the initial review process as part of the SART team.

According to the Administrator, information gleaned pursuant to the SART review would be used to create a roadmap for strengthening family member/staff sexual safety at WATCH-CCP West. Assessments regarding "What went right or wrong" and "How can we make it better" would result from the SART. The Administrator further related that the following factors would be considered pursuant to the SART process: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility; Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; Assess the adequacy of staffing levels in that area during different shifts; and Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

According to the PREA Manager, SART reviews are conducted at WATCH-CCP West following sexual abuse incidents and a report is compiled reflecting findings and any determinations regarding the issues identified in this provision, as well as, any recommendations for improvement. According to the PREA Manager, SART reviews occur within 30 days of conclusion of the investigation. He does review all findings and assesses recommended changes. He subsequently addresses recommended changes with facility leadership and develops strategies to implement change(s), if warranted.

According to the previously referenced licensed addiction counselor who is assigned as a member of the SART, components 2-5, as articulated in this provision verbiage, are assessed by the team. Assessment of blind spots, camera placements and clarity of camera footage, evaluation of areas of family member assembly, and staffing patterns across all three shifts are some of the issues considered during reviews.

Pursuant to the Auditor's review of the SART Checklist in this matter, all relevant areas as prescribed in this provision were considered.

WATCH-CCP West PREA Policy 3.7, page 2, section II(A)(1)(e) addresses 115.286(e). This policy stipulates that WATCH-CCP West will implement the recommendations for improvement, or shall document its reasons for not doing so.

It is noted that the SART team identified the lack of cameras in the hallway of the area where the alleged sexual harassment incident occurred as something warranting attention. It is noted that a camera enhancement proposal has been prepared (as previously referenced) with the assistance of an external contractor, to address camera coverage throughout the facility. Upon completion of the camera project, additional cameras will be installed, inclusive of expanded hallway coverage.

A proposal to upgrade the camera system at WATCH-CCP West has been submitted to MDOC for approval. As the facility is actually owned by the State of Montana, modifications/upgrades cannot proceed absent approval from MDOC. Thus, CCCS executives are awaiting MDOC response and approval prior to initiation of the project. If approved, the CCCS PREA Coordinator anticipates the camera system to be installed by July, 2017.

Standard 115.287 Data collection

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

WATCH-CCP West PREA Policy 3.7, pages 2 and 3, section II(A)(2)(a-k) addresses 115.287(a)(c). This policy stipulates that WATCH-CCP West shall collect accurate, uniform data for every allegation of sexual abuse and sexual harassment using the standardized instrument known as the Survey of Sexual Violence (SSV) and it will be collected annually.

If the SSV data collection is not conducted by the Bureau of Justice Statistics, the following data shall be collected:

The number of incidents that met the definition of sexual abuse and sexual harassment as outlined in the PREA Standards

The area where the incident occurred

The time of the incident

The victim's age, ethnicity, and gender

The type of abuse or injury

How the incident was reported

If the incident was Family Member on Family Member, staff on Family Member, or Family Member on staff

The perpetrators age, ethnicity, and gender

The nature of the incident

Sanctions imposed on the perpetrator.

The Administrator included on the afore-mentioned thumb drive the 2014 and 2015 SSVs. Additionally, a spread sheet reflecting various data categories for 2016 was included. The Auditor is satisfied that there is compliance with the provision.

WATCH-CCP West PREA Policy 3.7, page 3, section II(A)(3) addresses 115.287(b and d). This policy stipulates that the data shall be collected, reviewed and maintained on an ongoing basis as needed from all available incident-based documents, including reports, investigation files, and sexual abuse/sexual harassment incident reviews.

Since there are no private housing contracts between WATCH-CCP West/CCCS and any other entity, 115.287(e) has been determined to be NA. 115.287(f) has also been determined to be NA as the CCCS PREA Coordinator reported that he is not aware of any requests from the DOJ for data from the previous calendar year.

Standard 115.288 Data review for corrective action

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

WATCH-CCP West PREA Policy 3.7, pages 3 and 4, section II(B)(1)(a-c) addresses 115.288(a). This policy stipulates that WATCH-CCP West shall review data collected and aggregated pursuant to this section in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including:

Identifying problem areas;

Taking corrective action; and

Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.

An aggregated written narrative regarding WATCH-CCP West, covering calendar years 2012-2015, was included on the thumb drive. The same reflected 0 incidents of sexual abuse/sexual harassment during the afore-mentioned periods. Given the same, problem areas could not be identified and no corrective actions were articulated.

Pursuant to the Agency Head designee, incident-based sexual abuse data is used to identify and evaluate any patterns.

According to the WATCH-CCP West PREA Manager, copies of collected data is reviewed and aggregated pursuant to 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection and response policies and training. Copies of data collected pursuant to 115.287 is locked in a cabinet in the CCCS PREA Coordinator's Office and PREA investigative files are locked in a cabinet in the Security Coordinator's Office. This information was provided pursuant to contact with the CCCS PREA Coordinator. Corrective action is taken on an ongoing basis as staffing is increased as needed. Additionally, camera system upgrades are another consideration. In regard to the Annual Report, the same is completed by each Facility Administrator and the same is posted on the website.

According to the WATCH-CCP West PREA Manager, he and the Administrator do evaluate the Staffing Plan and SART reviews as sources for improvement of the effectiveness of the sexual abuse prevention, detection, and response policies and training.

WATCH-CCP West PREA Policy 3.7, page 4, section II(B)(2) addresses 115.288(b). This policy stipulates that the WATCH-CCP West report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of WATCH-CCP West's progress in addressing sexual abuse.

As previously mentioned, specific PREA-related sexual assault/sexual abuse information is reported on an annual basis. Given the lack of allegations and incidents between 2012 and 2015, there is no assessment of progress in addressing sexual abuse. As calendar year 2016 had not yet concluded at the time of the audit, the same report was not available.

WATCH-CCP West PREA Policy 3.7, page 4, section II(B)(3) addresses 115.288(c). This policy stipulates that WATCH-CCP West's report shall be approved by CCCS, Inc. CEO and made readily available to the public through its website.

According to the Agency Head designee, the Agency Head does approve all annual PREA reports. The WATCH-CCP West Annual Report was co-signed by the CCCS PREA Coordinator, CCCS Director of Treatment Programs, and the CCCS CEO.

Pursuant to the CCCS PREA Coordinator, the same and the 2014 and 2015 SSVs are not uploaded to the CCCS website as CCCS lost their web master and accordingly, there has been a lapse in posting to the website and uploading the report to the website has not been possible. The CCCS PREA Coordinator advised that as soon as a web master is hired, the website will be updated with requisite documentation.

WATCH-CCP West PREA Policy 3.7, page 4, section II(B)(4) addresses 115.288(d). This policy stipulates that WATCH-CCP West may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of WATCH-CCP West, but must indicate the nature of the material redacted.

According to the WATCH-CCP West PREA Manager, personal information or information which may be a threat to the security and good order of the facility are examples of information that may be redacted from the Annual PREA Report.

Standard 115.289 Data storage, publication, and destruction

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

WATCH-CCP West PREA Policy 3.7, page 4, section II(C)(1) addresses 115.289(a). This policy stipulates that WATCH-CCP West shall ensure that data collected pursuant to § 115.287 are securely retained. Data will be securely maintained with the Program Administrator or PREA Coordinator.

Copies of data collected pursuant to 115.287 is locked in a cabinet in the CCCS PREA Coordinator's Office and PREA investigative files are locked in a cabinet in the Security Coordinator's Office. This information was provided pursuant to contact with the CCCS PREA Coordinator.

WATCH-CCP West PREA Policy 3.7, page 4, section II(C)(2) addresses 115.289(b). This policy stipulates that WATCH-CCP West shall make all aggregated sexual abuse/sexual harassment data, readily available to the public at least annually through its website.

The CCCS website issue was previously addressed as reflected in the narrative for 115.288. Specifically, pursuant to the CCCS PREA Coordinator, the same and the 2015 and 2016 SSVs are not uploaded to the CCCS website as CCCS lost their web master and accordingly, there has been a lapse in posting to the website and uploading the report to the website has not been possible. The CCCS PREA Coordinator advised that as soon as a web master is hired, the website will be updated with requisite documentation.

WATCH-CCP West PREA Policy 3.7, page 4, section II(C)(3) addresses 115.289(c). This policy stipulates that before making aggregated sexual abuse/sexual harassment data publicly available, WATCH-CCP West shall remove all personal identifiers.

The Auditor has reviewed publicly available sexual abuse data and has determined that no personal identifiers are reflected in the same.

WATCH-CCP West PREA Policy 3.7, pages 4 and 5, section II(C)(4) addresses 115.289(d). This policy stipulates that WATCH-CCP West shall maintain sexual abuse/sexual harassment data collected pursuant to § 115.287 for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

Given the fact that this is the Initial PREA Audit at WATCH-CCP West, validation of the 10 year rule was not possible. All relevant data, for purpose of this audit, has been retained.

AUDITOR CERTIFICATION

I certify that:

- X The contents of this report are accurate to the best of my knowledge.
- X No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- X I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.

K. E. Arnold

January 7, 2017

Auditor Signature

Date