

PREA Facility Audit Report: Final

Name of Facility: Montgomery County Juvenile Detention Center

Facility Type: Juvenile

Date Interim Report Submitted: NA

Date Final Report Submitted: 04/10/2023

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input type="checkbox"/>
Auditor Full Name as Signed: Jerome K Williams	Date of Signature: 04/10/2023

AUDITOR INFORMATION	
Auditor name:	Williams, Jerome
Email:	wjerome27@yahoo.com
Start Date of On-Site Audit:	03/22/2023
End Date of On-Site Audit:	03/24/2023

FACILITY INFORMATION	
Facility name:	Montgomery County Juvenile Detention Center
Facility physical address:	200 Academy Drive, Conroe, Texas - 77301
Facility mailing address:	

Primary Contact	
Name:	Derek Henderson
Email Address:	derek.henderson@mctx.org
Telephone Number:	936-538-3221

Superintendent/Director/Administrator	
Name:	Rick Sutton
Email Address:	rick.sutton@mctx.org
Telephone Number:	936-538-3264

Facility PREA Compliance Manager	
Name:	
Email Address:	
Telephone Number:	

Facility Health Service Administrator On-Site	
Name:	Monica Sandoval
Email Address:	monica.sandoval@mctx.org
Telephone Number:	936-538-3267

Facility Characteristics	
Designed facility capacity:	85
Current population of facility:	22
Average daily population for the past 12 months:	28
Has the facility been over capacity at any point in the past 12 months?	No
Which population(s) does the facility hold?	Both females and males
Age range of population:	10-17
Facility security levels/resident custody levels:	maximum
Number of staff currently employed at the facility who may have contact with residents:	47
Number of individual contractors who have contact with residents, currently authorized to enter the facility:	17
Number of volunteers who have contact with residents, currently authorized to enter the facility:	0

AGENCY INFORMATION	
Name of agency:	Montgomery County Juvenile Probation Department
Governing authority or parent agency (if applicable):	
Physical Address:	200 Academy Drive, Conroe, Texas - 77301
Mailing Address:	
Telephone number:	

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

Agency-Wide PREA Coordinator Information			
Name:	Derek Henderson	Email Address:	derekc.henderson@outlook.com

SUMMARY OF AUDIT FINDINGS	
<p>The OAS automatically populates the number and list of Standards exceeded, the number of Standards met, and the number and list of Standards not met.</p> <p>Auditor Note: In general, no standards should be found to be "Not Applicable" or "NA." A compliance determination must be made for each standard. In rare instances where an auditor determines that a standard is not applicable, the auditor should select "Meets Standard" and include a comprehensive discussion as to why the standard is not applicable to the facility being audited.</p>	
Number of standards exceeded:	
0	
Number of standards met:	
43	
Number of standards not met:	
0	

POST-AUDIT REPORTING INFORMATION

GENERAL AUDIT INFORMATION

On-site Audit Dates

1. Start date of the onsite portion of the audit:	2023-03-22
2. End date of the onsite portion of the audit:	2023-03-24

Outreach

10. Did you attempt to communicate with community-based organization(s) or victim advocates who provide services to this facility and/or who may have insight into relevant conditions in the facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Identify the community-based organization(s) or victim advocates with whom you communicated:	I reached out to the Children's Advocacy Center-Safe Harbor to ascertain their relationship via a Memorandum of Understanding with the Montgomery County Juvenile Detention Center, to understand the services provided and if there were any referrals made to their agency in the last 12 months. The Advocacy Hotline personnel described the provision of service that the Advocacy Center would provide to a victim of sexual abuse and that there were no services provided to any residents at MCJDC in the last 12 months.

AUDITED FACILITY INFORMATION

14. Designated facility capacity:	85
15. Average daily population for the past 12 months:	28
16. Number of inmate/resident/detainee housing units:	6

<p>17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> Not Applicable for the facility type audited (i.e., Community Confinement Facility or Juvenile Facility)</p>
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Audited Facility Population Characteristics on Day One of the Onsite Portion of the Audit

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

<p>36. Enter the total number of inmates/residents/detainees in the facility as of the first day of onsite portion of the audit:</p>	<p style="text-align: center;">31</p>
<p>38. Enter the total number of inmates/residents/detainees with a physical disability in the facility as of the first day of the onsite portion of the audit:</p>	<p style="text-align: center;">1</p>
<p>39. Enter the total number of inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) in the facility as of the first day of the onsite portion of the audit:</p>	<p style="text-align: center;">7</p>
<p>40. Enter the total number of inmates/residents/detainees who are Blind or have low vision (visually impaired) in the facility as of the first day of the onsite portion of the audit:</p>	<p style="text-align: center;">0</p>
<p>41. Enter the total number of inmates/residents/detainees who are Deaf or hard-of-hearing in the facility as of the first day of the onsite portion of the audit:</p>	<p style="text-align: center;">0</p>

<p>42. Enter the total number of inmates/residents/detainees who are Limited English Proficient (LEP) in the facility as of the first day of the onsite portion of the audit:</p>	<p>0</p>
<p>43. Enter the total number of inmates/residents/detainees who identify as lesbian, gay, or bisexual in the facility as of the first day of the onsite portion of the audit:</p>	<p>2</p>
<p>44. Enter the total number of inmates/residents/detainees who identify as transgender or intersex in the facility as of the first day of the onsite portion of the audit:</p>	<p>0</p>
<p>45. Enter the total number of inmates/residents/detainees who reported sexual abuse in the facility as of the first day of the onsite portion of the audit:</p>	<p>0</p>
<p>46. Enter the total number of inmates/residents/detainees who disclosed prior sexual victimization during risk screening in the facility as of the first day of the onsite portion of the audit:</p>	<p>0</p>
<p>47. Enter the total number of inmates/residents/detainees who were ever placed in segregated housing/isolation for risk of sexual victimization in the facility as of the first day of the onsite portion of the audit:</p>	<p>0</p>
<p>48. Provide any additional comments regarding the population characteristics of inmates/residents/detainees in the facility as of the first day of the onsite portion of the audit (e.g., groups not tracked, issues with identifying certain populations):</p>	<p>There were no anomalies encountered regarding the resident population characteristics as of the first day of the onsite portion of the audit.</p>

Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit

49. Enter the total number of STAFF, including both full- and part-time staff, employed by the facility as of the first day of the onsite portion of the audit:	54
50. Enter the total number of VOLUNTEERS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:	7
51. Enter the total number of CONTRACTORS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:	15
52. Provide any additional comments regarding the population characteristics of staff, volunteers, and contractors who were in the facility as of the first day of the onsite portion of the audit:	There were no anomalies encountered regarding the population characteristics of the staff, volunteers and contractors who were in the facility as of the first day of the onsite portion of the audit..

INTERVIEWS

Inmate/Resident/Detainee Interviews

Random Inmate/Resident/Detainee Interviews

53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:	13
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<p>54. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)</p>	<p><input type="checkbox"/> Age</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity (e.g., Hispanic, Non-Hispanic)</p> <p><input type="checkbox"/> Length of time in the facility</p> <p><input type="checkbox"/> Housing assignment</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Other</p> <p><input type="checkbox"/> None</p>
<p>55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?</p>	<p>I selected residents randomly from the population list provided to me during the pre-audit phase choosing every other resident randomly, from each of the 3 pods (A&B), male and female, ethnically diverse, different age ranges and length of time in the facility. I then provided this listing to the PREA Coordinator for scheduled interview during the onsite visit. I also selected randomly alternative residents once I received the edited interview listing from the facility to replace those residents who were or would be released from the facility by the time the onsite visit would occur.</p>
<p>56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>57. Provide any additional comments regarding selecting or interviewing random inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</p>	<p>There were no anomalies encountered regarding selecting and interviewing the random residents during the onsite portion of the audit. There were some oversampling of the population but this auditor did not encounter any barriers during this time.</p>

Targeted Inmate/Resident/Detainee Interviews

58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:	2
<p>As stated in the PREA Auditor Handbook, the breakdown of targeted interviews is intended to guide auditors in interviewing the appropriate cross-section of inmates/residents/detainees who are the most vulnerable to sexual abuse and sexual harassment. When completing questions regarding targeted inmate/resident/detainee interviews below, remember that an interview with one inmate/resident/detainee may satisfy multiple targeted interview requirements. These questions are asking about the number of interviews conducted using the targeted inmate/resident/detainee protocols. For example, if an auditor interviews an inmate who has a physical disability, is being held in segregated housing due to risk of sexual victimization, and disclosed prior sexual victimization, that interview would be included in the totals for each of those questions. Therefore, in most cases, the sum of all the following responses to the targeted inmate/resident/detainee interview categories will exceed the total number of targeted inmates/residents/detainees who were interviewed. If a particular targeted population is not applicable in the audited facility, enter "0".</p>	
60. Enter the total number of interviews conducted with inmates/residents/detainees with a physical disability using the "Disabled and Limited English Proficient Inmates" protocol:	0
a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).	A review the resident electronic files revealed that there were no residents currently in the population that were physically disabled during the onsite portion of the audit.

<p>61. Enter the total number of interviews conducted with inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>1</p>
<p>62. Enter the total number of interviews conducted with inmates/residents/detainees who are Blind or have low vision (i.e., visually impaired) using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>A review of the resident electronic files revealed that there were no residents currently in the population that were blind or having low vision during the onsite portion of the audit.</p>
<p>63. Enter the total number of interviews conducted with inmates/residents/detainees who are Deaf or hard-of-hearing using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>

<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>A review of the resident electronic files revealed that there were no residents currently in the population that were deaf or hard of hearing during the onsite portion of the audit.</p>
<p>64. Enter the total number of interviews conducted with inmates/residents/detainees who are Limited English Proficient (LEP) using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>A review of the resident electronic files revealed that there were no residents currently in the population that were Limited in English Proficiency during the onsite portion of the audit.</p>
<p>65. Enter the total number of interviews conducted with inmates/residents/detainees who identify as lesbian, gay, or bisexual using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</p>	<p>1</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>

<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>No text provided.</p>
<p>66. Enter the total number of interviews conducted with inmates/residents/detainees who identify as transgender or intersex using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>A review of the resident electronic files revealed that there were no residents currently in the population that identified as Transgender or Intersex in their population at the time of the onsite visit.</p>
<p>67. Enter the total number of interviews conducted with inmates/residents/detainees who reported sexual abuse in this facility using the "Inmates who Reported a Sexual Abuse" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>

<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>A review of the resident electronic files revealed that there were no residents currently in the population to interview that who reported a sexual abuse in the facility during the onsite portion of the audit.</p>
<p>68. Enter the total number of interviews conducted with inmates/residents/detainees who disclosed prior sexual victimization during risk screening using the "Inmates who Disclosed Sexual Victimization during Risk Screening" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>A review of the resident electronic files revealed that there were no residents currently in the population to interview that who disclosed a prior sexual victimization during the risk screening during the onsite portion of the visit. .</p>
<p>69. Enter the total number of interviews conducted with inmates/residents/detainees who are or were ever placed in segregated housing/isolation for risk of sexual victimization using the "Inmates Placed in Segregated Housing (for Risk of Sexual Victimization/Who Allege to have Suffered Sexual Abuse)" protocol:</p>	<p>0</p>

<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>A review of the resident electronic files revealed that there were no residents currently in the population to interview who were placed in segregation housing who alleged to have suffered sexual abuse in their population at the time of the onsite visit.</p>
<p>70. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):</p>	<p>There were no anomalies encountered regarding selecting and interviewing targeted residents during the onsite portion of this audit.</p>

Staff, Volunteer, and Contractor Interviews

Random Staff Interviews

<p>71. Enter the total number of RANDOM STAFF who were interviewed:</p>	<p>13</p>
<p>72. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)</p>	<p><input checked="" type="checkbox"/> Length of tenure in the facility</p> <p><input checked="" type="checkbox"/> Shift assignment</p> <p><input checked="" type="checkbox"/> Work assignment</p> <p><input checked="" type="checkbox"/> Rank (or equivalent)</p> <p><input checked="" type="checkbox"/> Other (e.g., gender, race, ethnicity, languages spoken)</p> <p><input type="checkbox"/> None</p>

<p>If "Other," describe:</p>	<p>Other characteristics were male and female gender, ethnicity, age and whether they were bilingual, who had direct contact with the residents, control room staff, etc. were also considered selecting random staff to interview.</p>
<p>73. Were you able to conduct the minimum number of RANDOM STAFF interviews?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>74. Provide any additional comments regarding selecting or interviewing random staff (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</p>	<p>Upon receiving the staff listing to consider for interview, I selected staff from each shift, age range, length of tenure, ethnicity, whether they were supervisors or not, and from each dorm or facility assignment. I provided this listing to the facility to ensure that those randomly selected staff would be available and finalized the listing, once returned with alternate staff, as necessary, if the randomly selected staff were not on duty during the onsite visit. There were no anomalies, barriers encountered regarding selecting and interviewing the random staff and an oversample was included.</p>
<p>Specialized Staff, Volunteers, and Contractor Interviews</p>	
<p>Staff in some facilities may be responsible for more than one of the specialized staff duties. Therefore, more than one interview protocol may apply to an interview with a single staff member and that information would satisfy multiple specialized staff interview requirements.</p>	
<p>75. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):</p>	<p>15</p>
<p>76. Were you able to interview the Agency Head?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>

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

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

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

	<input checked="" type="checkbox"/> Intake staff <input type="checkbox"/> Other
81. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Enter the total number of VOLUNTEERS who were interviewed:	2
b. Select which specialized VOLUNTEER role(s) were interviewed as part of this audit from the list below: (select all that apply)	<input type="checkbox"/> Education/programming <input type="checkbox"/> Medical/dental <input type="checkbox"/> Mental health/counseling <input type="checkbox"/> Religious <input checked="" type="checkbox"/> Other
82. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Enter the total number of CONTRACTORS who were interviewed:	2
b. Select which specialized CONTRACTOR role(s) were interviewed as part of this audit from the list below: (select all that apply)	<input type="checkbox"/> Security/detention <input checked="" type="checkbox"/> Education/programming <input type="checkbox"/> Medical/dental <input type="checkbox"/> Food service <input type="checkbox"/> Maintenance/construction <input type="checkbox"/> Other

<p>83. Provide any additional comments regarding selecting or interviewing specialized staff.</p>	<p>There were no anomalies encountered regarding selecting and interviewing the specialized staff during the onsite portion of the audit.</p>
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SITE REVIEW AND DOCUMENTATION SAMPLING

Site Review

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

<p>84. Did you have access to all areas of the facility?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
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Was the site review an active, inquiring process that included the following:

<p>85. Observations of all facility practices in accordance with the site review component of the audit instrument (e.g., signage, supervision practices, cross-gender viewing and searches)?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
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<p>86. Tests of all critical functions in the facility in accordance with the site review component of the audit instrument (e.g., risk screening process, access to outside emotional support services, interpretation services)?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
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<p>87. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>88. Informal conversations with staff during the site review (encouraged, not required)?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>89. Provide any additional comments regarding the site review (e.g., access to areas in the facility, observations, tests of critical functions, or informal conversations).</p>	<p>There were no anomalies encountered regarding the site review. This auditor was able to have access to the entire facility, able to test the critical functions i.e. hotline phones and external reporting and had several informal conversations with staff, volunteers, contractors and residents regarding the facility and its PREA implementation, protocols and practices..</p>
<h2 style="text-align: center;">Documentation Sampling</h2>	
<p>Where there is a collection of records to review-such as staff, contractor, and volunteer training records; background check records; supervisory rounds logs; risk screening and intake processing records; inmate education records; medical files; and investigative files-auditors must self-select for review a representative sample of each type of record.</p>	
<p>90. In addition to the proof documentation selected by the agency or facility and provided to you, did you also conduct an auditor-selected sampling of documentation?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>91. Provide any additional comments regarding selecting additional documentation (e.g., any documentation you oversampled, barriers to selecting additional documentation, etc.).</p>	<p>There were no anomalies encountered regarding selecting and requesting additional memorandums, documents, etc. to triangulate the policy practices, interview responses, and observation during the onsite portion of the audit.</p>

SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS AND INVESTIGATIONS IN THIS FACILITY

Sexual Abuse and Sexual Harassment Allegations and Investigations Overview

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

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

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

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

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

Sexual Abuse and Sexual Harassment Investigation Outcomes

Sexual Abuse Investigation Outcomes

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

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

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

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

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

Sexual Harassment Investigation Outcomes

Note: these counts should reflect where the investigation is currently. Do not double count. Additionally, for question brevity, we use the term "inmate" in the following questions. Auditors should provide information on inmate, resident, and detainee sexual harassment investigation files, as applicable to the facility type being audited.

96. Criminal SEXUAL HARASSMENT investigation outcomes during the 12 months preceding the audit:

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

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

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

Sexual Abuse and Sexual Harassment Investigation Files Selected for Review

Sexual Abuse Investigation Files Selected for Review

98. Enter the total number of SEXUAL ABUSE investigation files reviewed/ sampled:

1

<p>99. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual abuse investigation files)</p>
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Inmate-on-inmate sexual abuse investigation files

<p>100. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</p>	<p>1</p>
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<p>101. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
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<p>102. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
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Staff-on-inmate sexual abuse investigation files

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

<p>106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>0</p>
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<p>a. Explain why you were unable to review any sexual harassment investigation files:</p>	<p>A review of the electronic and hard copy records retained by the administrative investigator revealed that there were no sexual harassment criminal or administrative investigative files to review over the last 12 months that had been conducted in this facility.</p>
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<p>107. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual harassment investigation files)</p>
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Inmate-on-inmate sexual harassment investigation files

<p>108. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>0</p>
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<p>109. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
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<p>110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
<p>Staff-on-inmate sexual harassment investigation files</p>	
<p>111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>0</p>
<p>112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)</p>
<p>113. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)</p>
<p>114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.</p>	<p>A review of the electronic and hard copy records retained by the administrative investigator revealed that there were no staff on resident sexual harassment criminal or administrative investigation files to review for this facility that had been conducted in the last 12 months</p>

SUPPORT STAFF INFORMATION

DOJ-certified PREA Auditors Support Staff

115. Did you receive assistance from any DOJ-CERTIFIED PREA AUDITORS at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.

- Yes
- No

Non-certified Support Staff

116. Did you receive assistance from any NON-CERTIFIED SUPPORT STAFF at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.

- Yes
- No

AUDITING ARRANGEMENTS AND COMPENSATION

121. Who paid you to conduct this audit?

- The audited facility or its parent agency
- My state/territory or county government employer (if you audit as part of a consortium or circular auditing arrangement, select this option)
- A third-party auditing entity (e.g., accreditation body, consulting firm)
- Other

Standards

Auditor Overall Determination Definitions

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

Auditor Discussion Instructions

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

115.311	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>115.311 (a) MCJDC does have a Zero-Tolerance policy towards all forms of sexual abuse and sexual harassment to address MCJDC’s obligations under Federal Prison Rape Elimination Act (PREA) standards for preventing, detecting, and responding to sexual abuse and sexual harassment conduct. The MCJDC Zero Tolerance Policy is available to staff, to the resident and is made available to members of the public and is posted on the agency’s web page at www.MCJDC.org Under the general provisions section of MCJDC’s PREA policy it outlines the agency’s approach towards preventing, detecting, and responding to sexual abuse and sexual harassment. The facility is in compliance with this provision.</p> <p>115.311 (b) MCJDC's Zero Tolerance policy states MCJDC will designate an upper-level staff member as the agency wide PREA Coordinator with sufficient time and authority to develop, implement, and oversee the agency effort to comply with the PREA standard in their facility. The staff designated as the PREA Coordinator is their Quality Development Manager. He holds an upper-level position, as reflected on the organizational chart that was provided during the pre-audit phase and has stated during his interview that he has sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in his facility. The facility is in compliance with this provision.</p> <p>115.311 (c) MCJDC does not operate more than this one facility so therefore has no need to designate a PREA Compliance Manager. The facility is in compliance with this provision.</p> <p>This facility is in compliance with this standard.</p> <p>Corrective Action required: None.</p>

115.312	Contracting with other entities for the confinement of residents
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>115.312 (a) MCJDC is a public county facility and as stated on the PAQ, they have not entered into a contract with other agencies for the confinement of their residents. However, MCJDC does contract with other county probation departments i.e., Grayson County, Nueces County, Victoria County, Rockdale Regional Juvenile Justice, Rite of Passage and Pegasus Schools to provide residential services for their residents. The Facility Director and the PREA Coordinator corroborated during their interviews that Montgomery County Juvenile Probation Department does not contract for the confinement of MCJDC's residents with other entities but do contract with other county detention and probation agencies for the provision of residential services for their residents. MCJDC did provide to this auditor copies of all the contracts they have entered into with other county agencies of which they are providing residential services. This facility is in compliance with this provision.</p> <p>115.312 (b) MCJDC only operates one facility and they do contract with other county detention and or probation agencies for the confinement of their residents. Since they do contract with other county agencies to provide residential services for their residents, there is a monitoring clause in these contracts. A review of these contracts state that MCJDC will “comply with the Final Rule of the Prison Rape Elimination Act (PREA) of June 20, 2012 and with all applicable PREA standards. This was confirmed during the interview of the Agency Contract Administrator, the PREA Coordinator and the Facility Director. The other county and juvenile justice agencies also have a clause in their contracts for monitoring MCJDC to ensure that they are in compliance with the PREA standards during the contract period. This facility is in compliance with this provision.</p> <p>The facility is in compliance with this standard.</p> <p>Corrective Action required: None.</p>

115.313	Supervision and monitoring
	<p data-bbox="280 188 1007 221">Auditor Overall Determination: Meets Standard</p> <p data-bbox="280 264 580 297">Auditor Discussion</p> <p data-bbox="280 340 1458 622">115.313 (a) MCJDC's Zero Tolerance and the Population Control policy states that MCJDC shall develop, implement and document a written staffing plan that provide adequate levels of staffing and video monitoring as applicable, to protect residents against sexual abuse. The PAQ reflected no instances of a deviation from the planned staff to resident ratio, which is 1 to 8 during waking hours and 1 to 16 during sleeping hours in the last 12 months. MCJDC is a secure residential facility, whose primary residential population is from the Montgomery County area.</p> <p data-bbox="280 665 1474 1491">MCJDC's PREA Coordinator did provide a written staffing plan to this auditor during the pre-audit phase for his review. Based on the average resident population by month for the past 12 months, which is 28 and taking into consideration a low staff turnover rate in the past 12 months, this auditor found no obvious reason to believe there had been any deviation from the facility's written staffing plan. MCJDC maintains a 1 to 8 staff to resident ratio during waking hours and a 1 to 16 staff to resident ratio during sleeping hours. MCJDC does use surveillance cameras to aid the facility staff in monitoring the residents. There are 24 cameras located throughout the interior and on the exterior of the facility's entrances, in the common areas, the group rooms, hallways, in the sally port area, at the rear of the building. Through the staff interviews, this auditor found no reports of short staffing or ratio deviations in the daily monitoring and supervision of the residents in MCJDC. There were no findings of any judicial inadequacy, inadequacies from a Federal investigative agency, or inadequacies from an internal or external oversight body (e.g., TJJD). During the site review this auditor did not identify any blind spots or areas in the facility where staff or residents may be isolated without line-of-sight supervision or video surveillance that the facility has not already identified. The Agency Director informed this auditor of his intention to install more cameras, if funding permits, in several classrooms, in the emergency corridor areas and on the hallways to further aid staff in the supervision and monitoring of the residents.</p> <p data-bbox="280 1534 1129 1568">The staffing plan does take into consideration the following:</p> <ul data-bbox="280 1610 1422 2078" style="list-style-type: none"> <li data-bbox="280 1610 1422 1675">· Generally accepted juvenile detention and correctional/secure residential practices <li data-bbox="280 1718 847 1751">· Any judicial findings of inadequacy <li data-bbox="280 1794 1251 1827">· Any findings of inadequacy from Federal investigative agencies <li data-bbox="280 1870 1358 1904">· Any findings of inadequacy from internal and external oversight bodies <li data-bbox="280 1946 1422 2011">· All components of the facility's physical plant including blind spots or other areas where staff or residents may be isolated <li data-bbox="280 2054 963 2087">· The composition of the resident population

- The number and placement of supervisory staff
- Institution programs occurring on a particular shift
- Applicable state, local laws, regulations and standards
- Prevalence of substantiated and unsubstantiated incidents of sexual abuse
- Other relevant factors

Further evidence ascertained during the interviews with the Facility Director and the PREA Coordinator confirmed that MCJDC has developed and is compliance with their staffing plan, except during limited and discrete circumstance, to ensure that adequate staffing is maintained throughout the facility to protect the residents, and that the video monitoring is employed, as part of the staffing plan, to further detect, prevent and protect residents against sexual abuse. The facility is in compliance with this provision.

115.313 (b) MCJDC did indicate on the PAQ provided during the pre-audit phase that there were no deviations from this developed written staffing plan in the last 12 months. MCJDC Zero Tolerance policy states that the facility will maintain a 1 to 8 ratio during waking hours and 1 to 16 staff ratio during sleeping hours except during limited or discrete exigent circumstances. Observed ratios during sleeping hours were 1 to 16 and 1 to 8 during waking hours which meets the standard. The PREA Coordinator stated during his interview that there have been no deviations from the ratio in the last 12 months. The facility is in compliance with this provision.

115.313 (c) MCJDC facility roster showed 54 full time staff employed of which 1 is the Facility Director, 47 are direct care staff, 1 Assistant Deputy Director of Detention Supervisor, 4 Detention Supervisors, 1 PREA Coordinator/Administrative Investigator,. The resident roster provided during the pre-audit phase reflected their current population of 29 residents. This auditor found no evidence of a report that they facility deviated from the required staff to resident ratio of 1:8 during the daytime the ratio of 1:16 at nighttime. Because of this, MCJDC did not document any deviations from the staffing ratio of any limited or discrete exigent circumstances in the last 12 months. MCJDC is a secure facility and calculating the ratios are applicable to the county and The Texas Juvenile Justice Department's State Monitoring regulations, Title 37 Part 11, Chapter 343 of the Texas Administrative Code, to maintain a 1 to 8 daytime and 1 to 16 nighttime staff to resident ratio. The facility is in compliance with this provision.

115.313 (d) MCJDC's Facility Director indicated during his interview that at least once a year he consults with the PREA Coordinator to assess, determine, and document whether adjustments are needed to the staffing plan regarding:

- Prevailing staffing patterns
- Deployment of video monitoring systems and other technologies
- Available resources needed to adhere to the staffing plan

The PREA Coordinator also provided a written staffing plan to this auditor that corroborated this assertion during his interview. The facility is in compliance with this provision.

115.313. (e) MCJDC's Facility Director and the PREA Coordinator did indicate during their interviews that the direct care staff detention supervisors do conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment. This practice is also stated in the MCJDC's Zero tolerance policy. During the interview with the Intermediate and Higher-Level Staff, he indicated that they do conduct unannounced round in the facility at least twice a month and more on all three shifts. Unannounced Logs were provided during the pre-audit phase of all 6 pods to assess the dates, times and supervisory staff who conducted the unannounced rounds for the last 12 months, thereby corroborating their interview statements. This auditor also found evidence reflected on the PAQ that the higher-level staff do conduct unannounced rounds on all shifts at least twice a month. .

All security checks and unannounced rounds are documented using the Guard1 (G1) "pipe" electronic reader system. The G1 system's electronic reader (the "pipe") records the identity of the administrator conducting the round. The system utilizes programmed "buttons" that identify facility locations in the G1 system software. The programmed buttons are then affixed throughout the facility. During the rounds, the Juvenile Service Officer (JSO) and the detention supervisors touches the pipe to an affixed button. The G1 system then records the date and time (accurate to the second) that administrator was at a specific location during the round. During the site review, the auditor observed the buttons" affixed throughout the facility, including in areas where blind spots exist. The stored security checks and unannounced round data is uploaded to the G1 system software and the reports can be obtained for specified date ranges. Detention Shift supervisors are expected to download data from the "pipe" device daily for the shift that preceded their own to ensure that recorded routine cell checks and the unannounced rounds are retained and retrievable

MCJDC's Zero Tolerance Policy does states that disciplinary action will occur if staff alert other staff of the unannounced rounds being conducted by intermediate and higher-level staff members. During the random staff interviews, when asked, the staff did indicate that unannounced rounds do occur and that they are aware of the consequences if they alert the other staff of the unannounced round. During the interview with the direct care staff detention shift supervisors, they indicated that the JSO staff are aware of the consequences of alerting other staff of an unannounced round and that there has been no violation of this policy in the last 12 months. The facility is in compliance with this provision.

The facility is in compliance with this standard.

Corrective Action required: None

115.315	Limits to cross-gender viewing and searches
	<p data-bbox="280 188 1007 224">Auditor Overall Determination: Meets Standard</p> <p data-bbox="280 264 580 300">Auditor Discussion</p> <p data-bbox="280 340 1477 918">115.315 (a): MCJDC Zero Tolerance policy states that their direct care JSO staff will maintain restrictions and limitations on cross-gender searches and shall always refrain from conducting cross gender strip or cross gender visual body cavity searches, except in exigent circumstances or by a medical practitioner. This is a coed facility and all staff have been trained on how to conduct a cross gender pat search. During a review of the random staff training files and the interviews, it revealed that the staff have been trained on how to conduct a cross gender pat down search of transgender and intersex residents. Of the 13 random direct care staff interviewed corroborated they stated that male and female staff do not conduct pat down searches on the opposite gender residents at any time and that they do not conduct cross gender pat strip searches or cross gender visual cavity searches. They further indicated that there has not been an exigent circumstance in the last 12 months to warrant such a cross gender pat down search. The facility is in compliance with this provision.</p> <p data-bbox="280 958 1477 1576">115.315 (b): MCJDC is a coed facility and interviews conducted with the 13 random staff revealed that they have not conducted any cross-gender pat down searches at any time, except in exigent circumstances, in the last 12 months. A review of the search log and the PREA Coordinator's interview response corroborated this assertion. It is noted by this auditor that the applicable, generally-accepted juvenile justice facility practices here in Texas, as codified in Title 37 Part 11 Chapter 343 of the Texas Administrative Code (TAC) are more stringent in the prohibition of cross-gender searches than in this standard. Specifically, TAC 343.260 prohibits the cross-gender strip and pat-down searches of residents and makes no allowance for exigent circumstances. When considered with the gender supervision requirements found in TAC 343.432 and TAC 343.626, which require the MCJDC to have male and female staff on duty across all shifts when the MCJDC houses both male and female residents, because of this, MCJDC would not encounter exigent circumstances that would necessitate a cross-gender pat down search of residents. The facility is in compliance with this provision.</p> <p data-bbox="280 1617 1477 1984">115.315 (c): MCJDC Zero Tolerance policy states that they will document and justify all cross-gender strip searches, cross gender visual body cavity searches and cross gender pat down searches in an exigent circumstance or when conducted by a medical practitioner. MCJDC PREA Coordinator stated during his interview that they have not conducted any cross-gender strip searches, cross gender visual body cavity and cross gender pat down searches whether in an exigent circumstance or by a medical practitioner in this facility in the last 12 months. The Facility's Deputy Director provided a memorandum indicating that there have been no body cavity searches conducted in the facility. The facility is in compliance with this provision.</p> <p data-bbox="280 2024 1477 2060">115.315 (d): MCJDC Zero Tolerance policy states that the staffing patterns of having</p>

a male and a female staff on the respective gender pod and the physical layout of the facility enables the residents 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.

The facility's pod cells are single occupancy and designed to prohibit cross gender viewing of resident performing such personal actions because of having doors to avoid staff or other residents from viewing them while on the pod. The facility schematic shows 3 pods (A, B and C) with 16 cells, 1 pod with 12 cells (D pod), 1 pod with 5 isolation cells, 12 cells in the intake area, 1 pod with 8 cells.. The toileting occurs behind a closed door within the single cell (wet) of the residents and there is a four person shower area on the pod. This auditor confirmed the schematic plans of these areas during the site review. It should be noted that during shower, changing of clothing and toileting that the opposite gender staff does not enter the opposite gender resident pod until it has been cleared by the control station staff. This is a practice that the facility has adopted, implemented successfully and was observed by this auditor during the site review.

MCJDC requires staff of the opposite gender to announce their presence when entering the pod. During the interviews with the 13 random staff, they all confirmed that the control station staff makes an announcement saying "male and or female opposite gender staff is coming on the pod", then they must receive an okay over the radio before entering the opposite gender pod area. The random male and female staff interviewed stated that the female staff do not enter the male resident's pod area during the opposite gender showering, changing of clothing and restroom routines and that the male staff do not enter the female resident's pod area during opposite gender showering, changing clothes and restroom routines. This statement was also confirmed during the random resident interviews. 13 of the random residents interviewed stated that neither the male nor female staff enter the pod, cell areas during shower, changing of clothing and restroom routines. When they do seek to enter their pod, room or cell area that they would knock and announce their presence before entering the opposite gender resident's pod, room or cell area. This auditor did observe both male and female staff contact the control station staff on the radio, announce their intentions to enter an opposite resident gender door, the control station staff gives them the okay (all clear) to enter the dorm and upon entry they announce their presence prior to entering into the pod, a room or the cell area of an opposite gender resident. This was observed during the site review and onsite visit by this auditor. The facility is in compliance with this provision.

115.315 (e) MCJDC Zero Tolerance Policy states that the staff will not search or physically examine a transgender or intersex resident for the sole purpose of determining the resident's genital status. The PREA Coordinator stated during his interview that the direct care staff have all been trained on how to conduct a cross gender pat down search and searches of transgender and intersex residents, in a professional and respectful manner, and in the least intrusive manner possible, consistent with the security needs of the facility. When ascertaining the status of a

transgender and or intersex resident, this may be determined during conversations with the resident during intake, by reviewing their medical records, or as part of a broader medical examination conducted in private by a medical practitioner. The intake staff interviewed corroborated this practice. The PREA Coordinator also stated during his interview that this policy is adhered to by the MCJDC staff and that there have been 2 transgender and no intersex residents in their population in the last 12 months. A review of the population census in the last 12 months corroborated this assertion. The facility is in compliance with this provision.

115.315 (f) MCJDC is a coed facility and they did provide evidence that all of the direct care JSO staff have been train on how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs including how to conduct searches of transgender and intersex residents in a professional and respectful manner. A review of the employees training records revealed that all direct care staff have received cross gender pat search training, and searching of transgender and intersex residents. The PREA Coordinator did provide to this auditor training acknowledgement statements with signature of the direct care staff trained in cross gender, transgender and intersex resident searches. A copy of the cross gender pat search training curriculum was also provided to this auditor for his review during the pre-audit phase. The facility is in compliance with this provision.

Recommendation: The facility need to seek alternative ways to provide privacy i.e. shower curtains, divider, etc. for the youth during shower routines since it is a 4 man shower area when they shower, though they shower 2 youth at a time. Some of the residents interviewed of the same gender expressed their discomfort of not having a little privacy i.e. shower curtain, when another youth is showering at the same time.

This facility is in compliance with this standard.

Corrective Action required: None

115.316	Residents with disabilities and residents who are limited English proficient
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>115.316 (a) The MCJDC Zero Tolerance Policy states that MCJDC will take appropriate steps to ensure that all residents have an equal opportunity to participate and benefit from all aspects of the agency’s efforts prevent, detect, and respond to sexual abuse and sexual harassment. This includes those residents who are:</p> <ul style="list-style-type: none"> · Deaf or hard of hearing · Blind or have low vision · Limited English Proficient · Intellectually disabled · Psychiatric disabled · Speech disability <p>MCJDC has taken steps to ensure that there is effective communication with residents who are:</p> <ul style="list-style-type: none"> · Deaf or hard of hearing · Blind or have low vision · Limited English Proficient · Intellectually disabled · Psychiatric disabled · Speech disability <p>By entering into a contractual agreement with the Conroe Independent School District to provide educational services inclusive of written materials in appropriate formats and other methods for the residents in their facility. MCJDC also has provided information and documentation regarding access to the language or interpreting line service, when needed, for residents requiring interpreting or translation in another language. The PREA Coordinator indicated during his interview that the Language Line, an interpreting service provider, will provide interpreting and translating services to MCJDC residents as needed. He further stated that if services are required for a resident who may be blind, low vision, have a speech disability, deaf or hard of hearing, who have a psychiatric or intellectual disability would receive these services from the Conroe Independent School District., He did provide a copy of the service agreement from the Language Line to</p>

corroborate this assertion. The facility is in compliance with this provision.

115.316. (b) MCJDC PREA Coordinator did indicate during his interview that they have taken reasonable steps to ensure meaningful access to all aspects of their agency's effort to prevent, detect, and respond to sexual abuse and sexual harassment to residents who are limited in English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. He indicated that will utilize, when necessary, staff as translators, the Language Line interpreting service and the Conroe School District personnel to provide interpretive resources for residents who are limited in English Proficient to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary to ensure that residents in this target group can benefit from the agency's/facility efforts regarding PREA compliance of this provision. At the time of the audit, nor in the past 12 months, has the facility had any resident who were assessed as needing interpreting services, or were limited English proficiency. This determination was made based on interviews of the Intake staff, other program staff, and a review of the resident files over the last 12 months. The facility is in compliance with this provision.

115.316 (c) MCJDC Zero Tolerance policy states that MCJDC shall not use other residents to interpret, read, or to otherwise assist another resident who is limited in English proficiency, except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise safety, the performance of first responder duties, or an investigation. The PREA Coordinator and Intake staff stated during their interviews that MCJDC does not use resident interpreters or assistants for reporting a sexual abuse and sexual harassment allegations or to provide PREA related information, in the last 12 months. MCJDC did provide interpreting services, when needed, through a juvenile probation officer and or has utilized the service contract with the Language Line for interpreting services in instances where a resident was limited in English proficiency during the pre-audit phase in the last 12 months.. During the random staff interviews all 13 of the staff, they indicated that MCJDC has not utilized resident interpreters or assistants for reporting sexual abuse and sexual harassment allegations. The facility is in compliance with this provision.

This facility is in compliance with this standard.

Corrective Action required: None

115.317	Hiring and promotion decisions
	<p data-bbox="280 188 1007 224">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="280 264 580 300">Auditor Discussion</p> <p data-bbox="280 340 1362 461">115.317 (a). MCJDC Zero Tolerance policy states that MCJDC shall not hire or promote anyone who may have contact with resident and will not utilize the services of any contractor who may have contact with a resident, if they:</p> <ul style="list-style-type: none"> <li data-bbox="280 497 1422 573">(i) has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; <li data-bbox="280 609 1469 730">(ii) who have 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. <li data-bbox="280 766 1458 842">(iii) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section. <p data-bbox="280 878 1465 1079">The MCJDC Human Resource staff confirmed during her interview that MCJDC has not hired, promoted, or contracted with anyone who meets the criteria listed above in (i) through (iii). A review of employee files revealed that there was no documented evidence of MCJDC hiring or promoting staff during the last 12 months who met the criteria above. The facility is in compliance with this provision.</p> <p data-bbox="280 1115 1474 1191">115.317 (b) MCJDC Zero Tolerance Policy states that they will consider any incidents of sexual harassment in determining whether to:</p> <ul style="list-style-type: none"> <li data-bbox="280 1227 1469 1473">(i) Enlist the services of any contractor who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; or who have 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. <li data-bbox="280 1509 1469 2047">(ii) Or enlist the services of any contractor who has been civilly or administratively adjudicated or 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. The MCJDC Human Resource staff indicated during her interview that a thorough criminal background check, pre-employment reference checks, and a child abuse registry check are conducted before an applicant or contractor is offered a position. She further stated that a “hit” would automatically come to him/her via email from the Texas Department of Public Safety (TDPS) if any of her current employees are arrested or come in contact with law enforcement. A review of the employee and contractor files revealed no documented evidence of MCJDC hiring, promoting or procuring the services of a contractor in violation of this provision. The facility is in compliance with this provision.

115.317 (c) MCJDC Zero Tolerance Policy states that before hiring new employees who may have contact with resident, MCJDC Facility Director will:

- (i) Performs a criminal background records check
- (ii) Consults the child abuse registry maintained by Texas Department of Family and Protective Services (DFPS); and
- (iii) Makes its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

A review of the employee files revealed that MCJDC have been conducting background checks, consulted the State's child abuse registry (DFPS) and completing reference checks, including documented proof of attempts to ask previous institutional employer information regarding substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse. A copy of the sample institutional letter sent to an institutional employer by HR was provided to this auditor to demonstrate this practice. During the interview with the MCJDC Human Resource personnel she stated that the last 26 new hires did not come from institutional facilities. During the employee file review, it was ascertained that no institutional reference checks had been performed on 26 new hires since they did not come from an institutional employer.

During the onsite audit this auditor was provide a sample letter that would be sent to a prior institutional employer for information substantiated related incidents and resignations. Further review of the employee files revealed that documented child abuse registry checks through the Texas Department of Family and Protective Services (DFPS) as well as criminal history checks through the Department of Public Safety (DPS) have been conducted on all employees in the last 12 months. The facility is in compliance with this provision.

115.317 (d) MCJDC Zero Tolerance Policy states that before enlisting the services of a contractor who may have contact with residents, Human Resources will:

- (i) Performs a criminal background records check
- (ii) Consults the child abuse registry maintained by Texas Department of Family and Protective Services (DFPS);

The Human Resource staff corroborated this practice and provided documentation of such checks. Further review of the contractor file revealed that documented child abuse registry checks through the Texas Department of Family and Protective Services had been conducted in the last 12 months. MCJDC PREA Coordinator and the Human Resource staff did provide documentation of the criminal history record checks and child abuse registry checks performed on all employees who have contact with the facility's resident over the last 12 months. The facility is in compliance with this provision.

115.317 (e) MCJDC Zero Tolerance policy states that criminal background checks will

be conducted every five years of current employees and on contractors who may have contact with residents. This was evidenced through the employee file review of the staff and contractors as well as corroborated during the interviews with the Facility Director and Human Resource staff. MCJDC also conducts criminal background checks as well as child abuse registry checks annually. The facility is in compliance with this provision.

115.317 (f) MCJDC Zero Tolerance Policy does asks applicants and employees who may have contact with residents directly about previous misconduct described in subparagraph (A) of this paragraph in the written application or during interviews for hiring or promotion and in any interviews or written self-evaluations conducted as part of reviews of current employees. MCJDC employees do have a continuing affirmative duty to disclose any such misconduct and that material omissions regarding such misconduct or the provision of materially false information is grounds for termination of employment. MCJDC did provide during the pre-audit phase a completed PREA Self-Disclosure document on each employee of which the questions are listed on the employment application, as part of their continuing affirmative duty to disclose any such misconduct. This auditor did observe these questions on the employment application provided and on the form itself. The facility is in compliance with this provision.

115.317 (g) MCJDC Zero Tolerance Policy does indicate that material omissions regarding such misconduct or the provision of materially false information is grounds for termination of employment. The MCJDC Human Resource staff did indicate during his/her interview that all staff and contractors have been informed of this policy and that there have been no violations of this policy in the last 12 months. The facility is in compliance with this provision.

115.317 (h) MCJDC Zero Tolerance Policy does state, that unless prohibited by law, MCJDC will provide information on substantiated allegations of sexual abuse or sexual harassment involving former employees upon receiving a request from an institutional employer for whom the former employee has applied to work. During the interview with the MCJDC Human Resource personnel, he/she indicated that such disclosure would not be an issue because most reference checks are accompanied by written permission to disclose information from the subject of the reference check. At the time of the onsite audit the MCJDC Human Resource staff indicated that she had not received any requests for information from an institutional employer on a current staff. The PREA Coordinator did provide to this auditor a copy of the sample form letter to be sent to an institutional employer of a potential hire The MCJDC Human Resource personnel also indicated that she has not requested information on any of the 26 new hires in 2022-23. The facility is in compliance with this provision.

The facility is in compliance with this standard.

Corrective Action required: None

115.318	Upgrades to facilities and technologies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>115.318 (a) MCJDC Zero Tolerance Policy states that when designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, MCJDC will consider the effect of the design, acquisition, expansion, or modification on the agency’s ability to protect residents from sexual abuse. The PREA Coordinator indicated in his interview that there have not been any major expansion or modification of the existing. He further indicated that if any major modifications occur that they will consider the effect of the design, acquisition, expansion, or modification regarding MCJDC’s ability to protect residents from sexual abuse. The facility is in compliance with this provision.</p> <p>115.318 (b) MCJDC Zero Tolerance Policy states that whenever MCJDC do install or update their video monitoring system, electronic surveillance system, or other monitoring technology, they will consider how such technology may enhance the facility’s ability to protect youth from sexual abuse. During the site review this auditor noticed that MCJDC has installed 24 cameras throughout the interior and exterior of the facility to enhance the agency’s ability to protect residents from sexual abuse. No other cameras or electronic surveillance systems have been installed since the last audit nor in the last 12 months. The Facility Director informed this auditor of his intention to install more cameras, if funding permits, in several classrooms, in the emergency corridor areas and one of the hallways to further aid staff in the supervision and monitoring of the residents. The facility is in compliance with this provision.</p> <p>This facility is in compliance with this standard.</p> <p>Corrective Action required: None</p>

115.321	Evidence protocol and forensic medical examinations
	<p data-bbox="280 188 1007 221">Auditor Overall Determination: Meets Standard</p> <p data-bbox="280 264 580 297">Auditor Discussion</p> <p data-bbox="280 340 1474 707">115.321 (a) MCJDC is responsible for administrative investigations of sexual abuse and sexual harassment but are not responsible for criminal investigation of allegations of sexual abuse and sexual harassment. The Texas Juvenile Justice Department’s (TJJD) Office of the Inspector General (OIG) is the identified external State agency that will conduct the criminal investigations in this facility. The PREA Coordinator stated during his interview that MCJDC and the OIG will follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative and criminal prosecutions. The facility is in compliance with this provision.</p> <p data-bbox="280 750 1474 1072">115.321 (b) The Internal Investigator indicated during his interview that the protocol being utilized by MCJDC and the OIG, who conducts the criminal investigations, is developmentally appropriate for youth and shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice’s Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adult/Adolescents developed after 2011. A copy of this protocol was provided to this auditor during the pre-audit phase. The facility is in compliance with this provision.</p> <p data-bbox="280 1115 1474 1603">115.321 (c) MCJDC Zero Tolerance Policy states that when evidentiarily or medically appropriate, MCJDC will offer and transport residents who experience sexual abuse to the hospital, clinic or emergency room that can provide them access to a forensic medical examination by a Sexual Assault Nurse Examiner (SANE). MCJDC currently have a Memorandum of Agreement with the Children’s Advocacy Center, Safe Harbor agency who collaborates with the Memorial Hermann Hospital in the Woodlands for such medical examinations which are provided at no financial cost to the resident, where evidentiarily or medically appropriate. The PREA Coordinator stated during his interview that in the event of a sexual abuse allegation, MCJDC will call the Office of the Inspector General (OIG) for criminal investigation and they would take the resident to the Memorial Hermann hospital in the Woodlands for the SANE examination.</p> <p data-bbox="280 1646 1474 2056">The Memorial Hermann Hospital services also include services provided through Children's Advocacy Center-Safe Harbor, the rape crisis center. During the interview with a SANE Nurse at Memorial Hermann Hospital , she that the Memorial Hermann hospital provides compassionate, sensitive, timely care for victims of violent crimes, child abuse and neglect. The SANE Nurse further explained that she was the lead SANE nurse, but in her absence another forensic nurse would be on duty. She explained it was hospital practice to have a forensic nurse available 24 hours a day. The hospital web site states that “when sexual assault has occurred, a forensic nurse who is a sexual assault nurse examiner (SANE) will provide nonjudgmental, compassionate care to the patient. SANEs are registered nurses who have had</p>

specialized training in the comprehensive medical forensic care of patients who have experienced sexual assault.

The PREA Coordinator further indicated during his interview that there have been no referrals of sexual abuse victims to the Memorial Hermann Hospital or to the Children's Advocacy Center-Safe Harbor in the last 12 months. A review of the resident files corroborated this assertion. The facility is in compliance with this provision.

115.321 (d) MCJDC Zero Tolerance Policy states that MCJDC will seek and have secured victim advocacy services from a local rape crisis center. The PREA Coordinator stated that rape crisis services are provided free of charge by the Children's Advocacy Center-Safe Harbor, a community-based organization that provide emotional support, counseling and advocacy services. The PREA Coordinator did provide a Memorandum of Understanding between MCJDC and the Children's Advocacy Center-Safe Harbor to corroborate the services to be offered for a sexual abuse victim. According to the Children's Advocacy Center's Victim Advocate representative, once a sexual abuse victim (resident) is referred and taken to the Memorial Hermann Hospital they will receive "wraparound" services e.g., SANE examination, victim advocacy, emotional support and counseling service through this established consortium network. The PREA Coordinator indicated during his interview that a victim advocate will always made available to victims of sexual abuse by Children's Advocacy Center-Safe Harbor. He further indicated that there have been no referrals of sexual abuse victims to the Memorial Hermann hospital in the last 12 months. A review of the resident medical files corroborated this assertion. The facility is in compliance with this provision.

115.321 (e) MCJDC PREA Coordinator indicated during his interview that as requested by a sexual abuse victim they would to have either a staff member or a qualified community-based organization (Children's Advocacy Center-Safe Harbor Victim Advocate) to accompany and support a victim resident through the forensic medical examination process, the investigatory interview and shall provide emotional support, crisis intervention, information and referral services. A copy of the Memorandum of Agreement with Children's Advocacy Center-Safe Harbor corroborated this assertion and policy. The facility is in compliance with this provision.

115.321 (f) MCJDC PREA Coordinator indicated that MCJDC is responsible for conducting administrative investigations of sexual abuse and sexual harassment while the OIG is responsible for conducting criminal investigations. He further stated that MCJDC has requested that OIG as well as they will follow the requirements of paragraphs (a) through (e) of this section. The facility is in compliance with this provision.

115.321 (g) MCJDC's PREA Coordinator indicated that the Texas Juvenile Justice Department's Office of Inspector General (OIG), which is a State entity, will follow the requirements of paragraph (a) through (f) of this section for investigating allegations of sexual abuse in this juvenile facility. According to the Facility Director

and the Agency Head, there is no Department of Justice component responsible for investigating allegations of sexual abuse in this facility to date. The facility is in compliance with this provision.

115.321. (h) The PREA Coordinator stated during his interviews that MCJDC would always make a qualified community-based staff member from Children's Advocacy Center-Safe Harbor available to resident victims, who have been screened for appropriateness to serve in this role of victim advocate who have received education concerning sexual assault and forensic examination issues in general. A review of the Memorandum of Agreement between MCJDC and Children Advocacy Center-Safe Harbor indicates that their victim advocates have received such education and training. The facility is in compliance with this provision.

This facility is in compliance with this standard.

Corrective Action required: None

115.322	Policies to ensure referrals of allegations for investigations
	<p data-bbox="280 188 1007 224">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="280 264 579 300">Auditor Discussion</p> <p data-bbox="280 340 1481 833">115.322 (a) The MCJDC Zero Tolerance Policy states that that all allegations of sexual abuse and sexual harassment are reported to, investigated and will be completed by MCJDC’s administrative investigator for administrative investigations, the Texas Juvenile Justice Department (TJJD) Office of the Inspector General (OIG), the Conroe Police Department and or the Montgomery County Sheriff Department for criminal investigations. During the past 12 months the PREA Coordinator and Facility Director reported during their interview that there was 1 administrative and zero criminal investigation of sexual abuse and sexual harassment. Upon conducting a file review of staff and resident files, this auditor did see 1 completed administrative investigation, which was provided to this auditor and zero completed criminal investigation documentation in the files. The facility is in compliance with this provision.</p> <p data-bbox="280 873 1481 1321">115.322 (b) MCJDC Zero Tolerance Policy states that all allegations of sexual abuse and sexual harassment will be referred to MCJDC’s administrative investigator for administrative investigations, to the Texas Juvenile Justice Department (TJJD) Office of the Inspector General (OIG), the Conroe Police Department and or to the Montgomery County Sheriff Department for criminal investigations of which they have legal authority to conduct a criminal investigation when the allegation involves potentially criminal behavior. The PREA Coordinator indicated during his interview that MCJDC has this investigative policy published on their website at www.MCJDC.org. This auditor did review the agency's website and observed the the investigative policy therein to corroborate his assertion. The facility is in compliance with this provision.</p> <p data-bbox="280 1361 1481 1854">115.322 (c) MCJDC Zero Tolerance Policy states that all allegations of sexual abuse and sexual harassment that are assigned the Texas Juvenile Justice Department (TJJD) Office of the Inspector General (OIG), the Conroe Police Department and or the Montgomery County Sheriff Department describes their responsibility for sexual abuse investigations which are posted on their agency’s website. This auditor did review the agency’s website and did see the policy describing OIG’s and other law enforcement responsibilities for conducting administrative and criminal investigations. The PREA Coordinator and the Facility Director did state during their interviews that administrative sexual abuse and sexual harassment allegations would be investigated by MCJDC’s internal administrative investigator and or the OIG, which is also published on the agency’s website. The facility is in compliance with this provision.</p> <p data-bbox="280 1895 1481 2056">115.322 (d) Since the Texas Department of Juvenile Justice’s (TJJD) Office of the Inspector General (OIG) is the State entity responsible for conducting criminal investigations, their responsibilities, as indicated in (c) of this provision, does have a policy in place for conducting administrative or criminal investigations. The PREA</p>

Coordinator did provide this auditor with a copy of the TJJJ's investigation policy. The facility is in compliance with this provision.

115:322 (e) The PREA Coordinator stated during his interview that there is no Department of Justice component responsible for conducting administrative or criminal sexual abuse and sexual harassment investigations in this facility. The facility is in compliance with this provision.

This facility is in compliance with this standard.

Corrective Action required: None

115.331	Employee training
	<p data-bbox="280 188 1007 224">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="280 264 580 300">Auditor Discussion</p> <p data-bbox="280 340 1469 456">115.331 (a) The MCJDC Zero Tolerance Policy states that it will provide PREA related training to all its employees who may have contact with resident. MCJDC training addresses:</p> <ul data-bbox="280 497 1469 1612" style="list-style-type: none"> · Training on the Zero Tolerance policy · How to fulfill their PREA responsibilities under sexual abuse and sexual harassment detection, prevention, reporting, and response policies and procedures. · Residents right to be free from sexual abuse and sexual harassment. · The right of residents and employees to be free from sexual abuse and harassment. · The right of residents to be free from retaliation for reporting sexual abuse and harassment · The dynamics of sexual abuse and sexual harassment in juvenile facilities. · The common reactions of juvenile victims of sexual abuse and harassment. · How to detect and respond to signs of threatened and actual sexual abuse. · How to avoid inappropriate relationships with residents. · How to communicate effectively and professionally with residents including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents. · How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities. · Relevant laws regarding the applicable age of consent. <p data-bbox="280 1653 1453 1890">It was ascertained during the interviews conducted with the 13 random staff that the PREA training they receive annually covers the above 11 points as required. MCJDC utilizes the Juvenile Probation/Supervision Officer Basic PREA Training curriculum when training their staff as well as the Texas Juvenile Justice Department's PREA Training curriculum from the Juvenile Justice Training Academy. The facility is in compliance with this provision.</p> <p data-bbox="280 1930 1445 2092">115.331 (b) The PREA Coordinator stated that the PREA training is tailored to the unique needs and attributes of the residents and to the gender of the residents at the facility. This policy assertion was also corroborated in their PAQ response. MCJDC is a coed facility and all staff receive the same training regardless of what</p>

residential housing unit they are assigned to. The training documentation reviewed and received by this auditor demonstrates that MCJDC is in compliance with this provision. The staff received PREA training as provided during the new employee orientation training and have received it annually including every 2 years as a refresher training based on the interviews and documentation during the onsite visit. The facility is in compliance with this provision.

115.331 (c) MCJDC PREA Coordinator did provide to this auditor during the pre-audit phase with written verification that all of the staff received the refresher PREA training in June of 2022 demonstrated by providing to this auditor signed an acknowledgement statement indicating that they received and understood their PREA responsibilities. A review of the training records of the staff corroborated their receipt of the refresher PREA training. The facility is in compliance with this provision.

115.331 (d) The MCJDC PREA Coordinator did provide to this auditor training record documentation and signed acknowledgement forms attesting that the staff trained in PREA acknowledged that they understood the training they received. During the interviews with all of the staff it was ascertained that they had a good understanding of 115.331 (a, 1-11) and 115.331 (b), and 115.331 (c) thereby corroborating this with their signed acknowledgement statement. The facility is in compliance with this provision.

This facility is in compliance with this standard.

Corrective Action required: None

115.332	Volunteer and contractor training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>115.332 (a) MCJDC's Zero Tolerance Policy states that MCJDC ensures and documents all volunteers and contractors who have direct access to resident have been trained on and understand their responsibilities under MCJDC's sexual abuse and sexual harassment prevention, detection, and response policies and procedures. The PREA Coordinator indicated during his interview that they have employed 15 volunteers and 7 contractors to provide a service in this facility in the last 12 months. A review of the training records files reveals that there have been 15 volunteers and 7 contractors employed and received PREA training at MCJDC in the last 12 months who have received training in PREA. The facility is in compliance with this provision.</p> <p>115.332 (b) MCJDC's PREA Coordinator stated during his interview that all volunteers and contractors trained on MCJDC's Zero Tolerance policy is based on the services they provide and the level of contact they have with residents. All volunteers and contractors are notified upon employment of the MCJDC's Zero Tolerance policy regarding sexual abuse and sexual harassment and are also informed on how to report such incidents.</p> <p>The PREA Coordinator did provide documentation of the volunteers and contractors trained in their Zero Tolerance policy which was reflected by their signature on the training acknowledgement form provided for the last 12 months. A review of the volunteer and contractor training records files reveals that there have been 15 volunteers and 7 contractors trained by MCJDC in the last 12 months. The facility is in compliance with this provision.</p> <p>115.332 (c) The PREA Coordinator indicated during his interview that MCJDC does maintain documentation to confirm that all contractor and volunteers have been trained on their Zero Tolerance policy, that they understood the training provided on their reporting responsibilities, and that they acknowledge receipt of this training by their signature, A review of the training files reveals that there have been 15 volunteers and 7 contractors employed and trained by MCJDC in the last 12 months. The facility is in compliance with this provision.</p> <p>Corrective Action required: None</p>

115.333	Resident education
	<p data-bbox="280 188 1007 224">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="280 264 580 300">Auditor Discussion</p> <p data-bbox="280 340 1477 667">115.333 (a) The MCJDC Zero Tolerance Policy states that during the admissions/ intake process the resident are provided, in an age-appropriate fashion, information about MCJDC’s Zero Tolerance policy regarding sexual abuse and sexual harassment, and how to report incidents, or suspicions of sexual abuse and sexual harassment. This is done through verbal explanation of the PREA script read by the intake staff to the resident after being provided the appropriate PREA education information in the Resident Handbook. The PREA script also addressing the following points:</p> <ul data-bbox="280 703 1358 882" style="list-style-type: none"> · Resident rights to be free from sexual abuse and sexual harassment · Their rights to be free from retaliation for reporting such incidents · The agency’s policies and procedures for responding to such incidents. <p data-bbox="280 918 1477 1415">The MCJDC PREA Coordinator did provide this auditor with a copy of MCJDC Resident Handbook in English and Spanish and the PREA script during the pre-audit phase. During the random resident interviews, 13 residents reported that this information was provided, explained to them and that they received the handbook during the intake process. They further indicated that they understand the zero-tolerance policy and know how to report a sexual abuse and sexual harassment allegation. Over the past twelve months 575 residents were admitted to MCJDC and all of the intake packets included an acknowledgement signed by each resident that they received and understood the zero-tolerance policy information. When reviewing resident files this auditor found no evidence that there were residents who did not receive the required Zero Tolerance Policy information during the intake process. The facility is in compliance with this provision.</p> <p data-bbox="280 1451 1477 1823">115.333 (b) MCJDC Zero Tolerance Policy states that within 10 days after admission, MCJDC will provide comprehensive, age-appropriate education to residents in person and through video about their rights to be free from sexual abuse, sexual harassment, and to be free from retaliation for reporting such incidents and regarding MCJDC’s policies and procedures for responding to such incidents. Through the random resident interviews this auditor found evidence that of the 13 residents interviewed had received PREA educational training, which was presented in an age-appropriate manner that they acknowledged they understood, within 10 days of their intake.</p> <p data-bbox="280 1859 1477 1980">This auditor did receive copies of the resident acknowledgement statements as proof that the actual PREA education had been provided to residents within 10 days of their intake to inform the youth of:</p> <ul data-bbox="280 2011 1286 2047" style="list-style-type: none"> · Their rights to be free from retaliation for reporting such incidents

- The agency's policies and procedures for responding to such incidents.

The date of these resident's intake was compared against the date of the PREA education to ascertain if this occurred within 10 days of intake. The comparison revealed that these residents did receive their PREA education within 10 days of their intake. The facility is in compliance with this provision.

115.333 (c) During the intake staff interview this auditor asked how do they ensured that current residents as well as those being transferred to other facilities were educated on the agency's Zero Tolerance Policy. She stated that regardless of how, when, or where a resident comes to the facility, that they all would be provided with the same comprehensive education about their rights to be free from sexual abuse, sexual harassment, retaliation and how to report a sexual abuse and sexual harassment allegation at intake. A sampling of the resident's file over the last 12 months revealed that all residents had received this comprehensive training at intake and if any resident were transferred to another facility, they would receive a PREA brochure of the same basic information i.e., how to report sexual abuse and sexual harassment, their rights to be free from retaliation etc., to the extent that the new facility's policies and procedures may differ from theirs. The facility is in compliance with this provision.

115.333 (d) The MCJDC intake staff did state that the resident education is provided in formats accessible to all residents at the facility during intake, including in material translated into Spanish. This auditor was able to review a documented Memorandum of Agreement between MCJDC and the Conroe School District regarding the provision of resident PREA information and or services who are:

- Limited in English Proficient
- Visually impaired
- Otherwise disabled
- Having limited reading skills

The PREA Coordinator indicated during his interview that the Conroe School would provide assistance to them in creating education materials in formats accessible for residents that are deaf, visually impaired, who are limited English Proficient, otherwise disabled or have limited reading skills. When intake staff were asked how residents with limited reading skills could benefit from the PREA related information, she responded that the staff would read the printed information to the resident with the limited reading skills, or contact the Conroe School District for service to residents who have the above stated disabilities, and would instruct them on how they can call the 1-800 hotline number to report a sexual abuse and sexual harassment allegation. A review of the resident's records revealed that there were zero targeted residents who had received services from the Conroe School District to assist them in understanding the PREA education and reporting requirements. The facility is in compliance with this provision.

115.333 (e) The MCJDC PREA Coordinator did provide copies of the resident PREA comprehensive education received and signed acknowledgement statements from 13 residents demonstrating that they received and understood the PREA information provided. He further indicated that these acknowledgement statements are maintained in the resident's records in accordance with their record retention policy. The facility is in compliance with this provision.

115.333 (f) During the site review of the MCJDC facility this auditor did observe End the Silence PREA posters, signage and information posted throughout the residential areas of the facility including in the common areas and in the visitation area. These posters did include the 1-800 phone number for reporting a sexual abuse and sexual harassment allegation as well as the name and phone number for seeking emotional support and crisis intervention from Children Advocacy Center- Safe Harbor . This auditor also received a copy of these posters, PREA brochure information and the Resident Handbook. It was also observed by this auditor that the PREA brochures, posters, signage and Zero Tolerance posters in different formats i.e., English, Spanish, during the site review were also in the lobby of the administration building, on each pod of the facility and in the JSO's officer's station. The facility is in compliance with this provision.

This facility is in compliance with this standard.

Corrective Action required: None

115.334	Specialized training: Investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>115.334 (a) MCJDC Zero Tolerance Policy states that one MCJDC staff member is qualified to administratively investigate allegations of sexual abuse and sexual harassment within this facility. The PREA Coordinator indicated during his interview that he is the staff qualified to conduct administrative sexual abuse and sexual harassment investigations and that he has received the general PREA training pursuant to 115.331. He did provide to this auditor a copy of his general PREA training record reflecting that he has received the general PREA training like all the MCJDC's employees. The facility is in compliance with this provision.</p> <p>115.334 (b) The PREA Coordinator indicated during his interview that he has received the specialized training as an investigator which included techniques for interviewing residents 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. A review of his training record corroborated this assertion as well as being provided with a copy of his investigative training certificate and current investigation training records. The facility is in compliance with this provision.</p> <p>115.334 (c) The PREA Coordinator did provide his training documentation to this auditor during the pre-audit phase for the specialized investigative training and the general PREA training that he has received in the last 12 months. He further indicated that these records are maintained in his personnel records in accordance to the agency's records retention policy. The facility is in compliance with this provision.</p> <p>115.334 (d) The Texas Juvenile Justice Department's (TJJD) Office of the Inspector General (OIG), which is a State Entity, investigates the criminal sexual abuse allegations in this confinement setting, which is also corroborated in their Zero Tolerance policy. The PREA Coordinator indicated that the OIG investigators have been trained to conduct criminal as well as administrative investigations and that this entity also provided to him his investigative training. The PREA Coordinator did provide documentation of the investigative training he received in the last 12 months. The facility is in compliance with this provision.</p> <p>This facility is in compliance with this standard.</p> <p>Corrective Action required: None.</p>

115.335	Specialized training: Medical and mental health care
	<p data-bbox="280 188 1007 221">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="280 264 579 297">Auditor Discussion</p> <p data-bbox="280 340 1422 456">115.335 (a) The MCJDC Zero Tolerance Policy states that Montgomery County do have full and part time medical and mental health care practitioners who works regularly in their facility will receive training on how to:</p> <ol data-bbox="389 499 1469 857" style="list-style-type: none"> <li data-bbox="389 499 1426 533">1. How to detect and assess signs of sexual abuse and sexual harassment. <li data-bbox="389 566 1155 600">2. How to preserve physical evidence of sexual abuse. <li data-bbox="280 633 1469 712">3. How to respond effectively and professionally to juvenile victims of sexual abuse and sexual Harassment, and <li data-bbox="379 824 1442 857">4. How and to whom to report allegations of sexual abuse and harassment. <p data-bbox="280 898 1465 1137">Montgomery County have 1 full time medical practitioner (Health Services Coordinator) and 1 part time Certified Medical Assistant and 1 full time mental health practitioner (Clinical Supervisor) work provides services in this facility have received this PREA training. The PREA Coordinator did provide to this auditor during the pre-audit phase the training records of these employees The facility is in compliance with this provision.</p> <p data-bbox="280 1178 1461 1585">115.335 (b) The MCJDC Human Resource personnel and the Facility Director indicated during their interviews that MCJDC do not employ medical staff who must receive training on how to conduct forensic exams. Their medical staff's responsibility is to provide medication maintenance, first aid, make doctor appointments and or emergency room referrals as needed. The medical staff interviewed stated that if a forensic examination is ever needed, they would refer the victim resident to the Memorial Hermann hospital's emergency room, where it would be conducted by the hospital's SANE department personnel since they have not been trained in conducting forensic examinations. The facility is in compliance with this provision.</p> <p data-bbox="280 1626 1477 1910">115.335 (c) MCJDC Human Resource staff indicated no Montgomery County medical staff is required to receive forensic examination training but if they were, they would maintain documentation of such in their training records in accordance with their records retention policy. The PREA Coordinator, and the interviewed medical and mental health staff corroborated this assertion that they (medical) are not required to receive forensic examination training and that their training records are retained. The facility is in compliance with this provision.</p> <p data-bbox="280 1951 1465 2067">115.335 (d) MCJDC Human Resource staff and the PREA Coordinator indicated during their interviews that all the medical and mental health staff employed have received the required training as mandated by employees by 115.331 and 115.332.</p>

The interviewed mental and mental health staff corroborated that they have received the general PREA training as all employees received. A review of the medical and mental health staff training records corroborated this assertion. The facility is in compliance with this provision.

This facility is in compliance with this standard

Corrective Action required: None

115.341	Obtaining information from residents
	<p data-bbox="280 188 1007 224">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="280 264 580 300">Auditor Discussion</p> <p data-bbox="280 340 1458 792">115.341 (a) The MCJDC Zero Tolerance Policy states that MCJDC will obtain and use information about a resident personal history and behavior to reduce the risk of sexual abuse by or upon a resident, using an objective screening assessment instrument within 72 hours after a resident’s admission. This auditor randomly selected 13 resident files and found that 100% of these files did have an objective risk screening completed within the 72-hour time period at intake. The risk screening instrument being utilized by MCJDC is through their Juvenile Client Management Software (JCMS) program that was comprehensive enough to capture all of the relevant information required of this standard. Upon further review it was ascertained that MCJDC does periodically obtain this information throughout a resident’s stay in this facility. The facility is in compliance with this provision.</p> <p data-bbox="280 833 1437 1070">115.341 (b) MCJDC Zero Tolerance Policy states that the initial and periodically assessments conducted will be on an objective screening instrument within the JCMS client software throughout a resident’s confinement stay. The PREA Coordinator and the Intake staff corroborated this assertion along with providing sample copies of this risk assessment instrument during the pre-audit phase. The facility is in compliance with this provision.</p> <p data-bbox="280 1111 1406 1187">115.341 (c) The current objective screening instrument utilized within the JCMS client software program at MCJDC does ascertain the following information:</p> <ol data-bbox="280 1227 1458 2065" style="list-style-type: none"> 1. Prior sexual victimization or abusiveness; 2. Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the resident may therefore vulnerable to sexual abuse; 3. Current charges and offense history; 4. Age; 5. Level of emotional and cognitive development; 6. Physical size and stature; 7. Mental illness or mental disabilities; 8. Intellectual or developmental disabilities; 9. Physical disabilities; 10. The residents own perception of vulnerability; and 11. Any specific information about individual residents that may indicate

heightened need for supervision, additional safety precautions, or separation from certain residents.

During the interview with the Intake staff as well as observations made during the new intake process, it was noted that all of the items from 1 through 11 were being asked from their objective screening instrument being utilized within the JCMS client software consistently. The facility is in compliance with this provision.

115.341 (d) The Intake staff, PREA Coordinator and the intake staff indicated during their interviews that the information in 115.341 (c) is ascertained through conversation with the resident during the intake, classification assessment process, from the medical and mental health screenings, from reviewing court records, case files, the facility's behavior records and other relevant documentation from the resident's file. The facility is in compliance with this provision.

115.341 (e) The PREA Coordinator and Intake staff indicated during interviews that the information obtained during the initial, and follow up assessment screenings is sensitive information and is treated as confidential, therefore the information has limited dissemination and access to prevent exploitation to the resident's detriment by staff and or other residents. This information is computer controlled electronically and is password protected. There are levels of authorization given to each staff's classification to access these electronic records and only authorized employees with a higher authorization level are permitted to view this protected information in the resident's electronic file. During the site review this auditor was able to review these JCMS electronic files in the intake staff work station on her computer during an intake. When asked if the JSO staff have access to the risk assessments tab, she indicated that they do not have the security level to do so through this software program, which was also corroborated by the PREA Coordinator. The facility is in compliance with this provision.

This facility is in compliance with this standard.

Corrective Action required: None

115.342	Placement of residents
	<p data-bbox="280 188 1007 224">Auditor Overall Determination: Meets Standard</p> <p data-bbox="280 264 579 300">Auditor Discussion</p> <p data-bbox="280 340 1453 707">115.342 (a) MCJDC’s Zero Tolerance Policy states that MCJDC uses all information obtained during intake screening to make housing, bed, program, education, and work assignments for the resident with the goal of keeping all residents safe and free from sexual abuse. The Intake staff as well as the PREA Coordinator confirmed during their interviews that the information learned during the intake and risk assessment screenings is used to make informed housing, programming and education assignments. Copies of the risk reassessment screenings were provided to this auditor for review during the pre-audit phase. The facility is in compliance with this provision.</p> <p data-bbox="280 748 1469 1406">115.342 (b) The MCJDC Zero Tolerance Policy do use of isolation for disciplinary reason and have utilized isolation to keep a resident safe from other residents when less restrictive measures are inadequate. The PREA Coordinator and the Staff identified as monitoring those in Isolation indicated during their interview that residents that were and are in isolation are not denied daily large muscle exercise and any legally required educational programming or special education services. They further stated that residents in isolation do receive daily visits from a medical and mental health staff and that these visits are documented. Copies of the daily log corroborated this assertion. They further stated that resident also have access to other programming and work opportunities to every extent possible. During the onsite audit this auditor walked freely throughout the facility, including in the isolation area, was given access to interview residents in this area and reviewed the appropriate documentation for placement in this area. The residents in this area were placed there for disciplinary reasons i.e. physical aggression towards a staff and not for their safety as a result of a sexual abuse incident, The facility is in compliance with this provision.</p> <p data-bbox="280 1447 1469 1899">115.342 (c) MCJDC Zero Tolerance policy states that MCJDC does not place Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) residents in a particular house, bed, or other assignment solely on the basis of such identification or status, nor shall the facility consider LGBTI identification or status as an indicator of likelihood of being sexually abusive. MCJDC reported on the PAQ of having identified 7 LGBTI residents in the facility over the last 12 months (5 who identified either as lesbian, gay or bisexual and 2 who identified as transgender). The PREA Coordinator and the intake staff indicated during their interviews that MCJDC intake staff would always refrain from considering lesbian, gay, bisexual, transgender, or intersex (LGBTI) identification or status as an indicator or likelihood of being sexually abusive. The facility is in compliance with this provision.</p> <p data-bbox="280 1939 1433 2056">115.342 (d) The Intake staff stated in her interview that the housing assignments would be made on a case-by-case basis and as with all residents, that the assignment would be based on ensuring the residents health and safety, and</p>

whether placement would present management or security problems. MCJDC Zero Tolerance policy corroborates this practice as stated. MCJDC reported on the PAQ of having 2 resident who identified as transgender and zero residents who identified as intersex in the facility during the last 12 months. The facility is in compliance with this provision.

115.342 (e) At the time of this audit MCJDC reported that there were no residents who identified as transgender and no residents who identified as intersex at the facility. The Intake staff and the PREA Coordinator stated that if there were transgender and Intersex residents in the facility during the onsite audit that they would be reassessed at least twice each year to review any threats to their safety. Documentation was provided to this auditor during the pre-audit phase reflecting that there were no transgender and no Intersex residents who were reassessed during their stay in this facility to review any threat to their safety experience because of the short length of stay of 20 days or less in this facility.. The facility is in compliance with this provision.

115.342 (f) MCJDC Zero Tolerance Policy does state that a transgender and intersex resident's own view would be considered with respect to his or her own safety and would be given serious consideration when making housing and programing assignments during the risk assessment. It was noted that there is a space on the risk assessment form where a transgender and intersex resident would be asked their own views with respect to their safety in this facility for consideration. This auditor did observe an intake being conducted of a resident utilizing the risk assessment form in the JCMS and was shown where space is provided to record a transgender or intersex resident's own view of safety during the risk assessment. The facility is in compliance with this provision.

115.342 (g) MCJDC's Zero Tolerance Policy states that it would provide the opportunity for transgender and intersex residents to shower separately. During the facility site review this auditor observed the 4 pods which had single cells and a 4 person shower area. The pod JSO staff informed this auditor that if there was a transgender or intersex resident on any pod that they would either shower first or last, or shower in the intake area where there is a door to the shower area for the resident's privacy This auditor was able to observe the shower routine of the male residents during the site visit and since there were no transgender or intersex resident in the population during the onsite visit, this auditor was unable to observe the practice of them showering first, last or in the intake area. The facility is in compliance with this provision.

115.342 (h) MCJDC does utilize isolation cells and the staff does document hourly any activity, including shower routines for these residents. This auditor did review the files of those residents placed in isolation to determine the basis for the resident being placed in isolation, to ascertain the facility's concern for the resident's safety and why there no alternative means for the separation could be arranged. At the time of the onsite visit there were zero residents in isolation and none were placed in isolation for a sexual abuse incident in the last 12 months. The facility is in compliance with this provision.

115.342 (I) MCJDC's Zero Tolerance policy states that every 30 days they will afford each resident described in (h) of this section a review to determine whether there is a continuing need for the separation from the general population. According to the PREA Coordinator, there were zero residents in isolation beyond 5 days in the last 12 months and there have not been a resident in isolation beyond 30 days. He stated that none of the residents who were in isolation during the last 12 months were placed there as an alternative housing assignment due to a sexual abuse incident but were placed there for disciplinary reasons i.e. physical aggression towards other residents. A review of the isolation records over the last 12 months corroborated his assertion. The facility is in compliance with this provision.

This facility is in compliance with this standard.

Corrective Action required: None

115.351	Resident reporting
	<p data-bbox="280 188 1007 224">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="280 264 580 300">Auditor Discussion</p> <p data-bbox="280 340 1465 542">115.351 (a) MCJDC Zero Tolerance Policy states that MCJDC provides multiple internal ways for residents to privately report sexual abuse and sexual harassment, retaliation by other residents or staff including staff neglect or violation of responsibilities that may have contributed to such incidents. The MCJDC Zero Tolerance Policy lists the following ways to report:</p> <ul style="list-style-type: none"> <li data-bbox="389 577 1321 613">(I) Submitting a written grievance, verbally or by any means. <li data-bbox="280 649 1465 770">(ii) Telling any staff member, volunteer, or contract employee who must then call the hotline and inform the PREA Coordinator and the Facility Director; or by <ul style="list-style-type: none"> <li data-bbox="280 806 1433 967">(i) Access to the “blue phones” on the pod to call the toll-free number maintained by the Texas Juvenile Justice Department (TJJD), 1-800-626-1430, which is a separate state agency, without being heard by staff or residents. <p data-bbox="280 1003 1481 1456">During the interviews with the random residents, they all indicated their knowledge of how to report a sexual abuse and sexual harassment allegation, a retaliation against them or staff neglect by either telling a staff member, writing a grievance or call the TJJD’s hotline number that is listed on the PREA poster. This auditor observed throughout the facility the PREA posters (End the Silence) displaying the TJJD hotline number that a resident can call to report a sexual abuse and sexual harassment allegation or incident. During the random staff interviews they all indicated the ways a resident can report a sexual abuse and sexual harassment allegation by informing them, writing a grievance, and by calling the 1-800 number. The PREA Coordinator and the Facility Director corroborated this assertion. The facility is in compliance with this provision.</p> <p data-bbox="280 1491 1465 1823">115.351 (b) MCJDC Zero Tolerance Policy states that a residents may call the toll-free number maintained by the Texas Juvenile Justice Department (TJJD) 1 (800) 626-1430, which is a state agency to report a sexual abuse, sexual harassment, retaliation or staff neglect allegation. The PREA Coordinator stated that the “blue phones” are located on each pod for the resident to utilize when making a 1-800 number when reporting a sexual abuse or sexual harassment allegation. A resident can remain anonymous when reporting a sexual abuse or sexual harassment allegation via the hotline.</p> <p data-bbox="280 1859 1481 2065">The PREA Coordinator stated during his interview that the TJJD’s OIG Hotline Operator who receives the allegation call, immediately forwards these allegations in writing to the Facility Director via email. During the test call to the TJJD OIG Hotline, the hotline operator confirmed this procedure. During the random resident interviews, they all indicated that they could make this call in a private area from</p>

the blue phones and or from a case manager's office, without being heard by the staff or other residents and could remain anonymous upon request when making these calls. This auditor did perform a test call to the TJJDC hotline number (i.e. speed dial S1) to ascertain how a reported allegation of sexual abuse and sexual harassment would be provided to the facility and in what timeframe. He did receive documentation that the test call had been forwarded to the facility director within 30 minutes of the test call.

The PREA Coordinator did provide to this auditor during the pre-audit phase a memorandum from the Facility Director stating that within the last 12 months no residents have been housed in this facility solely for civil immigration purpose and that if one were to be housed they would be provided information on how to contact a relevant consular official and or relevant officials of the Department of Homeland Security. The facility is in compliance with this provision.

115.351 (c) MCJDC Zero Tolerance Policy states that staff will promptly accept verbal and written reports made, including those made anonymously or by third parties and will promptly document any verbal reports. During the interview with the random staff when asked this question, each staff stated that they would accept verbal reports of sexual abuse and sexual harassment verbally, in writing, and those made anonymously, including from third parties and would document them immediately on the agency's incident report form. A copy of the facility's incident report form was provided to this auditor during the pre-audit phase to demonstrate their practice in accepting verbal reports of sexual abuse and sexual harassment allegations and immediately documenting the same. The facility is in compliance with this provision.

115.351 (d) MCJDC Zero Tolerance Policy states that MCJDC will provide residents access to grievance forms, writing instruments, and tools to privately make a written report. During the interview with the random residents, they all indicated that they have access to paper, pencils and grievance forms if they want to report a sexual abuse and sexual harassment allegation in writing. This auditor was provided with a blank grievance form during the pre-audit phase. While on the site review this auditor observed the location of the grievance box, grievance log and the availability of grievance forms and pencils for the resident's usage on each pod. During the interviews with the random staff, they all indicated that they could report a sexual abuse, sexual harassment, and retaliation allegation against a resident privately by going to the facility director or supervisor's office in person, calling them on the phone, calling the 1-800 hotline numbers, or by writing a note to said staff. This auditor also observed how a resident can receive and send mail out of the facility which is treated like mail sent to/received from an attorney. There is a mail box which also serves as the grievance box located on each pod by the pod's control station. Mail is retrieved daily along with the grievance out of the box and processed for mailing. Mail is also distributed to the residents during leisure time, where they open it in the presence of staff, shake the letters to ensure that no contraband is enclosed in the envelope. The facility is in compliance with this provision.

This facility is in compliance with this standard.

	Corrective Action required: None
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115.352	Exhaustion of administrative remedies
	<p data-bbox="280 188 1007 224">Auditor Overall Determination: Meets Standard</p> <p data-bbox="280 264 579 300">Auditor Discussion</p> <p data-bbox="280 340 1477 584">115.352 (a) Exemption from this standard does not apply to MCJDC because they do have administrative procedures to address all resident grievances and does have an administrative remedy process to address a resident’s grievance regarding sexual abuse. This assertion is was corroborated by the Facility Director and the PREA Coordinator as well as being referenced in the MCJDC’s Zero Tolerance and Grievance policy. The facility is in compliance with this provision.</p> <p data-bbox="280 624 1477 1451">115.352 (b) MCJDC Zero Tolerance Policy states that MCJDC does not impose a time limit on when a resident may submit a grievance regarding an allegation of sexual abuse. MCJDC may and does apply otherwise applicable time limits on any portion of the grievance that does not allege an incident of sexual abuse. The Zero Tolerance states that residents are not required to use the grievance system or the informal grievance process or otherwise attempt to resolve with staff, an alleged incident of sexual abuse. During the interviews with the Facility Director and the PREA Coordinator, they corroborated this policy statement as a practice of not requiring a resident to use any informal grievance process in an attempt to resolve with a sexual abuse or sexual harassment allegation with staff member. The Intake staff stated during her interview that all residents, during Intake, are verbally informed of this right and procedure. During resident interviews they stated that if they had a grievance that they would seek resolution the supervisor, then with the Facility Director but not with the alleged staff member. A review of the resident’s handbook reflects the procedure of instructing the resident that they are not required to use the informal grievance process to resolve an allegation of sexual abuse allegation with staff. The PREA Coordinator indicated that nothing in this section of the policy shall restrict MCJDC’s ability to defend against a lawsuit filed by a resident on the ground that the applicable statute of limitations has expired. The facility is in compliance with this provision.</p> <p data-bbox="280 1491 1477 1982">115.352 (c) MCJDC Zero Tolerance Policy states that a resident who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint and that such grievances are not referred to a staff member who is the subject of a complaint. During the interviews with the PREA Coordinator and the Facility Director they both corroborated this policy statement as a practice of refraining from requiring a resident to use any informal grievance process in an attempt to resolve with a sexual abuse or sexual harassment allegation with staff member. The Intake staff stated during her interview that all residents during Intake are verbally informed of this procedure. A review of the resident’s handbook does reflect the procedure of instructing the resident that they are not required to submit the grievance to a staff member who is the subject of a grievance. The facility is in compliance with this provision.</p> <p data-bbox="280 2022 1422 2058">115.352 (d) The PREA Coordinator indicated during his interview that the facility</p>

does 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. The Facility Director acknowledged that if they determined that the 90-day timeframe is insufficient that he would make an appropriate decision, claim an extension of time of not more than 70 days, and notify the resident in writing of any such extension and provide a date by which a decision will be made. He further stated that if the resident does not receive a response, they could consider the absence of a response to be a denial at that level and can then pursue outside litigation. During the interviews of the random residents, random staff, and a review of the grievances of the past 12 months, this auditor found zero grievances for sexual abuse or sexual harassment. The facility is in compliance with this provision.

115.352 (e) According to MCJDC's Zero Tolerance Policy, third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, are permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse. Third party forms were observed and made available to the public on the agency's website and the forms were provided to this auditor during the pre-audit phase. The PREA Coordinator indicated during his interview that third parties are permitted to file such requests on behalf of residents, if a resident were to decline to have a third-party request processed on his behalf, that MCJDC would document the resident's decision. He further stated that MCJDC accepts third party allegations and grievances from anyone, this includes appeals on behalf of the resident, from a parent or legal guardian and that no grievance would be conditioned upon the resident agreeing to have a request filed on his behalf. If a resident declines to have the request processed on his or her behalf, MCJDC shall document the resident's decision. He also stated that there were no third-party allegations of sexual abuse and sexual harassment reported in the last 12 months. The facility is in compliance with this provision.

115.352 (f) In the Facility Director, the PREA Coordinator and the Case Manager's offices is where a resident can file an emergency grievance alleging that they are subject to a substantial risk of imminent sexual abuse. During the interviews with the random staff, they all responded that if a resident submitted an emergency grievance or approached them indicating that they are at risk of imminent sexual abuse that they would take immediate action to keep the resident safe and immediately contact their supervisor. The Facility Director and the PREA Coordinator corroborated this assertion. It was observed during the site review and throughout the onsite audit that MCJDC's detention supervisory staff do maintain constant communication with their direct care staff and residents by walking around visit different pods and areas where the residents frequent. That any grievance alleging a resident is subject to a substantial risk of imminent sexual abuse, would be immediately reviewed at the highest level in the facility first, and then would be forwarded to Texas Juvenile Justice Department (TJJD) and to the Office of the Inspector General (OIG) for investigating as applicable. All the staff interviewed mentioned the separating of a resident from an imminent risk of sexual abuse situation immediately and the placing them out of harm way, while keeping them safe until the facility director or designee provide them with further instructions for

housing assignment.

The PREA Coordinator also indicated during his interview that after receiving an emergency grievance, that the Facility Director would provide an initial response to the resident within 48 hours and shall issue a final agency decision within 5 calendar days. The PREA Coordinator also stated that they would provide to the resident, after the initial response to their emergency grievance, a final decision as to whether the resident is in substantial risk of imminent sexual abuse. The facility is in compliance with this provision.

115.352 (g) MCJDC's Zero Tolerance Policy states that the agency may discipline a resident for filing a grievance related to alleged sexual abuse if the resident filed the grievance in bad faith. The MCJDC Facility Director and PREA Coordinator indicated during their interviews that no resident had been disciplined for filing any grievance in bad faith. A review of the grievances log filed over the past 12 months revealed that there were zero grievances alleging sexual abuse or sexual harassment. During the interviews the random residents they all reported feeling safe at MCJDC and that they could file a sexual abuse or sexual harassment allegation without fear of retaliation. The facility is in compliance with this provision.

The facility is in compliance with this standard.

Corrective Action required: None

115.353	Resident access to outside confidential support services and legal representation
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Auditor Overall Determination: Meets Standard

Auditor Discussion

115.353 (a) The MCJDC Zero Tolerance Policy states that all residents shall have access to outside victim advocates for emotional support services related to sexual abuse, by providing postings, or otherwise making accessible mailing addresses and telephone numbers, including toll free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations. and for persons detained solely for immigration purposes, immigrant organizations and agencies, in as confidential a manner as possible. The PREA Coordinator indicated that MCJDC does not detained residents solely for civil immigration purposes, therefore no postings or brochures include contact information for immigration services is required.

The PREA Coordinator stated that the “blue phones” are to be located on each pod for the resident to utilize for making a 1-800 hotline number when reporting a sexual abuse or sexual harassment allegation. They also have access to the phone in the counseling office and the pod's monitoring station to make these calls if necessary. During the interview with the 13 random residents, they confirmed that they believe that their call to an outside support services provider would be private and confidential. During the interview with the 13 random staff they confirmed that the residents would be provided a private space to make a confidential phone call to any of the agencies listed upon request if they felt that the blue phone area was not private enough. This auditor observed during the site review on the pods the following phone numbers posted on the bulletin board:

- Texas Juvenile Justice Department (TJJD) Hotline 1-877-786-72
- Children's Advocacy Center-Safe Harbor 24-hour Crisis Hotline 1-936-756-4644
- Montgomery County Women's Center Crisis Hotline- 936-441-7273

During the interview with the Intake staff, she indicated that residents are also provided with information about Texas Juvenile Justice Department (TJJD)'s Hotline number, brochure and the Children's Advocacy Center- Safe Harbor's hotline. This agency's representative reported that there were no calls on record from a MCJDC resident in the past 12 months requesting their services. The facility is in compliance with this provision.

115.353 (b) The Intake staff indicated during her interview that the residents are informed during intake the extent to which communications with these agencies will be monitored and the extent to which reports of sexual abuse being reported to them will be forwarded to the authorities in accordance to mandatory reporting laws. During the interviews with the random staff, they all reported that they are mandated to report sexual abuse and sexual harassment allegations by state law

and have received training on such. The intake staff and PREA Coordinator interviewed acknowledged that the residents are informed of the mandatory reporting rules governing privacy, confidentiality, and/or privileges that apply to disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant Federal, State, or local law. The Intake staff indicated that verbal notification would be provided to the resident before discussing sexual abuse and sexual harassment allegation with the residents. MCJDC random staff and management confirmed during their respective interviews that the resident's phone calls are not monitored or recorded. The facility is in compliance with this provision.

115.353 (c) MCJDC's Zero Tolerance policy states that Children's Advocacy Center-Safe Harbor will provide crisis counseling and emotional support services to members of the public, including residents of MCJDC, free of charge of which services can also be provided in-person or by phone. The PREA Coordinator did provide a copy of the Memorandum of Understanding with the Children's Advocacy Center-Safe Harbor to this auditor during the pre-audit phase that describes the services the residents would receive regarding confidential and emotional support services related to sexual abuse. The facility is in compliance with this provision.

115.353 (d) MCJDC's Zero Tolerance Policy states that MCJDC will provide residents with reasonable and confidential access to their attorneys or legal representation, parents, and legal guardians. During the site review this auditor observed the area that is used for parental and legal visits. Parents, guardians and attorneys have reasonable access to the residents by contacting the facility to schedule a visit. During the random resident interviews each one explained that they could meet with their legal representatives, parents, and legal guardians in a confidential manner in the facility if required or requested by either party. The facility is in compliance with this provision.

This facility is in compliance with this standard.

Corrective Action required: None

115.354	Third-party reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>115.354 (a) The MCJDC Zero Tolerance Policy does describes the method and procedure to receive 3rd party reports of sexual abuse and harassment on behalf of a resident and that this information is publicly distributed on the agency's website, on how to report sexual abuse and sexual harassment on behalf of a resident. This auditor did observe the website link regarding 3rd party reporting procedure on the agency's website as well as posting in the facility's display case, bulletin board and in the visitation area for public viewing. The PREA Coordinator did provide a copy of the 3rd party reporting form during the pre-audit phase to this auditor. He reported that there have been no 3rd party grievances of sexual abuse and harassment on behalf of a resident in the last 12 months. The facility is in compliance with this provision.</p> <p>This facility is in compliance with this standard.</p> <p>Corrective Action required: None</p>

115.361	Staff and agency reporting duties
	<p data-bbox="280 188 1007 224">Auditor Overall Determination: Meets Standard</p> <p data-bbox="280 264 580 300">Auditor Discussion</p> <p data-bbox="280 340 1481 1084">115.361 (a) MCJDC's Zero Tolerance Policy does state that all staff must immediately report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment, retaliation against residents or staff who reported an incident any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation whether or not it is part of the agency. During the interviews with the random staff, they all indicated that they had a duty to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment, retaliation against residents or staff who reported an incident any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation. The PREA Coordinator and the Facility Director corroborated this policy assertion during their interviews. When conducting interviews of the 13 random staff, they all stated that they have a responsibility and duty to report immediately to their supervisor and up the chain, any knowledge, suspicion, or information regarding an incident of sexual abuse, sexual harassment, retaliation against a resident or staff, negligence on a staff that contribute to an incidence of sexual abuse, sexual harassment or retaliation. The facility is in compliance with this provision.</p> <p data-bbox="280 1124 1453 1491">115.361 (b) MCJDC Zero Tolerance Policy states that all staff must comply with any applicable mandatory child abuse reporting laws in Texas Family Code and other applicable professional licensure requirements. During the interviews with the random and specialized staff they all indicated that they are mandated by law to report sexual abuse allegations against a resident to the facility, to TJJD, Department of Family Protective Services (DFPS) and to the OIG. The PREA Coordinator and Facility Director corroborated this policy assertion and the interviewed staff responses regarding complying with mandatory child abuse reporting laws. The facility is in compliance with this provision.</p> <p data-bbox="280 1532 1474 1899">115.361 (c) MCJDC Zero Tolerance Policy states that staff are prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions. During the interviews with the 13 random staff, they all indicated that they would not inform other staff of an incident of sexual abuse or sexual harassment against a resident other than the extent necessary to make treatment, investigation and other security and management decisions. This policy assertion was corroborated by the PREA Coordinator during his interview. The facility is in compliance with this provision.</p> <p data-bbox="280 1939 1458 2056">115.361 (d) The medical and mental health practitioners employed at Montgomery County, according to the Facility Director and PREA Coordinator would be and are required to any report sexual abuse allegation to a detention supervisor, or to the</p>

Facility Director, pursuant to paragraph (a) of this section as well as to the designated State or local services agency where required by mandatory reporting laws. They further stated that would be required to inform residents of their duty to report, and the limitations of confidentiality, at the initiation of services provided. During the interview with the medical and mental health practitioners, they both stated that they do inform the resident at the initiation of any services, of their duty to report if they are informed that the resident is a victim of sexual abuse and sexual harassment. The facility is in compliance with this provision.

115.361 (e) Upon receiving any allegation of sexual abuse, the Facility Director and the PREA Coordinator both stated during their interviews that they would promptly report an allegation of sexual abuse to the Texas Juvenile Justice Department (TJJD), Office of the Inspector General (OIG), to the parents, legal guardians of the resident, and if the resident is on probation, to the juvenile court of jurisdiction including the probation officer, and case worker if he resident is a part of the child welfare system (DFPS) and to the resident's attorney of record within 14 days of receiving the allegation. The PREA Coordinator did provide documentation of reported incidents of sexual abuse and sexual harassment to any and all of the above individuals and entities during the pre-audit phase. The facility is in compliance with this provision.

115.361 (f) MCJDC does have a facility designated administrative investigator and that all allegations of sexual abuse and sexual harassment, including 3rd party reports, are immediately reported to him for administrative investigations and to the OIG, which is the designated criminal investigation agency, for investigations. Copies of the incident reports for sexual abuse and sexual harassment allegations that occurred in the last 24 months, specifically in the last 12 months, was provided to this auditor by the PREA Coordinator. The facility is in compliance with this provision.

This facility is in compliance with this standard

Corrective Action Required: None

115.362	Agency protection duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>115.362 (a) MCJDC Zero Tolerance Policy states that upon receipt that a resident is subject to a substantial risk of imminent sexual abuse, MCJDC staff shall take immediate action to protect the resident. During the interviews of the random and specialized staff they all described their responsibility and understanding that, when they learn that a resident is subject to a substantial risk of imminent sexual abuse, that they must take immediate action to protect the resident. This would include the utilization of isolation if no alternative least restrictive housing is not available, keeping the resident safe by separating the alleged victim from the alleged perpetrator, making housing reassignment, providing one on one supervision, and or remove the other person who is causing the imminent risk of sexual abuse or sexual harassment incident from the facility, according to the PREA Coordinator and the Facility Director. In the last 12 months the facility reported no substantial risk of imminent sexual abuse incidents have occurred in the facility. The facility is in compliance with this provision.</p> <p>This facility is in compliance with this standard.</p> <p>Corrective Action: None</p>

115.363	Reporting to other confinement facilities
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>115.363 (a) The MCJDC Zero Tolerance Policy does state that MCJDC must immediately notify the agency head of the facility or appropriate office of the agency where the abuse occurred within 72 hours after receiving the allegation and that the head of the facility that receives the allegation would also notify the appropriate investigative agency. The PREA Coordinator and the Facility Director stated during their interview that they had not received an allegation from a resident during intake alleging that they were sexually abused at another facility in the last 12 months. They further stated that if they would receive one that upon receiving an allegation, they would immediately notify the head of the facility or appropriate office of the agency where the alleged abuse occurred and also report it to the appropriate investigative agency. The facility is in compliance with this provision.</p> <p>115.363 (b) The Facility Director stated during his interview that he would make notification to the head of the facility where the abuse allegedly occurred within 72-hours after receiving the allegation so that the incident can be investigated. The Facility Director further stated during his interview that he had not received an allegation from a resident during intake alleging that they were sexually abused at another facility in the last 12 months. The facility is in compliance with this provision.</p> <p>115.363 (c) The Facility Director stated during his interview that he would document the notification of sexual abuse related to another facility and maintain a record of it. The Facility Director stated during his interview that he had not received an allegation from a resident during intake alleging that they were sexually abused at another facility in the last 12 months. The facility is in compliance with this provision.</p> <p>115.363 (d) The Facility Director indicated during his interview that although there has not been an allegation made in the last 12 months, that he, during the notification process to the alleged facility's head, would ask the facility head to ensure that it be investigated according to this standard and keep him apprised as to the findings. The facility is in compliance with this provision.</p> <p>This facility is in compliance with this standard.</p> <p>Corrective Action Required: None</p>

115.364	Staff first responder duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>115.364 (a) MCJDC Zero Tolerance Policy states that upon learning a resident was sexually abused, the first staff member to respond to the report is required to separate the alleged victim and abuser, preserve and protect any crime scene until appropriate steps can be taken to collect any evidence and request that the alleged victim and perpetrator not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence. During the interviews with the all of the random staff and first responders, they all indicated that they would separate the alleged victim and alleged abuser, preserve, protect the crime scene and evidence, and instruct the alleged victim and perprtrator not to take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. The facility is in compliance with this provision.</p> <p>115.364 (b) The PREA Coordinator stated during his interview that all MCJDC staff, including non-security staff, are trained as first responders and they have the responsibility to separate the alleged victim from imminent risk, request that the alleged victim and perpetrator not to take any actions that could destroy physical evidence as stated above, and then report the incident per policy to the security staff, a detention supervisor and or to the Facility Director. The facility is in compliance with this provision.</p> <p>The facility is in compliance with this standard.</p> <p>Corrective Action Required: None</p>

115.365	Coordinated response
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>115.365 (a) The MCJDC Zero Tolerance Policy does state that they will maintain a written plan to coordinate the actions taken among first responders, medical and mental health staff, investigator, and the facility leadership. The PREA Coordinator stated during his interview that he has developed and implemented the facility's coordinated response plan in writing, which was provided to this auditor for review during the pre-audit phase. The Facility Director corroborated this policy assertion during his interview. During the interviews with the random and first responder staff they all described the responsibilities of the JSO staff, the specialized and management staff in the event of a sexual abuse or sexual harassment allegation e.g., contact a supervisor, contact TJJ's hotline, local law enforcement, who would transport the sexual abuse victim to the hospital, contact the Children's Advocacy Center-Safe Harbor, etc. in accordance to the written response plan. The facility is in compliance with this provision.</p> <p>The facility is in compliance with this standard.</p> <p>Corrective Action Required: None</p>

115.366	Preservation of ability to protect residents from contact with abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>115.366 (a) MCJDC Zero Tolerance Policy states that MCJDC shall not enter into or renew any agreement that limits its ability to remove alleged staff sexual abusers from contact with a resident pending the outcome of an investigation or determination of whether and to what extent discipline is warranted. The PREA Coordinator indicated during his interview that MCJDC does not employ unionized employees therefore they do not participate in collective bargaining and that MCJDC can remove an alleged sexual abuser from having contact with residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.</p> <p>Upon review of the employee’s files there was no indication that if discipline was warranted, including removing an alleged sexual abuse staff member from contact with a resident, or that MCJDC would be prevented from doing so due to a collective bargaining agreement. A review of the contractual agreements with the other agencies reflects that they do not prevent MCJDC from removing an alleged staff sexual abuser from contact with a resident pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted. The facility is in compliance with this provision.</p> <p>115.366 (b) The PREA Coordinator stated that there is nothing in this standard that shall restrict MCJDC from entering into or renewing an agreement that governs the conduct of MCJDC’s disciplinary process. That there are no agreements that are inconsistent with the provisions of 115.372 and 115.376 or whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member’s personnel file following a determination that the allegation of sexual abuse is not substantiated. A review of MCJDC’s Zero Tolerance policy and the contractual agreements corroborates this assertion. The facility is in compliance with this provision.</p> <p>This facility is in compliance with this standard.</p> <p>Corrective Action Required: None</p>

115.367	Agency protection against retaliation
	<p data-bbox="280 188 1007 224">Auditor Overall Determination: Meets Standard</p> <p data-bbox="280 264 580 300">Auditor Discussion</p> <p data-bbox="280 340 1477 667">115.367 (a) MCJDC Zero Tolerance Policy states that all residents and staff members who report sexual abuse or sexual harassment or cooperate with an investigation will be protected from retaliation by other residents and or staff and that they shall designate a staff member who will be in charged with monitoring retaliation. The PREA Coordinator stated during his interview that he and each shift detention supervisor are the staff designated to monitor for retaliation. They are the staff designated for monitoring retaliation against staff or residents that may report sexual abuse or harassment. The facility is in compliance with this provision.</p> <p data-bbox="280 707 1465 1240">115.367(b) MCJDC Zero Tolerance Policy states that states they will use multiple protection measures to protect the resident and staff from retaliation, such as housing transfers, removal of the alleged abuser from contact with the alleged victim, and provide emotional support services, for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. During the interview with the Staff designated to monitor for retaliation he indicated that he would protect the victim by reassigning the alleged abuser to another (pod), remove an alleged staff abuser, place them on administrative leave and would provide emotional support services for the resident or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with an investigation. There was no documentation provided indicating that any measures in the last 12 months were taken to protect a staff or resident from retaliation. The facility is in compliance with this provision.</p> <p data-bbox="280 1281 1477 2024">115.367(c) MCJDC Zero Tolerance Policy states that for at least 90 days (except when the allegation is unfounded), the designated staff members would monitor the reporter and the alleged victim for signs of retaliation including items such as conduct and treatment of the resident or staff who reported the sexual abuse to see if there are any changes to suggest possible retaliation by residents or staff disciplinary reports, housing or program changes, staff reassignments, negative performance reviews and conducts periodic status checks on the alleged victim or reporter. During the interviews with the PREA Coordinator and the designated staff to monitor for retaliation, they both indicated that they would also monitor in all of the areas as stated above to protect the staff or resident who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with an investigation. They further stated that for at least 90 days following a report of sexual abuse that they would monitor the resident program changes, the reassignment of staff, negative performance reviews and would continue the monitoring beyond 90 days if the initial monitoring indicates a continuing need. The maximum length of a resident's stay in this facility is 20 days. MCJDC did not report any monitoring of residents or staff for retaliation in the last 12 months. The facility is in compliance with this provision.</p>

115.367(d) MCJDC Zero Tolerance Policy states that they would conduct periodic status checks on the alleged resident victim. During the interview with the PREA Coordinator and the designated Staff to monitor for retaliation, they both indicated that they would conduct period status checks on the alleged victim daily. MCJDC did not report any monitoring of residents or staff for retaliation in the last 12 months. The facility is in compliance with this provision.

115.367 (e) MCJDC Zero Tolerance Policy states that if any other individual cooperates with an investigation expresses fear of retaliation, they would take appropriate measures to protect that individual against retaliation. During the interview with the PREA Coordinator and the designated staff to monitor for retaliation, they both indicated that if any other individual who cooperated with an investigation expresses fear of retaliation, that they would take appropriate measures to protect them also against retaliation. MCJDC did not report any monitoring of residents or staff for retaliation in the last 12 months. The facility is in compliance with this provision.

115.367(f) MCJDC's Zero Tolerance policy states that their obligation to continue monitoring for retaliation shall terminate if the allegation is unfounded. The PREA Coordinator and the Facility Director indicated during their interviews that MCJDC's obligation for monitoring for retaliation shall be terminated if the allegation is unfounded. The facility is in compliance with this provision.

This facility is in compliance with this standard.

Corrective Action Required: None

115.368	Post-allegation protective custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>115.368 (a) MCJDC Zero Tolerance Policy states that MCJDC the use of isolation to protect a resident who is alleged to have suffered sexual abuse shall be subject to the requirements of 115,342. The PREA Coordinator and the detention supervisory staff, who are the designated staff assigned to monitor against retaliation stated during their interviews that MCJDC have not use isolation housing to protect a resident who has alleged to have suffered a sexual abuse but and if the need ever arises for protecting a resident alleged to have suffered sexual abuse, that they would place the resident in another pod first before utilizing isolation as a last resort to ensure their safety and to monitor them daily. The Facility Director attesting to this assertion to this auditor regarding his expectations of his JSO staff, the PREA Coordinator and other designated staff regarding this matter. During the site review and a review of the facility's schematics, this auditor did observe the area in the facility that is designated to be utilized for isolation. Furthermore he indicated during his interview that there have been no residents to have alleged to have suffered sexual abuse being placed in isolation for their protection in the last 12 months and that this type of placement would only occur if there were no alternative housing assignments available.. The facility does has an vacant 12 cell pod, as observed by this auditor during the onsite audit that would be utilized as an alternative housing placement to isolation. There was no indicated that isolation was utilized to protect a resident from sexual abuse during the review of the resident's files over the last 12 months. The facility is in compliance with this provision.</p> <p>This facility is in compliance with this standard.</p> <p>Corrective Action Required: None</p>

115.371	Criminal and administrative agency investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>115.371 (a) MCJDC Zero Tolerance Policy states that MCJDC will conduct its own administrative but not any criminal investigations. Criminal investigations are to be conducted by the Office of the Inspector General (OIG) of the Texas Juvenile Justice Department (TJJD). The PREA Coordinator, who is also the administrative investigator, stated during his interview that all investigations into allegations of sexual abuse and sexual harassment, whether administrative or criminal, will be conducted promptly, thoroughly, and objectively including third party and anonymous reports. The Facility Director corroborated this assertion. The facility is in compliance with this provision.</p> <p>115.371 (b) The Facility Investigator indicated during his interview that TJJD’s OIG personnel, to his understanding, have received special training in conducting sexual abuse and sexual harassment administrative as well as criminal investigations and that he, as MCJDC’s local investigator, has also received this special training in conducting administrative investigations for sexual abuse and sexual harassment allegations involving alleged resident victims. A copy and review of the administrative investigator’s training record corroborated this assertion. The facility is in compliance with this provision.</p> <p>115.371 (c) MCJDC Zero Tolerance Policy states that both the local and criminal investigators would gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data, interview all alleged victims, suspected perpetrators and witnesses and would review all prior reports and complaints of sexual abuse involving the suspected perpetrator. MCJDC's investigator corroborated this policy assertion during his interview. The facility is in compliance with this provision.</p> <p>115.371 (d) The Facility Director and MCJDC’s investigator stated during their interviews that the local and TJJD’s OIG investigators shall not terminate an investigation solely because the source of the allegation recants the allegation. A review of the administrative and criminal investigation records revealed that no investigation was terminated, administratively or criminal, because the source of the allegation recanted. MCJDC's Zero Tolerance policy corroborates this assertion. The facility is in compliance with this provision.</p> <p>115.371 (e) The MCJDC investigator stated during his interview that he would conduct interviews of all alleged victims, suspected perpetrators and witnesses as an agency practice and refer those cases where the evidence appears to support criminal prosecution to the local and or state prosecutor. He further stated that the OIG investigator would only conduct compelled interviews only after consulting with prosecutors as to whether compelled may be an obstacle for subsequent prosecution. He also indicated that for the sexual abuse investigations that have occurred in the past 2 years that the OIG have not had to seek consultation from a</p>

prosecutor to conduct compelled interviews, specifically in the last 12 months. The facility is in compliance with this provision.

115.371 (f) MCJDC's local Investigator stated during his interviews that he and the OIG investigator would assess the credibility of an alleged victim, suspect, witness on an individual basis and not on the basis of the individual's status as a resident or staff and that the resident would not be required to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an allegation. And that they have not required a resident who alleged sexual abuse to submit to a polygraph or other truth telling device in the last 12 months. MCJDC's Zero Tolerance policy corroborates this assertion. The facility is in compliance with this provision.

115.371 (g) The MCJDC Investigator stated during his interview that when he conducts an administrative investigation that he does include in his report his efforts stating whether staff actions or failures to act contributed to the abuse and do document in his investigative report the description of the physical and testimonial evidence, the reasoning behind the credibility assessment and the investigative facts and findings. MCJDC's Investigator did report 1 sexual abuse administrative investigation in the last 12 months and a written report was provided to this auditor during the pre-audit and onsite phase of the audit. The facility is in compliance with this provision.

115.371 (h) MCJDC's local investigator stated that all criminal investigations conducted by the OIG office are documented in a writing, that the investigative reports do include a thorough description of the physical evidence, testimonial and documentary evidence relied upon where feasible. MCJDC's investigator did not provide any copies of a criminal investigative report to this auditor during the pre and onsite phase of this audit for his review because there were none in the last 12 months. The facility is in compliance with this provision.

115.371 (i) MCJDC's local Investigator stated during his interview that substantiated allegations of conduct that appears to be criminal are referred to the OIG for investigation and for criminal prosecution. He further stated that there have been no criminal investigations referred to the OIG for prosecution in the last 12 months. A review of the investigation records corroborated this assertion. The facility is in compliance with this provision.

115.371 (j) MCJDC Zero Tolerance Policy states that MCJDC and OIG will retain all written reports referenced in paragraph (g) and (h) of this section for as long as the alleged abuser is incarcerated or employed by MCJDC, plus five years, unless the abuse committed by a juvenile resident and applicable law requires a shorter period of retention. A review of both the administrative and criminal investigative reports over the past 5 years in their archival records substantiated this policy assertion. MCJDC's Investigator and the Facility Director also corroborated this practice and assertion of the policy. The facility is in compliance with this provision.

115.371 (k) MCJDC Zero Tolerance Policy states that MCJDC and OIG will not terminate an investigation solely on the basis that the alleged abuser or victim is no

longer in their program or employed with their facility. This auditor found no evidence of MCJDC and or the OIG terminating an administrative or criminal investigation solely on the basis of a alleged abuser or victim is no longer employed or residing in the facility in the last 12 months. A review of the staff and resident files while onsite did not reveal any deviations from their policy or standard provision and that no investigation, administrative or criminal, were terminated in the last 12 months based on an alleged victim is no longer employed or residing in the facility.. The facility is in compliance with this provision.

115.371 (l) The PREA Coordinator and the Facility Director indicated that the OIG, which is a State entity, shall be and are in compliance with the above requirements of provision 115.371 (k). During the interview with the OIG investigator, he stated that his office is in compliance with the provision of 115.371 (k). The facility is in compliance with this provision.

115.371 (m) MCJDC Zero Tolerance Policy states that they will cooperate with the OIG and other outside investigators i.e., Conroe Police Department, and will attempt to remain informed about the progress of the investigation. The MCJDC investigator and the Facility Director indicated during their interviews that MCJDC would fully cooperate with the OIG regarding any investigation being conducted for sexual abuse and harassment and would remain involved until the investigation was completed. A review of the investigative records substantiated this assertion. The facility is in compliance with this provision.

The facility is in compliance with this standard.

Corrective Action Required: None

115.372	Evidentiary standard for administrative investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>115.372 (a) MCJDC Zero Tolerance Policy states that they will not impose no standard higher than the preponderance of evidence in determining whether an allegation of sexual abuse or sexual harassment occurred. The Facility Director and the MCJDC's investigator both indicated during their interviews that there was 1 administrative and zero criminal investigations in the last 12 months and that the investigative findings were based on the preponderance of evidence. The facility is in compliance with this provision.</p> <p>The facility is in compliance with this standard</p> <p>Corrective Action Required: None</p>

115.373	Reporting to residents
	<p data-bbox="280 188 1007 221">Auditor Overall Determination: Meets Standard</p> <p data-bbox="280 264 580 297">Auditor Discussion</p> <p data-bbox="280 340 1481 748">115.373 (a) MCJDC’s Zero Tolerance Policy states that following an investigation into a resident’s allegation of sexual abuse suffered at MCJDC, that MCJDC shall inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded. The Facility Director and the PREA Coordinator both indicated during their interviews that there was 1 alleged sexual abuse in the last 12 months, which resulted in an administrative investigation being conducted with 1 resident notification being given. A review of the investigative records revealed that 1 resident was notified of the administrative findings of the allegation in writing. A copy of this notification were provided to this auditor during the pre-audit and onsite audit phase. The facility is in compliance with this provision.</p> <p data-bbox="280 790 1481 1198">115.373 (b) MCJDC Zero Tolerance Policy states that MCJDC would request the relevant information i.e., investigative reports, from OIG, who conducts the criminal investigation, in order to inform the resident of the outcome. The Facility Director and the PREA Coordinator both stated during their interviews that they always request information from the OIG in order to inform the resident of the criminal investigation’s outcome. There was 1 administrative notification and zero criminal investigation notifications during this audit period which was provided to a resident in the last 12 months. A copy of this notification was provided to this auditor during the pre-audit and onsite audit phase. The facility is in compliance with this provision.</p> <p data-bbox="280 1240 1481 1435">115.373 (c) MCJDC Zero Tolerance Policy states that following a resident’s allegation that a staff member committed sexual abuse against the resident, MCJDC will inform the resident whenever the following events occur, except when the allegation is determined to be unfounded, or unless the resident has been released from the program. They will inform the resident whenever:</p> <ul data-bbox="280 1476 1481 1809" style="list-style-type: none"> <li data-bbox="280 1476 1358 1509">· The staff member is no longer posted within the residents housing unit <li data-bbox="280 1550 1123 1583">· The staff member is no longer employed at the facility <li data-bbox="280 1624 1445 1697">· MCJDC learns that the staff member has been indicted on a charge related to sexual abuse <li data-bbox="280 1738 1481 1809">· Or MCJDC learns that the staff member has been convicted on a charge related to the sexual abuse <p data-bbox="280 1850 1481 2089">The MCJDC investigator stated during his interview that there have been no staff on resident sexual abuse allegations and that there have been no alleged resident victim who was notified of this type of investigation outcomes in the last 12 months. A review of the staff files did not reveal any investigative reports in the last 12 months thereby corroborating this assertion. The facility is in compliance with this provision.</p>

115.373 (d) MCJDC Zero Tolerance Policy states that following a resident's allegation that he has been sexually abused by another resident, MCJDC will inform the alleged victim whenever the following events occur:

- MCJDC learns that the alleged abuser has been indicted on a charge related to the sexual abuse; or
- MCJDC learns that the alleged abuser has been convicted on a charge related to the sexual abuse.

The PREA Coordinator stated during his interview that there have been 1 resident-on-resident sexual abuse allegations in the last 12 months that resulted in zero resident abusers being indicted and zero resident abusers being convicted on a charge of sexual abuse. A review of the resident's files revealed that there was only one notification letter in a resident's file for a resident-on-resident sexual abuse allegation and the perpetrator received a facility sanction for this behavior. The facility is in compliance with this provision.

115.373 (e) The PREA Coordinator and the Facility Director stated during their interviews that the staff has and will continue to document and or attempt all notifications to residents regarding the outcome of an administrative or criminal sexual abuse investigation. A copy of a notification letter was provided to this auditor during the pre and onsite phase of the audit. The facility is in compliance with this provision.

115.373 (f) MCJDC's Zero Tolerance policy states that their obligation to report under this standard shall terminate if the resident is released from MCJDC's custody. The Facility Director and PREA Coordinator stated during their interviews that they have had 1 resident notification letter provided in the last 12 months. The facility is in compliance with this provision.

The facility is in compliance with this standard.

Corrective Action Required: None

115.376	Disciplinary sanctions for staff
	<p data-bbox="280 188 1007 221">Auditor Overall Determination: Meets Standard</p> <p data-bbox="280 264 580 297">Auditor Discussion</p> <p data-bbox="280 340 1469 667">115.376 (a) MCJDC’s Zero Tolerance Policy states that staff members are subject to disciplinary sanctions up to and including termination of employment for violating MCJDC sexual abuse or sexual harassment policies. The PREA Coordinator stated during his interview that there have been no staff disciplinary actions taken against staff in the last 12 months for violating the Zero Tolerance policy. A review of the employee files revealed that no staff in the last 12 months had any disciplinary action taken against them for violating the Zero Tolerance policy. The facility is in compliance with this provision.</p> <p data-bbox="280 705 1469 1075">115.376 (b) MCJDC’s Zero Tolerance Policy states that termination of employment is the presumptive disciplinary sanction for staff members who have engaged in sexual abuse. The PREA Coordinator and the Facility Director stated during their interviews that there have been no staff disciplinary actions, including termination, taken against staff in the last 12 months for violating the Zero Tolerance policy. A review of the employee personnel files revealed that no staff in the last 12 months had any disciplinary action taken against them for violating the Zero Tolerance policy. The Human Resource personnel corroborate this assertion. The facility is in compliance with this provision.</p> <p data-bbox="280 1113 1461 1608">115.376 (c) MCJDC’s Zero Tolerance Policy states that disciplinary sanctions for violations of MCJDC policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) will 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. The PREA Coordinator stated during his interview that there have been zero staff disciplinary actions taken against staff in the last 12 months for violating the Zero Tolerance policy whereas the sanctions imposed for comparable offenses by other staff with similar history was taken into consideration. A review of the employee personnel files revealed that no staff in the last 12 months had any disciplinary action taken against them for violating the Zero Tolerance policy. The facility is in compliance with this provision.</p> <p data-bbox="280 1646 1437 1760">115.376 (d) MCJDC’s Zero Tolerance Policy states that MCJDC will report the following actions to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies:</p> <ul data-bbox="280 1798 1437 1989" style="list-style-type: none"> <li data-bbox="280 1798 1437 1877">· Terminations of employment for violations of agency sexual abuse or sexual harassment policies; and <li data-bbox="280 1915 1437 1989">· Resignations by staff members who would have been terminated if they had not resigned. <p data-bbox="280 2027 1406 2060">The PREA Coordinator stated during his interview that there have been no staff</p>

resignations in lieu of termination or disciplinary actions taken against staff in the last 12 months for violating the Zero Tolerance policy that were referred to the local law enforcement agency i.e., Conroe Police Department or OIG. A review of the employee personnel files revealed that no staff in the last 12 months had resigned, who would have been terminated for violating the agency's Zero Tolerance policy, were referred to the Conroe Police Department or that any licensing bodies were also notified of a violation. The facility is in compliance with this provision.

The facility is in compliance with this standard.

Corrective Action Required: None

115.377	Corrective action for contractors and volunteers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>115.377(a) MCJDC Zero Tolerance Policy states that if a contractor or volunteer engages in sexual abuse, MCJDC will:</p> <ul style="list-style-type: none"> · Prohibit the contractor or volunteer from having any contact with MCJDC resident; · And report the finding of abuse to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. <p>The PREA Coordinator stated during his interview that there have been no contractors and no volunteers where disciplinary action was taken against them in the last 12 months for violating the Zero Tolerance policy. A review of the contractor and volunteer personnel files revealed that no contractor and no volunteers that have been employed or provided service to residents in this facility in the last 12 months that had any disciplinary action taken against them for violating the Zero Tolerance policy. The facility is in compliance with this provision.</p> <p>115.377(b) MCJDC's Zero Tolerance Policy states that if a volunteer or contractor violates MCJDC sexual abuse or sexual harassment policies that MCDJC will take appropriate remedial measures and considers whether to prohibit further contact with MCJDC resident., in the case of any other violation of MCJDC's sexual abuse and sexual harassment policies by a contractor or volunteer. The PREA Coordinator stated during his interview that there have been no contractors and no volunteers where disciplinary actions were taken against them in the last 12 months for violating the Zero Tolerance policy. A review of the contractor and volunteer personnel files revealed that no contractors and no volunteers that have been employed or provided service to residents in this facility in the last 12 months has had any disciplinary action taken against them for violating the Zero Tolerance policy. The facility is in compliance with this provision.</p> <p>The facility is in compliance with this standard</p> <p>Corrective Action Required: None</p>

115.378	Interventions and disciplinary sanctions for residents
	<p data-bbox="280 188 1007 221">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="280 264 580 297">Auditor Discussion</p> <p data-bbox="280 340 1401 418">115.378 (a) MCJDC’s Zero Tolerance Policy states that states a resident may be subject to disciplinary sanctions for engaging in sexual abuse only when:</p> <ul data-bbox="280 454 1476 645" style="list-style-type: none"> · There is a criminal finding of guilt or an administrative finding that the resident engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident-on-resident sexual abuse. · The discipline is determined through an administrative due process hearing. <p data-bbox="280 680 1461 925">The PREA Coordinator stated during his interview that only one resident have received disciplinary sanctions against them in the last 12 months for engaging in sexual abuse for violating the Zero Tolerance policy through an administrative due process hearing. A review of the resident files revealed that one resident in the last 12 months have received an administrative disciplinary sanction against them for engaging in sexual abuse. The facility is in compliance with this provision.</p> <p data-bbox="280 960 1466 1205">115.378 (b) MCJDC Zero Tolerance Policy states that any disciplinary sanctions are commensurate with the nature and circumstances of the abuse committed, the resident’s disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories. The PREA Coordinator stated during his interview that there have been one disciplinary sanction taken against one resident in the last 12 months for engaging in sexual abuse and that this resident was not:</p> <ul data-bbox="280 1240 1476 1496" style="list-style-type: none"> · Denied daily large muscle exercise · Denied legally required educational programming or special education services · Denied daily visits from a medical or mental health care clinician · Denied access to other programs and work opportunities <p data-bbox="280 1532 1476 1776">A review of the resident file revealed that one resident in the last 12 months that had disciplinary sanction levied against them for engaging in sexual abuse was not denied daily large muscle exercise, legally required educational programming or special education services; daily visits from medical and or mental health practitioners or was denied access to other programming or work opportunities. The facility is in compliance with this provision.</p> <p data-bbox="280 1812 1476 2056">115.378 (c) MCJDC Zero Tolerance Policy states that when determining what types of sanctions, if any, should be imposed, that MCJDC would consider whether a resident’s mental disabilities or mental illness contributed to his behavior when determining what type of sanction, if any, should be imposed. The PREA Coordinator stated during his interview that there have been one disciplinary sanctions taken against a resident in the last 12 months for engaging in sexual abuse and that</p>

MCJDC did consider whether a resident's mental disabilities or mental illness contributed to his behavior when imposing the disciplinary sanction. A copy of the Resident Handbook lists the types of sanction to be imposed for a resident's violation of MCJDC's Zero Tolerance policy. During the interview with the mental health practitioner, she corroborated this policy practice indicating that she is consulted when disciplinary sanctions would be imposed on a resident who violated the agency's Zero Tolerance policy. The facility is in compliance with this provision.

115.378 (d) MCJDC's Zero Tolerance Policy states that the facility does offer resident abusers counseling and other interventions designed to address and correct underlying reasons or motivations for the abuse. MCJDC may require participation in such counseling and interventions as a condition of access to behavior-based incentives, but not as a condition to access general programming or education. The mental health practitioner corroborated this policy practice. During the interview with the PREA Coordinator, he indicated that the offer of therapy, counseling, or other intervention services to an offending resident, as well as to the victim, would be provided and that such participation in these interventions would be a condition of access to any reward-based behavior management systems or other behavior-based incentives but not as a condition to access general programming or education. A review of 13 resident files revealed that no resident had been offered therapy, counseling or intervention services in the last 12 months no would their participation in these services be as a condition to access general programming or education services. The facility is in compliance with this provision.

115.378 (e) MCJDC's Zero Tolerance Policy states a resident may be disciplined for sexual contact with staff only upon a finding that the staff member did not consent to such contact. During the interview with the PREA Coordinator he stated that no residents had been disciplined in the last 12 months for sexual contact with a staff member that did not consent to such contact. A review of the resident files revealed that no resident had been disciplined in the last 12 months for sexual contact with a staff member that did not consent to such contact. The facility is in compliance with this provision.

115.378 (f) MCJDC's Zero Tolerance Policy states MCJDC may not discipline a resident if the resident made a report of sexual abuse in good faith based upon a reasonable belief that the alleged conduct occurred not constitute falsely reporting an incident of lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. A review of the resident investigation files revealed that no residents had been disciplined in the last 12 months for making a report of sexual abuse in good faith based upon a reasonable belief that the alleged conduct occurred. The PREA Coordinator corroborated this finding and policy assertion. The facility is in compliance with this provision.

115.378 (g) MCJDC's Zero Tolerance Policy states that MCJDC may also discipline a resident for engaging in prohibited sexual activity, this includes activity that constitutes sexual activity if it determines that this activity is not coerced. During the interview with the PREA Coordinator he stated that no residents that had been disciplined for engaging in prohibited sexual activity that was not coerced. A review

of the resident investigative file revealed that no resident had been disciplined in the last 12 months for engaging in prohibited sexual activity that did not meet the definition of abuse. The facility is in compliance with this provision.

This facility is in compliance with this standard.

Corrective Action Required: None

115.381	Medical and mental health screenings; history of sexual abuse
	<p data-bbox="280 188 1007 224">Auditor Overall Determination: Meets Standard</p> <p data-bbox="280 264 580 300">Auditor Discussion</p> <p data-bbox="280 340 1481 707">115.381 (a) MCJDC Zero Tolerance Policy states that MCJDC will conduct medical and mental health screenings pursuant to § 115.341 inclusive of the resident’s history of sexual abuse. The Intake staff indicated during her interview that if a resident has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, that she would ensure that the resident is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. She further stated that there were 10 residents who were referred for a follow up with a medical and mental health practitioner within 14 days of the intake screening. The facility is in compliance with this provision.</p> <p data-bbox="280 748 1481 1281">115.381 (b) MCJDC Zero Tolerance Policy states that if the screening pursuant to § 115.341 indicates that a resident has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, that staff would ensure that the resident is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. During the interview with the Intake staff, she stated during her interview that there had been 4 residents in the last 12 months who had previously perpetrated a sexual abuse in an institutional or community setting, as documented during the intake screening, requiring a referral to medical or mental health practitioner. A review of the resident files revealed that 4 resident had perpetrated a sexual abuse, whether it occurred in an institutional setting or in the community, who was offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. The facility is in compliance with this provision.</p> <p data-bbox="280 1321 1481 1899">115.381 (c) The PREA Coordinator and the Intake staff all indicated during their interviews that any related sexual victimization or abusiveness that may occur in an institutional setting is strictly limited to mental health practitioners and the administrative management staff as necessary to inform them of treatment plans, security management decisions including housing, bed, work, education, and program assignments, or as otherwise required by federal, state, or local law. A review of the resident files revealed that 6 residents had related sexual victimizations or abusiveness that occurred in an institutional setting or in the community, that required a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. During the interviews with the random staff, they all indicated that they are only informed about a resident’s treatment plans and security management decisions as it pertains to housing, bed, work, education and program assignments. The facility is in compliance with this provision.</p> <p data-bbox="280 1939 1481 2056">115.381 (d) MCJDC’s Zero Tolerance Policy states that medical and mental health practitioners must obtain informed consent from resident before reporting information about prior sexual victimization that did not occur in an institutional</p>

setting, unless the resident is under the age of 18. A review of the resident's files revealed that all of the residents in MCJDC are under the age of 18 and therefore medical and mental health practitioners are not mandated by law to report any prior sexual abuse that did not occur in an institutional setting. The PREA Coordinator, the Intake staff, medical and mental health practitioners all indicated during their interviews that they are mandated reporters to report sexual abuse of a resident whether it occurred in an institutional setting or in the community by law. The facility is in compliance with this provision.

This facility is in compliance with this standard.

Corrective Action required: None

115.382	Access to emergency medical and mental health services
	<p data-bbox="280 188 1007 221">Auditor Overall Determination: Meets Standard</p> <p data-bbox="280 264 579 297">Auditor Discussion</p> <p data-bbox="280 340 1477 958">115.382 (a) MCJDC Zero Tolerance Policy states that resident victims of sexual abuse will receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgement. The Medical and Mental Health Practitioners stated during their interviews that a resident victim will receive and be provided with timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgement. A review of the Memorandum of Understanding between MCJDC and Children's Advocacy Center- Safe Harbor and the Memorial Hermann hospital substantiated this policy assertion. A review of the medical records revealed that zero victim residents of sexual abuse received timely, unimpeded access to emergency medical treatment and crisis intervention services in the last 12 months with documentation being provided for this auditor's review. The facility is in compliance with this provision.</p> <p data-bbox="280 1001 1461 1697">115.382 (b) MCJDC Zero Tolerance Policy states that if no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, the staff first responder will take preliminary steps to protect the victim and must immediately notify the appropriate medical and mental health practitioner. The PREA Coordinator indicated during his interview that all staff, including medical and mental health practitioners have been trained as first responders who will immediately take steps to protect the victim, contact the PREA Coordinator, the Facility Director and the OIG, would arrange for the victim to be transported to the Memorial Hermann hospital for medical and mental health care including services to be provided by the Children's Safe Harbor, which is the rape crisis center agency. The medical and mental health practitioners explained their first responder responsibilities during their interviews indicating that they would take the protocol steps required to protect the victim resident. MCJDC reported 1 allegations of sexual abuse in the last 12 months where a first responder, including when a medical or mental health practitioner, was the first responder. A review of the sexual abuse incident reports in the last 12 months corroborated this assertion. The facility is in compliance with this provision.</p> <p data-bbox="280 1740 1461 2067">115.382(c) MCJDC's Zero Tolerance Policy states that residents are provided with timely information about including timely access to emergency contraception and sexually transmitted infection prophylaxis in accordance with professionally accepted standards of care, where medically appropriate at the Memorial Hermann hospital since this is a coed facility. During the interview with the facility's medical staff, she corroborated that a victim resident would receive timely access to emergency contraception and sexually transmitted infection prophylaxis in accordance with professionally accepted standards of care at this hospital. The</p>

facility is in compliance with this provision.

115.382 (d) MCJDC's Zero Tolerance Policy states that treatment services to the victim will be provided without cost and regardless of whether the victim names the abuser or cooperates with any investigation arising from the incident. The Memorial Hermann hospital's SANE Nurse also indicated during her interview that forensic medical services are provided at no cost to a resident victim. A review of the Memorandum of Understanding with the Children's Advocacy Center-Safe Harbor support the SANE nurse's assertion. The PREA Coordinator also stated during his interview that the above services are provided at no cost to a resident victim. The facility is in compliance with this provision.

This facility is in compliance with this standard.

Corrective Action Required: None

115.383	Ongoing medical and mental health care for sexual abuse victims and abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>115.383(a) MCJDC’s Zero Tolerance Policy states that MCJDC will offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. The PREA Coordinator indicated during his interview that appropriate medical and mental health evaluations and treatment will be provided to all residents who have been victimized by sexual abuse in a this facility. 10 residents were offered medical and mental health evaluations and or treatment who had been victimized by sexual abuse in this facility and or when housed in another juvenile facility in the last 12 months. The facility is in compliance with this provision.</p> <p>115.383(b) MCJDC Zero Tolerance Policy states that the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody will be offered. The PREA Coordinator indicated during his interview that victim residents, as appropriate, would be and are offered to receive follow-up services, treatment plans, and, when necessary, and referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody. A review of the resident files indicated that zero residents needed follow up services due to a sexual abuse, prior to being released from the facility. The facility is in compliance with this provision.</p> <p>115.383(c) MCJDC’s Zero Tolerance Policy states that states that MCJDC will provide such victims with medical and mental health services consistent with the community level of care. The medical and mental health practitioners stated that a resident sexual abuse victim would receive care that is consistent with the community level of care in the facility. Additional medical and or mental health services required would be provided at the Memorial Hermann hospital and from the Children’s Advocacy Center-Safe Harbor, the rape crisis or advocacy agency in Montgomery County. This was corroborated by both the medical and mental health practitioners during their interviews and the Memorandum of Agreement with Children’s Advocacy Center-Safe Harbor. The facility is in compliance with this provision.</p> <p>115.383 (d) The PREA Coordinator indicated during his interview that snice MCJDC is a coed facility, that a pregnancy test would be appropriate following any sexually abusive vaginal penetration of a female resident. MCJDC Medical practitioner in the facility confirmed that a resident female resident would offering pregnancy test, providing timely and comprehensive information about and to all lawful pregnancy related medical services, and testing for sexually transmitted infections to a sexual abuse victim resident as part of the Memorial Hermann hospital's protocol. MCJDC’s Zero Tolerance policy also corroborates this assertion. The facility is in compliance</p>

with this provision.

115.383 (e) The PREA Coordinator indicated during his interview that a resident would receive timely and comprehensive information about and timely access to all lawful pregnancy related medical services following any sexually abusive vaginal penetration specified in paragraph (d) of this section. MCJDC Medical practitioner stated that a female resident would offering pregnancy test, providing timely and comprehensive information about and to all lawful pregnancy related medical services, and testing for sexually transmitted infections to a sexual abuse victim resident as part of Memorial Hermann's protocol. MCJDC's Zero Tolerance policy also corroborates this assertion. The facility is in compliance with this provision.

115.383 (f) MCJDC Zero Tolerance Policy states that MCJDC will ensure that tests for sexually transmitted infections are offered, as medically appropriate, to resident victims of sexual abuse while in their facility. MCJDC Medical practitioner stated that Memorial Hermann hospital SANE staff would ensure that tests for sexually transmitted infections are offered, as medically appropriate, to resident victims of sexual abuse. A review of the resident files revealed that no resident had been referred to the Memorial Hermann hospital for tests for sexually transmitted infections as a sexual abuse victim. The facility is in compliance with this provision.

115.383 (g) According to MCJDC's Zero Tolerance Policy, MCJDC will provide treatment services to the victims without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising from the incident. The PREA Coordinator indicated during his interview that all services received by a resident referred to the Memorial Hermann hospital would be at no cost to the resident. A review of the resident files revealed that no victim resident that had been referred to the Memorial Hermann hospital for any of their services in the last 12 months incurred a financial cost for those services. The medical practitioner in the facility corroborated this assertion. The facility is in compliance with this provision.

115.383(h) MCJDC Zero Tolerance Policy states that MCJDC will attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. These services would be sought through the Children's Advocacy Center-Safe Harbor, the rape crisis center agency. The PREA Coordinator did indicate during his interview that once they learn or become aware of a known resident on resident abuser's abuse history, that within 60 days they would refer the resident to mental health practitioners and or to the Children's Advocacy Center-Safe Harbor, the rape crisis center, for these services. An average confinement stay for a resident in this facility averages about a month. This facility is in compliance with this provision.

The facility is in compliance with this standard.

Corrective Action Required: None

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115.386	Sexual abuse incident reviews
	<p data-bbox="280 188 1007 224">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="280 264 580 300">Auditor Discussion</p> <p data-bbox="280 340 1477 958">115.386 (a) MCJDC’s Zero Tolerance Policy states that MCJDC 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. The PREA Coordinator stated during his interview that a sexual abuse incident review would be conducted at the conclusion of every sexual abuse investigation, including for allegations that are substantiated and unsubstantiated, unless the allegation has been determined to be unfounded. MCJDC reported 1 allegation for sexual abuse that was investigated administratively. The PREA Coordinator did provide an administrative investigative report packet this auditor indicating that in the last 12 months that there have been 1 sexual abuse incident review to have occurred. A review of the resident, employee and investigative records revealed that there were no Unsubstantiated, 1 Substantiated allegation of sexual abuse that occurred in the last 12 months requiring a sexual abuse review and a copy of this review was provided to this auditor during the pre and onsite audit phase. The facility is in compliance with this provision.</p> <p data-bbox="280 999 1477 1406">115.386 (b) MCJDC Zero Tolerance Policy states that MCJDC conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, within 30 days, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. The PREA Coordinator indicated that there was 1 sexual abuse incident review that occurred within 30 days of the conclusion of the investigation in the last 12 months. A review of the resident, employee and investigative records revealed that there was no Unsubstantiated and only 1 Substantiated allegations of sexual abuse that occurred in the last 12 months where reviews were held in accordance to this provision. The facility is in compliance with this provision.</p> <p data-bbox="280 1447 1442 1563">115.386 (c) The MCJDC incident review team includes upper-level management officials, with input from line supervisors, investigators, and outside medical or mental health practitioners. The MCJDC team consists of the following individuals:</p> <ul data-bbox="280 1603 863 1921" style="list-style-type: none"> a. Deputy Director b. PREA Coordinator c. Assistant Deputy Director of Detention d. Clinical Supervisor e. Detention Supervisor <p data-bbox="280 1962 1477 2078">During the interviews with the PREA Coordinator and the staff who is a member of the sexual abuse review committee stated that once a meeting would convene, that input would be provided by them regarding how to prevent further incidents of</p>

sexual abuse and sexual harassment from occurring. A review of the resident, employee and investigative records revealed that there were no Unsubstantiated and only 1 Substantiated allegation of sexual abuse that occurred in the last 12 months where review was held. The staff who is a member of the Sexual Abuse Incident Team corroborated this policy practice and assertion. The facility is in compliance with this provision.

115.386(d) MCJDC Zero Tolerance Policy states that MCJDC would:

- Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse.
- Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility.
- Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- Assess the adequacy of staffing levels in that area during different shifts.
- Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
- Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.386(d)(1) - (d)(5), and any recommendations for improvement and submit such report to the facility head and PREA Coordinator.

The PREA Coordinator did provide to this auditor a copy of the sexual abuse review report for the 1 substantiated administrative sexual abuse incident. A review of this report did described the findings and recommendations that the facility would seek to implement thereby preventing this type of behavior from reoccurring. Those recommendations including reminding the intake personnel to notify on-duty detention supervisor of the risk behavior of a resident, communication with the administrative team regarding placement of sex offenders, and having the mental health staff to conduct the specialized PREA education for those residents at risk of perpetrating a sexual abuse in the facility, thereby ensuring that they understand the facility's zero tolerance policy and sanctions if violated. The facility is in compliance with this provision.

115.386 (e) MCJDC Zero Tolerance Policy states that MCJDC would submit a report of its findings to the Facility Director and other appropriate staff to implement the recommendations for improvement, or document its reasons for not doing so. The PREA Coordinator did provide to this auditor one sexual abuse review finding over the last 12 months that outlined the findings of any recommendations for any improvements and reason why those improvement were not implemented as required. The facility is in compliance with this provision.

	<p>This facility is in compliance with this standard.</p>
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Corrective Action required: None

115.387	Data collection
	<p data-bbox="280 188 1007 224">Auditor Overall Determination: Meets Standard</p> <p data-bbox="280 264 580 300">Auditor Discussion</p> <p data-bbox="280 340 1481 792">115.387(a) MCJDC’s Zero Tolerance Policy states that MCJDC collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The PREA Coordinator indicated during his interview that he does collect accurate data on every allegation from other facilities not under their control, whom they contract with to house that facility/agency’s residents, using a standardized instrument and set of definitions. MCLDC currently have only the one facility and there has been 1 sexual abuse incident of aggregated data in the last 12 months. The PREA Coordinator did provide to this auditor a copy of the 2021 and 2022 aggregated sexual abuse data report during the pre and onsite audit phase. The facility is in compliance with this provision.</p> <p data-bbox="280 833 1481 1196">115.387 (b) MCJDC Zero Tolerance Policy states that MCJDC collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions and aggregates the data at least once each year. During the interviews with the PREA Coordinator and the Facility Director it was ascertained that they had aggregated the incidents annually that occurred in calendar year of 2021 and 2022, which were posted on the agency’s website. MCJDC only have the one facility and there has been 1 sexual abuse allegation in the last 12 months to report. This facility is in compliance with this provision.</p> <p data-bbox="280 1236 1481 1478">115.387 (c) The PREA Coordinator and the Facility Director both indicated during their interviews that they do participate in the Survey of Sexual Violence (SSV) conducted by the Department of Justice (DOJ) the incident-based data collected would, at a minimum, have answered the questions on the said survey. The PREA Coordinator did provide a copy of their Survey for Sexual Violence for 2021 to this auditor during the pre-audit phase. The facility is in compliance with this provision.</p> <p data-bbox="280 1518 1481 1800">115.387 (d) The PREA Coordinator and the Facility Director both indicated during their interviews that they do maintain, review, and collect data as needed from available incident-based documents, including reports i.e., SSV, investigation files and sexual abuse incident reviews. A review of the collected data revealed that, MCJDC has maintained, reviewed, and collected data from the reports, investigation files for sexual abuse and sexual harassment incidents and subsequent sexual abuse reviews in the last 12 months. The facility is in compliance with this provision.</p> <p data-bbox="280 1841 1481 2083">115.387 (e) The PREA Coordinator and the Facility Director both indicated during their interviews that they do not contract for the confinement of their residents with another private or county facility, but, since they do contract with other private and or county facilities, there is incident-based aggregated sexual abuse and sexual harassment data from other contracting facilities. The PREA Coordinator did provide this auditor with a copy of this aggregated data report during the pre-audit phase.</p>

The facility is in compliance with this provision.

115.387 (f) The PREA Coordinator and the Facility Director both indicated during their interviews that they do provide, upon request, all such data from the previous calendar year to the Department of Justice no later than June 30. They further stated that DOJ has requested agency data in the last 3 years as well as in the 12 months, of which they have provided. The PREA Coordinator did provide MCJDC's SSV report for 2021 and 2022 to this auditor. The facility is in compliance with this provision.

This facility is in compliance with this standard.

Corrective Action required: None

115.388	Data review for corrective action
	<p data-bbox="280 188 1007 224">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="280 264 580 300">Auditor Discussion</p> <p data-bbox="280 340 1461 501">115.388 (a) The PREA Coordinator stated during his interview that he has reviewed any and all data collected and aggregated pursuant to § 115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:</p> <ul data-bbox="280 537 991 645" style="list-style-type: none"> <li data-bbox="280 537 715 573">· Identifying problem areas <li data-bbox="280 609 991 645">· Taking corrective action on an ongoing basis. <p data-bbox="280 680 1445 882">He stated that he has collected and prepared an annual report for 2021 and for 2022 of his findings and has recommended to the Facility Director any corrective actions required for the facility as applicable. The PREA Coordinator did provide to this auditor copies of these annual reports during the pre and onsite audit phase. The facility is in compliance with this provision.</p> <p data-bbox="280 918 1481 1205">115.388 (b) The PREA Coordinator stated during his interview that he did complete annual reports for 2021 and 2022 which compares the current year’s data and corrective actions, which were compared with those from prior years, and did provide an assessment of the agency’s progress in addressing sexual abuse and sexual harassment in these reports. He did provide to this auditor copies of these reports during the pre-audit phase of the audit. The facility is in compliance with this provision.</p> <p data-bbox="280 1240 1477 1487">115.388 (c) The PREA Coordinator stated during his interview that he did prepare and complete annual reports for 2021 and 2022, removing all personal identifiers, which was approved by the Facility Director, and that they were and are made readily available to the public though the agency’s website. This auditor did visit the agency’s website at www.MCJDC.org and did observe that these reports had been posted for public review. The facility is in compliance with this provision.</p> <p data-bbox="280 1523 1474 1809">115.388 (d) The PREA Coordinator stated that during his interview that he did complete an annual report for 2021 and 2022, that the annual report would indicate the nature of the material redacted and where it redacts specific material from the reports when publication which would present a clear and specific threat to the safety and security of the facility. This auditor did receive a copy of these reports during the pre and onsite audit phase. The facility is in compliance with this provision</p> <p data-bbox="280 1845 951 1881">This facility is in compliance with this standard.</p> <p data-bbox="280 1917 743 1953">Corrective Action required: None</p>

115.389	Data storage, publication, and destruction
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>115.389 (a) MCJDC’s Zero Tolerance and Technology Policy states that the MCJDC will collect and retain sexual abuse and sexual harassment data pursuant to 115.387 in a secure manner. The PREA Coordinator indicated during his interview that all sexual abuse and sexual harassment data collected is securely retained pursuant to 115.387 through their JCMS client management system and in compliance with their Technology policy.. He further stated that hard copies of this information is securely retained in his office under lock and key in a file cabinet, is password protected on the computer, and only higher-level administrative staff i.e. facility director, have access to it. The Facility Director corroborated this assertion during his interview. The facility is in compliance with this provision.</p> <p>115.389 (b) The PREA Coordinator indicated during his interview that all aggregated sexual abuse data collected pursuant to 115.387, will be maintained for at least 10 years after the date of its initial collection unless Federal, State, per local laws requires otherwise. A review of all of the past sexual abuse data was review by this auditor dating back to 2021 that corroborated this policy and practice assertion. This facility is in compliance with this provision.</p> <p>115.389 (c) The PREA Coordinator stated during his interview that he did complete the annual reports for 2021 and for 2022 and that he did remove all personal identifiers before making the aggregated sexual abuse data available to the public though the agency’s website at www.MCJDC.org. This auditor did receive copies of these reports during the pre and onsite audit phases and found no personal identifiers in these reports. The facility is in compliance with this provision.</p> <p>115.389 (d) MCJDC’s Zero Tolerance policy states that they will maintain all sexual abuse and sexual harassment data collected pursuant to 115.387 for at least 10 years after the date of its initial collection unless Federal, State or local laws require otherwise. The PREA Coordinator and the Facility Director stated during their interviews that MCJDC will maintain all sexual abuse data collect pursuant to § 115.387 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise. A review of all of the past sexual abuse data was review by this auditor dating back to 2021 that corroborated this policy and practice assertion. This facility is in compliance with this provision.</p> <p>This facility is in compliance with this standard.</p> <p>Corrective Action required: None</p>

115.401	Frequency and scope of audits
	Auditor Overall Determination: Meets Standard
	<p data-bbox="280 264 580 297">Auditor Discussion</p> <p data-bbox="280 338 1452 456">115.401(a) The Facility Director and the PREA Coordinator both stated during their interviews that MCJDC has been audited on 7/22/19. The facility is in compliance with this provision.</p> <p data-bbox="280 497 1461 616">115.401 (b) The Facility Director and the PREA Coordinator both stated during their interviews that this is the 3rd year of the current audit cycle. The facility is in compliance with this provision.</p> <p data-bbox="280 656 1423 808">115.401 (h) During the onsite phase of this audit this auditor did have access to, and the ability to observe, all areas of MCJDC’s administrative building, housing areas, interior, exterior, etc. of this facility The facility is in compliance with this provision.</p> <p data-bbox="280 848 1469 1008">115.401 (I) During the onsite phase of this audit this auditor was permitted to request and receive copies of any relevant document including electronically stored information from MCJDC’s administrative files and records. The facility is in compliance with this provision.</p> <p data-bbox="280 1048 1434 1202">115.401 m. During the onsite phase of this audit this auditor was able to conduct interviews with the residents and staff members in a private setting (e.g., in an office with a door for privacy) away from the earshot of staff and residents. The facility is in compliance with this provision.</p> <p data-bbox="280 1243 1474 1485">115.401 n. During the pre-audit, onsite and post-audit phase of this audit, residents were and are permitted to send confidential information or correspondence to this auditor in the same manner as if they were communicating with legal counsel. As of the writing of this report, this auditor has not received any confidential information or correspondence from a resident and or staff from MCJDC to date. The facility is in compliance with this provision.</p> <p data-bbox="280 1525 951 1559">This facility is in compliance with this standard.</p> <p data-bbox="280 1599 751 1632">Corrective Action Required: None</p>

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>115.403 (f) A review of MCJDC’s website at www.MCJDC.org as well as interviews with the Facility Director and the PREA Coordinator revealed that this facility had been previously PREA audited July 22nd, 2019 by a certified PREA Auditor. There was proof documentation to be found on the facility’s website of the Final Report was dated February 18th, 2020 to corroborate this assertion. The facility is in compliance with this provision.</p> <p>This facility is in compliance with this standard.</p> <p>Corrective Action Required: None</p>

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

115.312 (b)	Contracting with other entities for the confinement of residents	
	Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of residents OR the response to 115.312(a)-1 is "NO".)	na

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

	or areas where staff or residents may be isolated)?	
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: The composition of the resident population?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: The number and placement of supervisory staff?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Institution programs occurring on a particular shift?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Any applicable State or local laws, regulations, or standards?	yes
	Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Any other relevant factors?	yes
115.313 (b)	Supervision and monitoring	
	Does the agency comply with the staffing plan except during limited and discrete exigent circumstances?	yes
	In circumstances where the staffing plan is not complied with, does the facility fully document all deviations from the plan? (N/A if no deviations from staffing plan.)	na

115.313 (c)	Supervision and monitoring	
	Does the facility maintain staff ratios of a minimum of 1:8 during resident waking hours, except during limited and discrete exigent circumstances? (N/A only until October 1, 2017.)	yes
	Does the facility maintain staff ratios of a minimum of 1:16 during resident sleeping hours, except during limited and discrete exigent circumstances? (N/A only until October 1, 2017.)	yes
	Does the facility fully document any limited and discrete exigent circumstances during which the facility did not maintain staff ratios? (N/A only until October 1, 2017.)	yes
	Does the facility ensure only security staff are included when calculating these ratios? (N/A only until October 1, 2017.)	yes
	Is the facility obligated by law, regulation, or judicial consent decree to maintain the staffing ratios set forth in this paragraph?	yes
115.313 (d)	Supervision and monitoring	
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: Prevailing staffing patterns?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan?	yes

115.313 (e)	Supervision and monitoring	
	Has the facility implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment? (N/A for non-secure facilities)	yes
	Is this policy and practice implemented for night shifts as well as day shifts? (N/A for non-secure facilities)	yes
	Does the facility have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility? (N/A for non-secure facilities)	yes
115.315 (a)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?	yes
115.315 (b)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting cross-gender pat-down searches in non-exigent circumstances?	yes
115.315 (c)	Limits to cross-gender viewing and searches	
	Does the facility document and justify all cross-gender strip searches and cross-gender visual body cavity searches?	yes
	Does the facility document all cross-gender pat-down searches?	yes

115.315 (d)	Limits to cross-gender viewing and searches	
	Does the facility implement policies and procedures that enable residents to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility require staff of the opposite gender to announce their presence when entering a resident housing unit?	yes
	In facilities (such as group homes) that do not contain discrete housing units, does the facility require staff of the opposite gender to announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing? (N/A for facilities with discrete housing units)	yes
115.315 (e)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from searching or physically examining transgender or intersex residents for the sole purpose of determining the resident's genital status?	yes
	If a resident's genital status is unknown, does the facility determine genital status during conversations with the resident, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner?	yes
115.315 (f)	Limits to cross-gender viewing and searches	
	Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes
	Does the facility/agency train security staff in how to conduct searches of transgender and intersex residents in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes

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

	with residents with disabilities including residents who: Have intellectual disabilities?	
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with residents with disabilities including residents who: Have limited reading skills?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with residents with disabilities including residents who: Who are blind or have low vision?	yes
115.316 (b)	Residents with disabilities and residents who are limited English proficient	
	Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to residents who are limited English proficient?	yes
	Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes
115.316 (c)	Residents with disabilities and residents who are limited English proficient	
	Does the agency always refrain from relying on resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties under §115.364, or the investigation of the resident's allegations?	yes

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

115.317 (c)	Hiring and promotion decisions	
	Before hiring new employees who may have contact with residents, does the agency: Perform a criminal background records check?	yes
	Before hiring new employees who may have contact with residents, does the agency: Consult any child abuse registry maintained by the State or locality in which the employee would work?	yes
	Before hiring new employees who may have contact with residents, does the agency: Consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse?	yes
115.317 (d)	Hiring and promotion decisions	
	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with residents?	yes
	Does the agency consult applicable child abuse registries before enlisting the services of any contractor who may have contact with residents?	yes
115.317 (e)	Hiring and promotion decisions	
	Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with residents or have in place a system for otherwise capturing such information for current employees?	yes

115.317 (f)	Hiring and promotion decisions	
	Does the agency ask all applicants and employees who may have contact with residents directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions?	yes
	Does the agency ask all applicants and employees who may have contact with residents directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees?	yes
	Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?	yes
115.317 (g)	Hiring and promotion decisions	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes
115.317 (h)	Hiring and promotion decisions	
	Unless prohibited by law, does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.)	yes
115.318 (a)	Upgrades to facilities and technologies	
	If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect residents from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)	na

115.318 (b)	Upgrades to facilities and technologies	
	If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect residents from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)	na
115.321 (a)	Evidence protocol and forensic medical examinations	
	If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
115.321 (b)	Evidence protocol and forensic medical examinations	
	Is this protocol developmentally appropriate for youth? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
	Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes

115.321 (c)	Evidence protocol and forensic medical examinations	
	Does the agency offer all residents who experience sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate?	yes
	Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?	yes
	If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?	yes
	Has the agency documented its efforts to provide SAFEs or SANEs?	yes
115.321 (d)	Evidence protocol and forensic medical examinations	
	Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?	yes
	If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member?	yes
	Has the agency documented its efforts to secure services from rape crisis centers?	yes
115.321 (e)	Evidence protocol and forensic medical examinations	
	As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews?	yes
	As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?	yes

115.321 (f)	Evidence protocol and forensic medical examinations	
	If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating entity follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency is not responsible for investigating allegations of sexual abuse.)	yes
115.321 (h)	Evidence protocol and forensic medical examinations	
	If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (Check N/A if agency attempts to make a victim advocate from a rape crisis center available to victims per 115.321(d) above.)	yes
115.322 (a)	Policies to ensure referrals of allegations for investigations	
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse?	yes
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment?	yes
115.322 (b)	Policies to ensure referrals of allegations for investigations	
	Does the agency have a policy in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior?	yes
	Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?	yes
	Does the agency document all such referrals?	yes

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

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

115.331 (b)	Employee training	
	Is such training tailored to the unique needs and attributes of residents of juvenile facilities?	yes
	Is such training tailored to the gender of the residents at the employee's facility?	yes
	Have employees received additional training if reassigned from a facility that houses only male residents to a facility that houses only female residents, or vice versa?	yes
115.331 (c)	Employee training	
	Have all current employees who may have contact with residents received such training?	yes
	Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures?	yes
	In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies?	yes
115.331 (d)	Employee training	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes
115.332 (a)	Volunteer and contractor training	
	Has the agency ensured that all volunteers and contractors who have contact with residents have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes

115.332 (b)	Volunteer and contractor training	
	Have all volunteers and contractors who have contact with residents been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with residents)?	yes
115.332 (c)	Volunteer and contractor training	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes
115.333 (a)	Resident education	
	During intake, do residents receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do residents receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes
	Is this information presented in an age-appropriate fashion?	yes
115.333 (b)	Resident education	
	Within 10 days of intake, does the agency provide age-appropriate comprehensive education to residents either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?	yes
	Within 10 days of intake, does the agency provide age-appropriate comprehensive education to residents either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?	yes
	Within 10 days of intake, does the agency provide age-appropriate comprehensive education to residents either in person or through video regarding: Agency policies and procedures for responding to such incidents?	yes

115.333 (c)	Resident education	
	Have all residents received such education?	yes
	Do residents receive education upon transfer to a different facility to the extent that the policies and procedures of the resident's new facility differ from those of the previous facility?	yes
115.333 (d)	Resident education	
	Does the agency provide resident education in formats accessible to all residents including those who: Are limited English proficient?	yes
	Does the agency provide resident education in formats accessible to all residents including those who: Are deaf?	yes
	Does the agency provide resident education in formats accessible to all residents including those who: Are visually impaired?	yes
	Does the agency provide resident education in formats accessible to all residents including those who: Are otherwise disabled?	yes
	Does the agency provide resident education in formats accessible to all residents including those who: Have limited reading skills?	yes
115.333 (e)	Resident education	
	Does the agency maintain documentation of resident participation in these education sessions?	yes
115.333 (f)	Resident education	
	In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to residents through posters, resident handbooks, or other written formats?	yes

115.334 (a)	Specialized training: Investigations	
	In addition to the general training provided to all employees pursuant to §115.331, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.321(a).)	yes
115.334 (b)	Specialized training: Investigations	
	Does this specialized training include: Techniques for interviewing juvenile sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.321(a).)	yes
	Does this specialized training include: Proper use of Miranda and Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.321(a).)	yes
	Does this specialized training include: Sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.321(a).)	yes
	Does this specialized training include: The criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.321(a).)	yes
115.334 (c)	Specialized training: Investigations	
	Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.321(a).)	yes

115.335 (a)	Specialized training: Medical and mental health care	
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: How to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: How to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: How and to whom to report allegations or suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
115.335 (b)	Specialized training: Medical and mental health care	
	If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.)	yes
115.335 (c)	Specialized training: Medical and mental health care	
	Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes

115.335 (d)	Specialized training: Medical and mental health care	
	Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.331? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Do medical and mental health care practitioners contracted by and volunteering for the agency also receive training mandated for contractors and volunteers by §115.332? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.)	yes
115.341 (a)	Obtaining information from residents	
	Within 72 hours of the resident's arrival at the facility, does the agency obtain and use information about each resident's personal history and behavior to reduce risk of sexual abuse by or upon a resident?	yes
	Does the agency also obtain this information periodically throughout a resident's confinement?	yes
115.341 (b)	Obtaining information from residents	
	Are all PREA screening assessments conducted using an objective screening instrument?	yes

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

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

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

115.342 (d)	Placement of residents	
	When deciding whether to assign a transgender or intersex resident to a facility for male or female residents, does the agency consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns residents to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)?	yes
	When making housing or other program assignments for transgender or intersex residents, does the agency consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether a placement would present management or security problems?	yes
115.342 (e)	Placement of residents	
	Are placement and programming assignments for each transgender or intersex resident reassessed at least twice each year to review any threats to safety experienced by the resident?	yes
115.342 (f)	Placement of residents	
	Are each transgender or intersex resident's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments?	yes
115.342 (g)	Placement of residents	
	Are transgender and intersex residents given the opportunity to shower separately from other residents?	yes

115.342 (h)	Placement of residents	
	If a resident is isolated pursuant to paragraph (b) of this section, does the facility clearly document: The basis for the facility's concern for the resident's safety? (N/A for h and i if facility doesn't use isolation?)	yes
	If a resident is isolated pursuant to paragraph (b) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged? (N/A for h and i if facility doesn't use isolation?)	yes
115.342 (i)	Placement of residents	
	In the case of each resident who is isolated as a last resort when less restrictive measures are inadequate to keep them and other residents safe, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS?	yes
115.351 (a)	Resident reporting	
	Does the agency provide multiple internal ways for residents to privately report: Sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for residents to privately report: 2. Retaliation by other residents or staff for reporting sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for residents to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?	yes

115.351 (b)	Resident reporting	
	Does the agency also provide at least one way for residents to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?	yes
	Is that private entity or office able to receive and immediately forward resident reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the resident to remain anonymous upon request?	yes
	Are residents detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security to report sexual abuse or harassment?	yes
115.351 (c)	Resident reporting	
	Do staff members accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Do staff members promptly document any verbal reports of sexual abuse and sexual harassment?	yes
115.351 (d)	Resident reporting	
	Does the facility provide residents with access to tools necessary to make a written report?	yes
115.351 (e)	Resident reporting	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of residents?	yes

115.352 (a)	Exhaustion of administrative remedies	
	<p>Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address resident grievances regarding sexual abuse. This does not mean the agency is exempt simply because a resident does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse.</p>	no
115.352 (b)	Exhaustion of administrative remedies	
	<p>Does the agency permit residents to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)</p>	yes
	<p>Does the agency always refrain from requiring an resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.)</p>	yes
115.352 (c)	Exhaustion of administrative remedies	
	<p>Does the agency ensure that: A resident who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)</p>	yes
	<p>Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)</p>	yes

115.352 (d)	Exhaustion of administrative remedies	
	Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by residents in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)	yes
	If the agency determines that the 90 day timeframe is insufficient to make an appropriate decision and claims an extension of time (the maximum allowable extension of time to respond is 70 days per 115.352(d)(3)) , does the agency notify the resident in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)	yes
	At any level of the administrative process, including the final level, if the resident does not receive a response within the time allotted for reply, including any properly noticed extension, may a resident consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)	yes

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

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

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

115.354 (a)	Third-party reporting	
	Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment?	yes
	Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of a resident?	yes
115.361 (a)	Staff and agency reporting duties	
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information they receive regarding retaliation against residents or staff who reported an incident of sexual abuse or sexual harassment?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information they receive regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation?	yes
115.361 (b)	Staff and agency reporting duties	
	Does the agency require all staff to comply with any applicable mandatory child abuse reporting laws?	yes
115.361 (c)	Staff and agency reporting duties	
	Apart from reporting to designated supervisors or officials and designated State or local services agencies, are staff prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions?	yes

115.361 (d)	Staff and agency reporting duties	
	Are medical and mental health practitioners required to report sexual abuse to designated supervisors and officials pursuant to paragraph (a) of this section as well as to the designated State or local services agency where required by mandatory reporting laws?	yes
	Are medical and mental health practitioners required to inform residents of their duty to report, and the limitations of confidentiality, at the initiation of services?	yes
115.361 (e)	Staff and agency reporting duties	
	Upon receiving any allegation of sexual abuse, does the facility head or his or her designee promptly report the allegation to the appropriate office?	yes
	Upon receiving any allegation of sexual abuse, does the facility head or his or her designee promptly report the allegation to the alleged victim's parents or legal guardians unless the facility has official documentation showing the parents or legal guardians should not be notified?	yes
	If the alleged victim is under the guardianship of the child welfare system, does the facility head or his or her designee promptly report the allegation to the alleged victim's caseworker instead of the parents or legal guardians? (N/A if the alleged victim is not under the guardianship of the child welfare system.)	yes
	If a juvenile court retains jurisdiction over the alleged victim, does the facility head or designee also report the allegation to the juvenile's attorney or other legal representative of record within 14 days of receiving the allegation?	yes
115.361 (f)	Staff and agency reporting duties	
	Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators?	yes

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

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

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

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

115.367 (d)	Agency protection against retaliation	
	In the case of residents, does such monitoring also include periodic status checks?	yes
115.367 (e)	Agency protection against retaliation	
	If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?	yes
115.368 (a)	Post-allegation protective custody	
	Is any and all use of segregated housing to protect a resident who is alleged to have suffered sexual abuse subject to the requirements of § 115.342?	yes
115.371 (a)	Criminal and administrative agency investigations	
	When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency does not conduct any form of administrative or criminal investigations of sexual abuse or harassment. See 115.321(a).)	yes
	Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency does not conduct any form of administrative or criminal investigations of sexual abuse or harassment. See 115.321(a).)	yes
115.371 (b)	Criminal and administrative agency investigations	
	Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations involving juvenile victims as required by 115.334?	yes

115.371 (c)	Criminal and administrative agency investigations	
	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
	Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
	Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes
115.371 (d)	Criminal and administrative agency investigations	
	Does the agency always refrain from terminating an investigation solely because the source of the allegation recants the allegation?	yes
115.371 (e)	Criminal and administrative agency investigations	
	When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?	yes
115.371 (f)	Criminal and administrative agency investigations	
	Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as resident or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes
115.371 (g)	Criminal and administrative agency investigations	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes
	Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?	yes

115.371 (h)	Criminal and administrative agency investigations	
	Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?	yes
115.371 (i)	Criminal and administrative agency investigations	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
115.371 (j)	Criminal and administrative agency investigations	
	Does the agency retain all written reports referenced in 115.371(g) and (h) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention?	yes
115.371 (k)	Criminal and administrative agency investigations	
	Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the facility or agency does not provide a basis for terminating an investigation?	yes
115.371 (m)	Criminal and administrative agency investigations	
	When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.321(a).)	yes
115.372 (a)	Evidentiary standard for administrative investigations	
	Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?	yes

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

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

115.373 (e)	Reporting to residents	
	Does the agency document all such notifications or attempted notifications?	yes
115.376 (a)	Disciplinary sanctions for staff	
	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes
115.376 (b)	Disciplinary sanctions for staff	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes
115.376 (c)	Disciplinary sanctions for staff	
	Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories?	yes
115.376 (d)	Disciplinary sanctions for staff	
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies, unless the activity was clearly not criminal?	yes
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?	yes

115.377 (a)	Corrective action for contractors and volunteers	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with residents?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?	yes
115.377 (b)	Corrective action for contractors and volunteers	
	In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with residents?	yes
115.378 (a)	Interventions and disciplinary sanctions for residents	
	Following an administrative finding that a resident engaged in resident-on-resident sexual abuse, or following a criminal finding of guilt for resident-on-resident sexual abuse, may residents be subject to disciplinary sanctions only pursuant to a formal disciplinary process?	yes

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

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

115.381 (c)	Medical and mental health screenings; history of sexual abuse	
	Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?	yes
115.381 (d)	Medical and mental health screenings; history of sexual abuse	
	Do medical and mental health practitioners obtain informed consent from residents before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the resident is under the age of 18?	yes
115.382 (a)	Access to emergency medical and mental health services	
	Do resident victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?	yes
115.382 (b)	Access to emergency medical and mental health services	
	If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do staff first responders take preliminary steps to protect the victim pursuant to § 115.362?	yes
	Do staff first responders immediately notify the appropriate medical and mental health practitioners?	yes
115.382 (c)	Access to emergency medical and mental health services	
	Are resident victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate?	yes

115.382 (d)	Access to emergency medical and mental health services	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
115.383 (a)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?	yes
115.383 (b)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody?	yes
115.383 (c)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility provide such victims with medical and mental health services consistent with the community level of care?	yes
115.383 (d)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are resident victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if all-male facility.)	yes
115.383 (e)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If pregnancy results from the conduct described in paragraph § 115.383(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if all-male facility.)	yes
115.383 (f)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are resident victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes

115.383 (g)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
115.383 (h)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners?	yes
115.386 (a)	Sexual abuse incident reviews	
	Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded?	yes
115.386 (b)	Sexual abuse incident reviews	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes
115.386 (c)	Sexual abuse incident reviews	
	Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?	yes

115.386 (d)	Sexual abuse incident reviews	
	Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?	yes
	Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility?	yes
	Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?	yes
	Does the review team: Assess the adequacy of staffing levels in that area during different shifts?	yes
	Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?	yes
	Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.386(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?	yes
115.386 (e)	Sexual abuse incident reviews	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes
115.387 (a)	Data collection	
	Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions?	yes
115.387 (b)	Data collection	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes

115.387 (c)	Data collection	
	Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice?	yes
115.387 (d)	Data collection	
	Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?	yes
115.387 (e)	Data collection	
	Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its residents? (N/A if agency does not contract for the confinement of its residents.)	na
115.387 (f)	Data collection	
	Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)	yes

115.388 (a)	Data review for corrective action	
	Does the agency review data collected and aggregated pursuant to § 115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas?	yes
	Does the agency review data collected and aggregated pursuant to § 115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?	yes
	Does the agency review data collected and aggregated pursuant to § 115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole?	yes
115.388 (b)	Data review for corrective action	
	Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse?	yes
115.388 (c)	Data review for corrective action	
	Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means?	yes
115.388 (d)	Data review for corrective action	
	Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility?	yes
115.389 (a)	Data storage, publication, and destruction	
	Does the agency ensure that data collected pursuant to § 115.387 are securely retained?	yes

115.389 (b)	Data storage, publication, and destruction	
	Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means?	yes
115.389 (c)	Data storage, publication, and destruction	
	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes
115.389 (d)	Data storage, publication, and destruction	
	Does the agency maintain sexual abuse data collected pursuant to § 115.387 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise?	yes
115.401 (a)	Frequency and scope of audits	
	During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.)	yes
115.401 (b)	Frequency and scope of audits	
	Is this the first year of the current audit cycle? (Note: a "no" response does not impact overall compliance with this standard.)	no
	If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.)	na
	If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)	yes

115.401 (h)	Frequency and scope of audits	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes
115.401 (i)	Frequency and scope of audits	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes
115.401 (m)	Frequency and scope of audits	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes
115.401 (n)	Frequency and scope of audits	
	Were inmates, residents, and detainees permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes
115.403 (f)	Audit contents and findings	
	The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or, in the case of single facility agencies, there has never been a Final Audit Report issued.)	yes