

**LAWRENCE COUNTY CORRECTIONS
POLICY AND PROCEDURE MANUAL**

POLICY NUMBER: OPR 422

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| Policy and Procedure: Prison Rape Elimination Act | | Pages: 26 |
| Effective Date: January 14, 2016 | References: Title 37 Chapter 95 Section 98.246 (2) | Approved by: Warden Brian Covert Deputy Jason Hilton |

POLICY: It is the policy of Lawrence County Corrections to prohibit any form of sexual harassment of or sexual contact among inmates and between staff (including contract employees and volunteers) and inmates. Anyone who engages in, fails to report, or knowingly condones sexual harassment or sexual contact with an inmate shall be subject to disciplinary action and may be subject to criminal prosecution. An inmate, employee, contact service provider, visitor, volunteer, and any individual who has business with or uses the resources of Lawrence County Corrections is subject to disciplinary action and /or sanctions, including possible dismissal and termination of contracts and/or services, if found to have engaged in sexual harassment or sexual contact with an inmate. A claim of consent will not be accepted as an affirmative defense for engaging in sexual harassment or sexual contact with an inmate.

DEFINITIONS:

GENERAL DEFINITIONS:

AGENCY: Lawrence County Corrections

AGENCY HEAD: The Warden of Lawrence County Corrections

CONTRACTOR: Person who provides services to Lawrence County Corrections on a recurring basis pursuant to a contractual agreement

DETAINEE: Person who is detained at Lawrence County Corrections regardless of adjudication status

DIRECT STAFF SUPERVISION: Security staff members are in the same room with, and within reasonable hearing distance, of inmates

EMPLOYEE: A person who works directly for Lawrence County Corrections

EXIGENT CIRCUMSTANCES: Any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to security or institutional order of the facility

FACILITY: Lawrence County Corrections

FACILITY HEAD: Warden

FULL COMPLIANCE: Adherence to all material requirements of each PREA standard except for de minimus violations or discrete and temporary violations during otherwise sustained periods of compliance

GENDER NONCONFORMING: Person whose appearance or manner does not conform to traditional societal gender expectations

INMATE: Any person detained in Lawrence County Corrections

INTERSEX: Person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development

MEDICAL PRACTITIONER: Health professional who, by virtue of education, credentials, and experience is permitted to evaluate and care for patients within the scope of his or her professional practice. A “qualified medical practitioner” refers to a professional who has also successfully completed specialized training for treating sexual abuse victims

MENTAL HEALTH PRACTITIONER: Mental health professional who, by virtue of education, credentials, and experience is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified medical practitioner” refers to a professional who has also successfully completed specialized training for treating sexual abuse victims

PAT-DOWN SEARCH: Running the hands over the clothes body of an inmate by an employee to determine whether the individual possesses contraband

SECURITY STAFF: Employees primarily responsible for the supervision and control of inmates (i.e. Correctional Officers, Captain, and Deputy Warden)

STAFF: Employees

STRIP SEARCH: Search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person’s breasts, buttocks, or genitalia

TRANSGENDER: Person whose gender identity (i.e. internal sense of feeling male or female) is different from the person’s assigned sex at birth

SUBSTANTIATED ALLEGATION: An allegation that was investigated and determined to have occurred

UNFOUNDED ALLEGATION: An allegation that was investigated and determined not to have occurred

UNSUBSTANTIATED ALLEGATION: An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred

VOLUNTEER: An individual who donates time and effort on a recurring basis to enhance the activities and programs of the facility

YOUTHFUL INMATE: Any person under the age of 18 who is under adult court supervision and incarcerated or detained in the facility

DEFINITIONS RELATED TO SEXUAL ABUSE

SEXUAL ABUSE INCLUDES:

- (1) Sexual abuse of an inmate by another inmate, and
- (2) Sexual abuse of an inmate by a staff member, contractor, or volunteer

SEXUAL ABUSE OF INMATE BY ANOTHER INMATE includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- (2) Contact between the mouth and the penis, vulva, or anus
- (3) Penetration of the anal or genital opening of another person, however slight, by hand, finger, object, other instrument
- (4) Any intentional touching, either directly or through the clothing of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation

SEXUAL ABUSE OF AN INMATE BY A STAFF MEMBER CONTRACTOR OR VOLUNTEER includes any of the following acts with or without the consent of the inmate:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- (2) Contact between the mouth and the penis, vulva, or anus
- (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire

- (5) Any other intentional touching, either directly or through the clothing of the genitalia, anus, groin, breast, inner thigh, or the buttocks that is unrelated to the official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1) to (5) of this section
- (7) Any display of staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate
- (8) Voyeurism by a staff member, contractor, or volunteer

VOYEURISM BY A STAFF MEMBER, CONTRACTOR, OR VOLUNTEER means an invasion of privacy of an inmate for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of inmate's naked body or of an inmate performing bodily functions.

SEXUAL HARASSMENT includes:

- (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of derogatory or offensive nature by one inmate toward another
- (2) Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures

PROCEDURES

PREVENTION PLANNING

- (1) Lawrence County Corrections maintains a policy of zero tolerance toward all forms of sexual abuse and sexual harassment. Inmates who are suspected of engaging in sexual abuse or sexual harassment will be dealt with through Inmate Disciplinary Policy and will be referred to the New Castle City Police for criminal investigation if appropriate. Staff members, contractors, and volunteers who are suspected of engaging in sexual abuse or sexual harassment will be referred to the office of the District Attorney for administrative investigation. Allegations will be referred to the New Castle Police for criminal investigation when appropriate
- (2) The Deputy Warden will be designated as the facility's PREA Coordinator and will have the authority to develop, implement, and oversee the facility's efforts to comply with PREA standards at Lawrence County Corrections

CONTRACTING WITH OTHER ENTITIES FOR THE CONFINEMENT OF INMATES:

- (1) Contracts with other government agencies for the confinement of inmates at Lawrence County Corrections shall include that agency's obligation to adopt and comply with PREA standards

(2) Any new contract or contract renewal shall provide for Lawrence County Corrections monitoring to ensure that the contractor is complying with PREA standards

SUPERVISION AND MONITORING:

(1) Lawrence County Corrections shall develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing and video monitoring to protect inmates against sexual abuse. In calculating adequate staffing levels and the need for video monitoring, the following shall be considered:

- (a) Generally accepted correctional practices
- (b) Any judicial findings of inadequacy
- (c) Any findings of inadequacy from Federal investigative agencies
- (d) Any findings of inadequacy from internal or external oversight bodies
- (e) All components of the facility's physical plant (including "blind spots" or areas where staff or inmates may be isolated
- (f) The composition of the inmate population
- (g) The number and placement of supervisory staff
- (h) Facility programs occurring on a particular shift
- (i) Any applicable state or local laws, regulations, or standards
- (j) The prevalence of substantiated or unsubstantiated incidents of sexual abuse
- (k) Any other relevant factors

(2) In circumstances where staffing plan is not complied with, the facility shall document and justify all deviations from the plan

(3) Whenever necessary, but no less frequently than once a year, the facility, in conjunction with PREA Coordinator, will assess, determine, and document whether adjustments are needed to

- (a) The staffing plan established pursuant to paragraph (1) of this section
- (b) The facility's deployment of video monitoring systems and other monitoring technologies
- (c) The resources the facility has available to commit to ensure adherence to the staffing plan

(4) Intermediate and higher level supervisors shall conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Such rounds will be conducted on all shifts. Staff shall be prohibited from alerting other staff members that these rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility

YOUTHFUL INMATES:

- (1) A youthful inmate shall not be placed in a housing unit in which the youthful inmate has sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters
- (2) In areas outside the housing unit, the facility shall either:
 - (a) Maintain sight and sound separation between youthful inmates and adult inmates or
 - (b) Provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact
- (3) Lawrence County Corrections shall make its best effort to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, Lawrence County Corrections shall not deny youthful inmates daily large muscle exercise and any legally required special education services to comply with this provision. Youthful inmates shall also have access to other programs and work opportunities to the extent possible
- (4) In the event that this policy may not be possible due to space limitations, Lawrence County Corrections will maintain an agreement with other county correctional facilities to house youthful inmates

LIMITS TO CROSS-GENDER VIEWING AND SEARCHES:

(Cross Reference Lawrence County Corrections Policy SEC-301)

- (1) The facility shall not conduct cross-gender strip searches or cross-gender body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by a medical practitioner
- (2) The facility shall not permit cross-gender pat-down searches of female inmates, absent exigent circumstances. Female inmate's access to programming or other out-of-cell opportunities shall not be restricted in order to comply with this provision
- (3) The facility shall document all cross-gender strip searches and cross-gender body cavity searches and shall document all cross-gender pat-down searches of female inmates
- (4) Inmates shall be able to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Staff of the opposite sex are required to announce their presence upon entering a housing unit
- (5) Staff may not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner

(6) Staff shall be trained in conducting cross-gender pat-down searches and searches of transgender and intersex inmates in a professional and respectful manner and in the least intrusive manner possible consistent with security needs

INMATES WITH DISABILITIES AND INMATES WHO ARE LIMITED ENGLISH PROFICIENT

(1) The facility will ensure that inmates with disabilities (including, but not limited to inmates who are deaf or hard-of-hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) have an equal opportunity to participate in or benefit from all aspects of the facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary, to ensure effective communication who are deaf or hard-of-hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using necessary specialized vocabulary. In addition, written materials shall be provided in formats or through methods that ensure effective communications with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision

(2) The facility is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under Title II of the Americans With Disabilities Act, 28 CFR 35. 164

(3) Reasonable steps will be taken to ensure access to all aspects of the facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary

(4) The facility shall not rely on inmate interpreters, inmate readers, other types of inmate assistants, except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties, or the investigation of the inmate's allegation

HIRING AND PROMOTION DECISIONS

(1) The facility shall not hire or promote anyone who may have contact with inmates, shall not enlist the services of contractor or a volunteer who may have contact with inmates who

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

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

(c) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (1)(b) of this section

(2) The facility shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor or volunteer who may have contact with inmates

(3) Before hiring new employees who may have contact with inmates, the facility shall:

(a) Perform a criminal background check

(b) 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

(4) The facility shall conduct criminal background records checks at least every five (5) years of current employees, contractors, and volunteers

(5) The facility shall ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (1) of this section in written applicants or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The facility shall also impose upon employees a continuing affirmative duty to disclose any such misconduct

(6) Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination

(7) Unless prohibited by law, the facility shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied for work

UPGRADES TO FACILITIES AND TECHNOLOGIES

(1) When designing or acquiring any new facility and in planning any substantial expansion or modification to the existing facility, administrative staff shall consider the effect of the design, acquisition, expansion, or modification upon the facility's ability to protect inmates from sexual abuse

(2) When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the facility shall consider how technology may enhance its ability to protect inmates from sexual abuse

RESPONSIVE PLANNING

EVIDENCE PROTOCOL AND FORENSIC MEDICAL EXAMINATIONS

(1) Allegations of sexual abuse will be immediately referred to the New Castle City Police for investigation

(2) All victims of alleged sexual abuse will be transported to Jameson Hospital emergency room for medical treatment

(3) Victims of sexual abuse shall have access to forensic medical examinations at Jameson Hospital without financial cost where evidentiary or medically appropriate

(4) Victims of sexual abuse will be provided services from a victim advocate from a local rape crisis center if desired. If such an advocate is not available, the facility shall obtain services from another community mental health facility or from a qualified staff member. The facility shall document efforts to obtain the services from a rape crisis center. A rape crisis center is defined as an entity that provides intervention and related assistance to victims of sexual assault of all ages. The rape crisis center may be part of governmental agency as long as it is not part of the criminal justice system and offers comparable level of confidentiality as a nongovernmental entity that provides similar victim services

(5) As requested by the victim, the victim advocate, qualified facility staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals

(6) To the extent that the facility is not responsible for investigating allegations of sexual abuse, it shall be requested that the investigating agency New Castle City Police follow paragraphs (1) through (5) of this section

(7) The requirements of paragraphs (1) through (6) of this section shall also apply to

(a) Any entity that is responsible for investigating allegations of sexual abuse within Lawrence County Corrections

(b) Any Department of Justice component that is responsible for investigating allegations of sexual abuse in prisons or jails

(8) For the purposes of this section, a qualified staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general

REFERRALS OF ALLEGATIONS FOR INVESTIGATIONS 95.246(2)

(1) An administrative investigation will be completed by the Facility PREA Investigator at the direction of the Warden for all allegations of sexual abuse or sexual harassment

(2) Allegations of sexual abuse or sexual harassment will be referred to the New Castle City Police unless the allegation does not involve potentially criminal behavior. The facility will make this policy available to the public upon request. All referrals to the New Castle City Police will be documented

(3) Public notification of this policy will include the duties of the facility and of the New Castle City Police

(4) Any entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigation

(5) Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigation

TRAINING AND EDUCATION

EMPLOYEE TRAINING

- (1) The facility shall train all employees who may have contact with on:
 - (a) Its zero-tolerance policy for sexual abuse and sexual harassment
 - (b) How to fulfill their responsibilities under facility sexual abuse, sexual harassment prevention, detection, reporting, and response policies and procedures
 - (c) Inmate's right to be free from sexual abuse and sexual harassment
 - (d) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment
 - (e) The dynamics of sexual abuse and sexual harassment in confinement
 - (f) The common reactions of sexual abuse and sexual harassment victims
 - (g) How to detect and respond to signs of threatened and actual sexual abuse
 - (h) How to avoid inappropriate relationships with inmates
 - (i) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates
 - (j) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities
- (2) All current employees who have not received such training shall be trained within one (1) year of the effective date of this policy and all employees shall receive a refresher training every two (2) years to ensure that all employees know the facility's current sexual abuse and sexual harassment policies and procedures. In the years that an employee does not receive refresher training, the facility shall provide refresher information on current sexual abuse and sexual harassment policies
- (3) The facility shall document, through employee signature or electronic verification, that employees understand the training they have received

VOLUNTEER AND CONTRACTOR TRAINING

- (1) The facility shall ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the facility's sexual abuse and sexual harassment policies and procedures
- (2) The level and type of training provided to volunteers and contractors shall be based on the services they provide and the level of contact they have with inmates, but all volunteers and contractors who have contact with inmates shall be notified of the facility's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents

- (3) The facility shall maintain documentation confirming that volunteers and contractors understand the training they have received

INMATE EDUCATION

- (1) During the intake process, inmates shall receive information explaining the facility's zero-tolerance policy regarding sexual abuse or sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment
- (2) Within 10 days of intake, the facility shall provide comprehensive education to inmates, either in person or through video regarding their rights to be free from sexual abuse or sexual harassment and to be free from retaliation for reporting such incidents and regarding facility policies and procedures for responding to such incidents
- (3) Current inmates who have not received such education shall be educated within one year of the effective date of this policy
- (4) This education shall be provided to inmates in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skill
- (5) The facility shall maintain documentation of inmate participation in these education sessions
- (6) In addition to providing such education, the facility shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats

SPECIALIZED TRAINING: INVESTIGATIONS 95.246(2)

- (1) In addition, to the general training provided to all the employees, the facility shall ensure that, to the extent that the facility conducts its own sexual abuse investigations, the facility PREA Investigator has received training in conducting such investigations in confinement settings
- (2) Specialized training shall include in techniques for interviewing sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral
- (3) The facility shall maintain documentation that the Director of Internal Affairs has completed the required specialized training in conducting sexual abuse investigations
- (4) Any state entity or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations

SPECIALIZED TRAINING: MEDICAL AND MENTAL HEALTH CARE

- (1) The facility and/or the health care provider shall ensure that all full- and part-time medical and mental health care practitioners have been trained in:
 - (a) How to detect and assess signs of sexual abuse and sexual harassment

- (b) How to preserve physical evidence of sexual abuse
 - (c) How to respond effectively and professionally to victims of sexual abuse and sexual harassment
 - (d) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment
- (2) If medical staff conducts forensic examinations, medical staff will receive the appropriate training to conduct such examinations
 - (3) The facility and the health care provider will maintain documentation that medical and mental health practitioners have received this training
 - (4) Medical and mental health practitioners will receive the training mandated in the section entitled "Volunteer and Contractor Training"

SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

- (1) All inmates shall be assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates
- (2) Intake screening shall ordinarily take place within 72 hours of arrival at the facility
- (3) Such assessments shall be conducted using an objective screening instrument
- (4) The intakes screening shall consider, at minimum, the following criteria to assess inmates' risk of sexual victimization
 - (a) Whether the inmate has a mental, physical, or developmental disability
 - (b) The age of the inmate
 - (c) The physical built of the inmate
 - (d) Whether the inmate has been previously incarcerated
 - (e) Whether the inmate's criminal history is exclusively nonviolent
 - (f) Whether the inmate has prior convictions for sex offenses against an adult or child
 - (g) Whether the inmate is, or is perceived to be, gay, lesbian, bisexual, transgender, intersex, or gender nonconforming
 - (h) Whether the inmate has previously experienced sexual victimization
 - (i) The inmate's own perception of vulnerability
 - (j) Whether the inmate is detained solely for civil immigration purposes
- (5) The initial screening should consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the facility, in assessing inmates for risk of being sexually abusive

(6) Within a set period of time, not to exceed 30 days from the inmate's arrival at the facility, the facility will assess the inmate's risk of victimization or abusiveness based on any additional, relevant information received by the facility since the intake screening

(7) An inmate's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness

(8) Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (4)(a), (4)(g), (4)(h), or (4)(i) of this section

(9) The facility shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this policy in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates

USE OF SCREENING INFORMATION

(1) The facility shall use the information from the risk screening to determine housing, bed, work, education, and programming assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive

(2) The facility will make individualized determinations about how to ensure the safety of each inmate

(3) In deciding whether to assign a transgender or intersex inmate to a housing unit for male or female offenders, and in making other housing and program assignments, the facility shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems

(4) Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice a year with respect to his or her own safety experienced by the inmate

(5) A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration

(6) Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates

(7) The facility shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated housing units solely on the basis of such identification or status, unless each placement is in a dedicated housing unit established in connection with a consent decree, legal statement, or legal judgement for the purpose of protecting such inmates

PROTECTIVE CUSTODY

(1) Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available means of separation from likely abusers. If the facility cannot conduct such an assessment immediately, the facility may

hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment

(2) Inmates placed in segregated housing for this purpose shall have access to programs, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, and work opportunities, the facility shall document:

(a) The opportunities that have been limited

(b) The duration of the limitation

(c) The reasons for such limitations

(3) The facility shall assign such inmate to involuntary segregated housing unit until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days

(4) If an involuntary segregated housing assignment is made pursuant to paragraph (1) of this section, the facility shall clearly document

(a) The basis of the facility's concern for the inmate's safety

(b) The reason why no alternative means of separation can be arranged

(5) Every 30 days, the facility shall afford each such inmate a review to determine whether there is a continuing need from separation from the general population

REPORTING

(Cross reference Lawrence County Corrections Inmate handbook)

INMATE REPORTING

(1) The facility provides multiple internal ways for inmates to privately report sexual abuse and sexual harassment. If you believe you have experienced sexual harassment by staff, inmates, contractors or individual /groups that have business with Lawrence County Corrections, you must report it as soon as possible. You may report it to any staff member. If you submit it in writing you must include names of all parties involved, the specific details of the incident (s), date (s), times (s), or place(s) of alleged incidents and any witnesses, if any. You will not be retaliated against for reporting an incident of sexual harassment or for providing witness testimony.

(2) The facility shall also provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the facility, and that is able to receive and immediately forward reports of sexual abuse and sexual harassment to facility officials, allowing the inmate to remain anonymous upon request. This can be achieved by calling the free Sexual Abuse Line (1-888-823-6703). This has been established for the general public and inmates to anonymously report a sexual abuse. Inmates detained solely for civil immigration purposes shall be provided information on how to contact officials at the Department of Homeland Security

(3) Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports

EXHAUSTION OF ADMINISTRATIVE REMEDIES

- (1) The facility shall not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse
- (2) The facility may impose otherwise applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse
- (3) The facility shall not require an inmate to use any informal grievance processes, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse
- (4) Nothing in this section shall restrict the facility's ability to defend against an inmate lawsuit on the ground that the applicable statute of limitations has expired
- (5) The facility shall ensure that:
 - (a) An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint
 - (b) Such a grievance is not referred to a staff member who is the subject of the complaint
- (6) The facility shall issue a final decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance
- (7) Computation of this 90 day time period shall not include time consumed by inmates in preparing any administrative appeal
- (8) The facility may claim an extension of time to respond, up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The facility shall notify the inmate in writing of any such extension and provide a date by which a decision will be made
- (9) At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level
- (10) Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and shall also be permitted to file such requests on behalf of inmates
- (11) If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process
- (12) If the inmate declines to have the request processed on his or her behalf, the facility shall document the inmate's decision
- (13) If an inmate alleges that he or she is the subject to substantial risk of imminent sexual abuse, he or she may file an emergency grievance handed directly to the on duty Captain

(14) After receiving an emergency grievance alleging an inmate is subject to substantial risk of imminent sexual abuse, the facility shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to the Deputy Warden at which immediate corrective action may be taken, shall provide an internal response within 48 hours, and shall issue a final decision within 5 calendar days. The initial response and final facility decision shall document the facility's determination whether the inmate is in substantial risk imminent sexual abuse and the action taken in response to the emergency grievance

(15) The facility may discipline an inmate for filing a grievance related to sexual abuse only where the facility demonstrates the inmate filed the grievance in bad faith

INMATE ACCESS TO OUTSIDE CONFIDENTIAL SUPPORT SERVICES

(1) The facility shall prove inmates with access to outside advocates for emotional support services related to sexual abuse by giving inmates mailing addresses, and telephone numbers, including toll-free hotline numbers where available, of local, state, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies

(2) The facility shall enable reasonable communication between inmates and these organizations and agencies as confidential a manner as possible

(3) The facility shall inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws

(4) The facility shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse. The facility shall maintain copies of agreements or documentation showing attempts to enter such agreements

THIRD PARTY REPORTING

Lawrence County Corrections has in place a (PREA) General Public information memo that is located in the lobby, and on the Lawrence County Jail Website

STAFF AND FACILITY REPORTING DUTIES

(Cross reference Lawrence County Corrections policy #OPR 416)

(1) The facility shall require that all staff are to report immediately and according to facility policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in any facility, whether or not it was in Lawrence County Corrections; retaliation against such an incident; and any staff neglect or violation of responsibilities that may contributed to an incident or retaliation

(2) Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in Lawrence County Policy, to make treatment, to make treatment, investigation, and other security and management decisions

(3) Unless otherwise precluded by state, Federal, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph (1) of this section and to inform inmates of practitioners' duty to report, and limitations of confidentiality, at the initiation of services

(4) If the alleged victim is under the age of 18 or considered a vulnerable adult under a state or local vulnerable persons statute, the facility shall report the allegation to the designated state or local services agency under applicable reporting laws

(5) The facility shall report all allegations of sexual abuse and sexual harassment, including third party and anonymous reports, to the Director of Internal Affairs

REPORTING TO OTHER CONFINEMENT FACILITIES

(1) Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the Warden or his designee shall notify the head of the other facility or appropriate office of the agency where the alleged abuse occurred

(2) Such notification will be made as soon as possible, but no later than 72 hours after receiving the allegation

(3) The facility shall document that it has provided such notification

(4) When information is received from another facility that an incident of sexual abuse had occurred at Lawrence County Corrections, the Warden shall ensure that the allegation is investigated in accordance with this policy

STAFF FIRST RESPONDER DUTIES

(1) Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to:

(a) Separate the alleged victim and abuser

(b) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating

(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating

(2) If the first responder is not a security member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff

COORDINATED RESPONSE

The facility shall maintain a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and administrative staff

PRESERVATION OF ABILITY TO PROTECT INMATES WITH CONTACT WITH ABUSERS

(1) Neither the facility nor any other governmental entity responsible for collective bargaining agreement on the facility's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the facility's ability to remove alleged staff sexual abusers from contact with inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted

(2) Nothing in this policy shall restrict the entering into or renewal of agreements that govern:

(a) The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of this policy

(b) Whether a no-contract 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

AGENCY PROTECTION AGAINST RETALIATION

Any use segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the requirements of the PROTECTIVE CUSTODY section of this policy

CRIMINAL AND ADMINISTRATIVE AGENCY INVESTIGATIONS 95.246(2)

(1) Investigations of sexual abuse or sexual harassment will be conducted promptly, objectively, and thoroughly for all allegations including third party and anonymous reports

(2) When sexual abuse is alleged, the Warden or designee shall contact the New Castle City Police, which will conduct a criminal investigation with its own investigatory policies and procedures

(3) The facility will preserve and furnish to the New Castle City Police any direct or circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review

(4) When the quality of evidence appears to support criminal prosecution, the facility shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution

(5) The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as an inmate or staff. An inmate alleging sexual abuse may not be required to submit to a polygraph

examination or other truth-telling device as a condition for proceeding with the investigation of such allegation

(6) Administrative investigations:

(a) Shall include an effort to determine whether staff actions or failures to act contributes to the abuse

(b) Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings

(7) Criminal investigations shall be the purview of the New Castle City Police and all documentation will be in accordance with their own policies and procedures

(8) Substantiated allegations of conduct that appears to criminal shall be referred for prosecution

(9) The facility shall maintain all written reports referenced in paragraph (6) and any reports furnished by the New Castle City Police under paragraph (7) of this section for as long as the alleged abuser is incarcerated or employed by the facility, plus five years

(10) The departure of an alleged abuser or victim from the employment or the control of the facility shall not provide the basis for terminating an investigation

(11) Any state entity or Department of Justice component that conducts such investigations shall not do so pursuant to the above requirements

(12) When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation

EVIDENTIARY STANDARD FOR ADMINISTRATIVE INVESTIGATIONS

The agency shall impose no standard higher than the preponderance of evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated

REPORTING TO INMATES

(1) Following an investigation into an inmate's allegation that he or she has suffered sexual abuse in the facility, he or she will be informed as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded

(2) If the facility has not conducted the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate

(3) Following an inmate's allegation that a staff has committed sexual abuse against the inmate, the facility shall subsequently inform the inmate (unless the facility has determined that the allegation is unfounded) whenever:

(a) The staff member is no longer posted within the inmate's unit

(b) The staff member is no longer employed at the facility

(c) The facility learns that the staff member has been indicted on a charge related to sexual abuse

(d) The facility learns that the staff member has been convicted on a charge related to sexual abuse

(4) Following an inmate's allegation that he or she has been sexually abused by another inmate, the facility shall subsequently inform the alleged victim whenever:

(a) The facility learns that the alleged abuser has been indicted on a charged related to sexual abuse

(b) The facility learns that the alleged abuser has been convicted on a charged related to sexual abuse

(5) All such notifications or attempted notifications shall be documented

(6) The facility's obligation to report under this section shall terminate if the inmate is released from Lawrence County Corrections custody

DISCIPLINE

DISCIPLINARY SANCTIONS FOR STAFF

(Cross reference Lawrence County Corrections Policy ADM 132-133)

(1) Staff shall subject to disciplinary sanctions up to and including termination for violating facility sexual abuse or sexual harassment policy

(2) Termination will be the presumptive disciplinary sanction for staff who have engaged in sexual abuse

(3) Disciplinary sanctions for violations of facility policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offense by other staff members with similar histories

(4) All terminations for violations of facility sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to the New Castle City Police, unless the activity was clearly not criminal, and to any relevant licensing bodies

CORRECTIVE ACTIONS FOR CONTRACTORS AND VOLUNTEERS

(1) Any contractor or volunteer who engages in sexual abuse shall be prohibited from contract with inmates and shall be reported to the New Castle City Police, unless the activity was clearly not criminal, and to relevant licensing bodies

(2) The facility shall take immediate remedial measures, and shall consider whether to prohibit further contact with inmates, in the case of any other violation of facility sexual abuse or sexual harassment policies

DISCIPLINARY SANCTIONS FOR INMATES

(Cross reference ACACC Policy 100-6)

- (1) Inmates shall be subject to disciplinary sanctions pursuant to ACACC Policy 100-6 following an administrative finding that he inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse
- (2) Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offense by other inmates with similar histories
- (3) The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed
- (4) To the extent that the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending inmate to participate in such interventions as a condition of access to programming, parole, or other benefits
- (5) The facility may discipline an inmate for sexual contact with staff only upon finding that the staff member did not consent to such contact
- (6) For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation
- (7) All sexual contact between inmates is prohibited and is subject to the disciplinary procedures outlined in ACACC Policy 100-6. Sexual activity between inmates will not constitute sexual abuse if it is determined that the activity was not coerced

MEDICAL AND MENTAL CARE

MEDICAL AND MENTAL HEALTH SCREENINGS; HISTORY OF SEXUAL ABUSE

- (1) If the screening is pursuant to the SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS section of this policy indicates that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening
- (2) If the screening is pursuant to the SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS section of this policy indicated that an inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening
- (3) Any information related to sexual victimization or sexual abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, state or local law

(4) Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting unless the inmate is under the age of 18

ACCESS TO EMERGENCY MEDICAL AND MENTAL HEALTH SERVICES

(1) Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which determined by medical and mental health practitioners according to their professional judgment

(2) If no qualified medical and mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim pursuant to the AGENCY PROTECTION DUTIES section of this policy and shall immediately notify the appropriate medical and mental health practitioners

(3) Inmate victims of sexual abuse while incarcerated shall be 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

(4) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out

ONGOING MEDICAL AND MENTAL HEALTH CARE FOR SEXUAL ABUSE VICTIMS AND ABUSERS

(1) The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility

(2) The evaluation and treatment of victims shall 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

(3) The facility shall provide such victims with medical and mental health services consistent with the community level of care

(4) Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered a pregnancy test

(5) If pregnancy results from the conduct described in paragraph (4) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services

(6) Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate

(7) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out

(8) The facility shall attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning such abuse history and offer treatment when deemed appropriate by mental health practitioners

DATA COLLECTION AND REVIEW

SEXUAL ABUSE INCIDENT REVIEWS

(1) The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded

(2) Such a review shall ordinarily occur within 30 days of the conclusion of the investigation

(3) The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical and mental health practitioners

(4) The review team shall:

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse

(b) Consider whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender or inter sex identification, status or perceived status, or gang affiliation, or was motivated or otherwise caused by other group dynamics at the facility

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse

(d) Assess the adequacy of staffing levels in that area during different shifts

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff

(f) Prepare a report of its findings, including but not necessarily limited to, determinations made pursuant to paragraphs (4)(a) through (4)(e) of this section, and any recommendations for improvement and submit such report to the Warden and the PREA Coordinator

(5) The facility shall implement the recommendations for improvements or shall document its reasons for not doing so

DATA COLLECTION AND DOCUMENTATION: 95.246(2)

(1) The facility shall collect accurate, uniform data for every allegation of sexual abuse using the definitions provided in this policy

(2) The facility shall aggregate incident-based sexual abuse data at least annually

- (3) The incident-based data collected shall 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
- (4) The facility shall maintain, review, and collect data from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews
- (5) The facility shall also obtain incident-based and aggregated data from every private facility with which it contracts for confinement of its inmates
- (6) Upon request, the facility shall provide all such data from the previous year to the Department of Justice by June 30

DATA REVIEW FOR CORRECTIVE ACTION

- (1) The facility shall review data collection and aggregated pursuant to the above paragraph in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
 - (a) Identifying problem areas
 - (b) Taking corrective action on an ongoing basis
 - (c) Preparing an annual report of its findings and corrective actions
- (2) Such a report shall include a comparison of its current year's data and corrective actions with those from prior years and shall provide an assessment of the facility's progress in addressing sexual abuse
- (3) The facility's report will be approved by the Warden and will be made public by its inclusion in the facility's report to the Prison Board
- (4) The facility may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of the facility, but must indicate the nature of the material redacted

DATA STORAGE, PUBLICATION, AND DESTRUCTION

- (1) The facility shall ensure that all data collected pursuant to this policy are securely maintained
- (2) The facility shall make all aggregated sexual abuse data readily available to the public upon request
- (3) Before making aggregated sexual abuse data publicly available, the facility shall remove all personal identifiers
- (4) The facility shall maintain sexual abuse data collected pursuant to this policy for at least 10 years after the date of the initial collection unless Federal, state or local law requires otherwise

REPORTING 95.246(2)

(1) Upon completion of a coordinated investigation effort related to this section the Warden or designee will complete and submit a final report to the Lawrence County Prison Board as well as the United States Department of Justice. Lawrence County Prison Board will also notify the inmate, in writing, of the outcome of the investigation

AUDITS

FREQUENCY AND SCOPE OF AUDITS

- (1) The facility will be audited for PREA compliance once every three years on a schedule to be determined by the Department of Justice
- (2) The auditor shall review all relevant facility policies, procedures, reports, internal and external audits and accreditations as well as interview staff and inmates
- (3) The auditor shall have access to and shall observe all areas of the facility and attempt to communicate with community partners

AUDITOR QUALIFICATIONS

- (1) All auditors must be certified by the Department of Justice and must be either:
 - (a) A member of a correctional monitoring body that is not part of this facility
 - (b) A member of an auditing entity such as an inspector general or ombudsperson's office that is not of this facility, or
 - (c) Other outside individuals with relevant experience
- (2) No audits shall be conducted by an auditor who has received financial compensation from this facility within the prior three years

AUDIT CONTENTS AND FINDINGS

- (1) Determine if the facility policies and procedures comply with relevant PREA standards
- (2) For each PREA standard, determine whether the facility exceeds, meets, or does not meet that standard
- (3) Describe the methodology, sampling sizes, and basis for the auditor's conclusions and shall include recommendations for any required corrective action
- (4) Final report will made available to the public upon request

AUDIT CORRECTIVE ACTION PLAN

- (1) A finding of "Does Not Meet Standard" with one or more standards will trigger a 180 day corrective action plan

(2) The auditor and the facility will jointly develop a corrective action plan to achieve compliance

(3) The auditor shall take necessary steps to verify implementation of the corrective action plan

(4) After the 180 day corrective action period ends, the auditor shall issue a final determination if the facility is in compliance, if it is not, the facility can request a subsequent audit once it feels it has met the standard

AUDIT APPEALS

(1) The facility can lodge an appeal with the Department of Justice regarding any specific audit findings it believes to be incorrect

(2) Such an appeal must be lodged within 90 days of the auditor's final determination

(3) If the Department of Justice determines that the facility has stated good cause for re-evaluation, the agency may commission a re-audit by an auditor mutually agreed upon by the Department and the facility. The facility will bear the costs of a re-audit

(4) The findings of the re-audit will be considered final

