ATTACHMENT II

IMPLEMENTING THE PRISON RAPE ELIMINATION ACT – TOOLKIT FOR JAILS – MDCR SELF-ASSESSMENT - FINAL

Section 1.4.1 – Administrative Considerations Self-Assessment Checklist

1) Agency Zero Tolerance Policy
2) Staffing, Personnel, and Facility Considerations
3) Agreements with External Entities

1) Agency Zero Tolerance Policy

Questions	YES	NO	YES	NO	Standard Reference
1. Is there a written policy that does the following?			*(Select only if both A & B are Yes)* ☑	☐ *(Go to next section)*	§ 115.11
A. Mandates zero tolerance toward all forms of sexual abuse and sexual harassment.	☑	☐			
B. Outlines the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment.	☑	☐			
2. If the answer to (1) is **YES**, does the policy include the following?			*(Select only if A-C are Yes)* ☑	☐	**Best Practice**
A. Definitions of prohibited behaviors.	☑	☐			
B. Sanctions for participation in prohibited behaviors.	☑	☐			
C. Other agency strategies and responses to sexual abuse and sexual harassment of inmates.	☑	☐			

2) Staffing, Personnel, and Facility Considerations

Questions	Yes	No	Standard Reference
1. Does the agency employ or designate an upper-level, agency-wide PREA coordinator?	☑	☐ *(Go to 2)*	§115.11
A. If the answer to (1) is **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 its facilities?	☑	☐	§115.11
2. Does the agency operate more than one facility?	☑	☐ *(Go to 3)*	§115.11
A. If the answer to (2) is **YES**, has each facility designated a PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards?	☑	☐	§115.11
3. Has the agency ensured that each facility develops and documents a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring to protect inmates against sexual abuse?	☑	☐ *(Go to 4)*	§115.13

<table>
<tr><th>Questions</th><th>Yes</th><th>No</th><th>Standard Reference</th></tr>
<tr><td>A. If the answer to (3) is YES, did the facility take into consideration the following when calculating staffing levels and determining the need for video monitoring?
<table>
<tr><th></th><th></th><th>YES</th><th>NO</th></tr>
<tr><td>i.</td><td>Generally accepted detention and correctional practices.</td><td>☑</td><td>☐</td></tr>
<tr><td>ii.</td><td>Any judicial findings of inadequacy.</td><td>☑</td><td>☐</td></tr>
<tr><td>iii.</td><td>Any findings of inadequacy from Federal investigative agencies.</td><td>☑</td><td>☐</td></tr>
<tr><td>iv.</td><td>Any findings of inadequacy from internal or external oversight bodies.</td><td>☑</td><td>☐</td></tr>
<tr><td>v.</td><td>All components of the facility's physical plant (including "blind spots" or areas where staff or residents may be isolated).</td><td>☑</td><td>☐</td></tr>
<tr><td>vi.</td><td>The composition of the inmate population.</td><td>☑</td><td>☐</td></tr>
<tr><td>vii.</td><td>The number and placement of supervisory staff.</td><td>☑</td><td>☐</td></tr>
<tr><td>viii.</td><td>Institution programs occurring on a particular shift.</td><td>☑</td><td>☐</td></tr>
<tr><td>ix.</td><td>Any applicable State or local laws, regulations, or standards.</td><td>☑</td><td>☐</td></tr>
<tr><td>x.</td><td>The prevalence of substantiated and unsubstantiated incidents of sexual abuse.</td><td>☑</td><td>☐</td></tr>
<tr><td>xi.</td><td>Any other relevant factors.</td><td>☑</td><td>☐</td></tr>
</table>
</td><td><i>(Select only if i-xi are Yes)</i>
☑</td><td>☐</td><td>§115.13</td></tr>
<tr><td>B. If the answer to (3) is YES, does the agency make its best efforts to comply with the staffing plan on a regular basis?</td><td>☑</td><td>☐
<i>(Go to 4)</i></td><td>§115.13</td></tr>
</table>

Questions	Yes	No	Standard Reference
i. If the answer to (B) is **YES,** in circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan?	☑	☐	§115.13
4. Does the agency, in consultation with the PREA coordinator, conduct an assessment when necessary (but no less frequently than once each year) for each facility the agency operates to determine whether adjustments are needed to the following?	*(Select only if A-C are Yes)* ☑	☐ *(Go to 5)*	§115.13
A. The staffing plan. — YES ☑ NO ☐			
B. The facility's deployment of video monitoring systems and other technologies. — YES ☑ NO ☐			
C. The resources the facility has available to commit to ensure adherence to the staffing plan. — YES ☑ NO ☐			
5. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, does the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse?	☑	☐	§115.18
6. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, does the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse?	☑	☐	§115.18

<table>
<tr><th>Questions</th><th>Yes</th><th>No</th><th>Standard Reference</th></tr>
<tr><td>7. Does the agency prohibit hiring or promoting anyone (who may have contact with inmates) who has done any of the following?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. 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).</td><td>☑</td><td>☐</td></tr>
<tr><td>B. 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.</td><td>☑</td><td>☐</td></tr>
<tr><td>C. Been civilly or administratively adjudicated to have engaged in the activity described in section (B) above.</td><td>☑</td><td>☐</td></tr>
</table></td><td>(Select only if A-C are Yes)
☑</td><td>☐
(Go to 8)</td><td>§115.17</td></tr>
<tr><td>D. If the answer to (7) is YES, does the agency ask all applicants and employees directly about previous misconduct in the following?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>i. Written applications for hiring new employees OR interviews conducted as part of hiring.</td><td>☑</td><td>☐</td></tr>
<tr><td>ii. Written applications for promotions OR interviews conducted as part of promoting employees.</td><td>☐</td><td>☑</td></tr>
<tr><td>iii. Any interviews OR written self-evaluations conducted as part of reviews of current employees?</td><td>☐</td><td>☑</td></tr>
</table></td><td>(Select only if i-iii are Yes)
☐</td><td>☑</td><td>§115.17</td></tr>
</table>

<table>
<tr><th>Questions</th><th>Yes</th><th>No</th><th>Standard Reference</th></tr>
<tr><td>8. Does the agency prohibit enlisting the services of any contractor (who may have contact with inmates) who has done the following?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. 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).</td><td>☑</td><td>☐</td></tr>
<tr><td>B. 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.</td><td>☑</td><td>☐</td></tr>
<tr><td>C. Been civilly or administratively adjudicated to have engaged in the activity described in section (B) above.</td><td>☑</td><td>☐</td></tr>
</table></td><td>(Select only if A-C are Yes)
☐</td><td>☐</td><td>§115.17</td></tr>
<tr><td>9. 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 inmates?</td><td>☑</td><td>☐</td><td>§115.17</td></tr>
<tr><td>10. Does the agency perform a criminal background check before hiring new employees who may have contact with inmates?</td><td>☑</td><td>☐</td><td>§115.17</td></tr>
<tr><td>11. Does the agency make its best effort 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, (consistent with Federal, State, and local law), before hiring a new employee who may have contact with inmates?</td><td>☑</td><td>☐</td><td>§115.17</td></tr>
<tr><td>12. Does the agency perform criminal background records checks before enlisting the services of any contractor who may have contact with inmates?</td><td>☑</td><td>☐</td><td>§115.17</td></tr>
</table>

Questions	Yes	No	Standard Reference
13. Does the agency conduct criminal background checks of current employees and contractors who may have contact with inmates at least every five years?	☐ *(Go to 14)*	☑	**§115.17**
A. If the answer to (13) is **NO**, does the agency have a system in place for otherwise capturing such information on current employees?	☐	☑	**§115.17**
14. Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?	☑	☐	**§115.17**
15. Does the agency consider material omissions regarding such misconduct on application materials, or the provision of materially false information, to be grounds for termination?	☑	☐	**§115.17**
16. 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, unless prohibited by law?	☑	☐	**§115.17**
17. Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	☑	☐	**§115.76**
18. Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	☑	☐	**§115.76**
19. Are staff disciplinary sanctions for violations of agency polices relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the following?	*(Select only if A-C are Yes)* ☐	☐	**§115.76**

	YES	NO
A. The nature and circumstances of the acts committed.	☑	☐
B. The staff member's disciplinary history.	☑	☐
C. The sanctions imposed for comparable offenses by other staff with similar histories.	☑	☐

Questions	Yes	No	Standard Reference
20. Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates and reported to law enforcement agencies (unless the activity was clearly not criminal) and to relevant licensing bodies?	☑	☐	§115.77
21. In the case of any other violation of agency sexual abuse or sexual harassment policy by a contractor or volunteer, does the facility take appropriate remedial measures and consider whether to prohibit further contact with inmates?	☑	☐	§115.77

3) Agreements with External Entities

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>1. Does the agency contract with private entities or other government agencies for the confinement of inmates?</td><td>☐</td><td>☑
(Go to 2)</td><td></td></tr>
<tr><td>A. If the answer to (1) is YES, does the agency require new contracts and contract renewals to include the contracting entity's obligation to adopt and comply with the PREA standards?</td><td>☐</td><td>☐</td><td>§115.12</td></tr>
<tr><td>2. Are new contracts and contract renewals required to provide for contract monitoring to ensure that the contractor is complying with the PREA standards?</td><td>☐</td><td>☐</td><td>§115.12</td></tr>
<tr><td>3. Is the agency, or any other governmental entity 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 do the following?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. Remove alleged staff sexual abusers from contact with any inmates pending an investigation.</td><td>☑</td><td>☐</td></tr>
<tr><td>B. Determine whether and to what extent discipline is warranted.</td><td>☑</td><td>☐</td></tr>
</table>
<u>NOTE:</u> This standard does not restrict the entering into or renewal of agreements governing the conduct of the disciplinary process (consistent with 115.72 and 76) 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.</td><td>(Select if either A or B are Yes)
☑</td><td>☐</td><td>§115.66</td></tr>
</table>

Questions	YES	NO	Standard Reference
4. Does the agency maintain memoranda of understanding or other agreements with community service providers that are able to provide inmates with emotional support services related to sexual abuse?	☑	☐ *(Go to B)*	**§115.53**
A. If the answer to (4) is **YES**, does the agency maintain copies of those agreements?	☑ *(Go to 5)*	☐	**§115.53**
B. If the answer to (4) is **NO**, has the agency attempted to enter into memoranda of understanding or other agreements with community service providers that are able to provide such services, and does the agency maintain documentation of the attempts to enter into such agreements?	☐	☐	**§115.53**
5. 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, and to any relevant licensing bodies?	☑	☐	**§115.76**

Section 1.5.1 – Inmate Management and Services Self-Assessment Checklist

1) Supervising Inmates
2) Victim Services: General
3) Victim Services: Immediate Response
4) Victim Services: Ongoing

1) Supervising Inmates

Questions	YES	NO	Standard Reference
1. Has the agency implemented a policy and practice of having intermediate-level or higher-level supervisors to conduct and document unannounced rounds to identify and deter staff sexual misconduct and sexual abuse?	☑	☐ *(Go to 2)*	**§115.13**
A. If the answer to (1) is **YES**, does policy require unannounced rounds on both night and day shifts?	☑	☐	**§115.13**
B. If the answer to (1) is **YES**, is there a policy in place 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?	☑	☐	**§115.13**
2. Does the facility prohibit cross-gender pat-down searches of female inmates, absent exigent circumstances? NOTE: Facilities have 3 years and 60 days following the date of publication of the final PREA standards in the Federal Register to comply. Facilities whose rated capacity does not exceed 50 inmates have 5 years and 60 days following the date of publication of the final PREA standards in the Federal Register to comply.	☑	☐ *(Go to 3)*	**§115.15**
A. If the answer to (2) is **YES**, does the facility NOT restrict female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision?	☑	☐	**§115.15**
B. If the answer to (2) is **YES**, does the agency require that all cross-gender pat-down searches of female inmates be documented?	☑	☐	**§115.15**
3. Does the agency prohibit cross-gender strip searches or visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners?	☑	☐ *(Go to 4)*	**§115.15**

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>A. If the answer to (3) is YES, does the agency require that all cross-gender strip searches and cross-gender visual body cavity searches be documented?</td><td>☑</td><td>☐</td><td>§115.15</td></tr>
<tr><td>4. Does the agency have policies and procedures that enable inmates to perform the following 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?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. Shower</td><td>☑</td><td>☐</td></tr>
<tr><td>B. Perform bodily functions</td><td>☑</td><td>☐</td></tr>
<tr><td>C. Change clothing</td><td>☑</td><td>☐</td></tr>
</table></td><td><i>(Select only if A-C are Yes)</i>
☑</td><td>☐
<i>(Go to 5)</i></td><td>§115.15</td></tr>
<tr><td>A. If the answer to (4) is YES, do such policies and procedures require staff of the opposite gender to announce their presence when entering an inmate housing unit?</td><td>☑</td><td>☐</td><td>§115.15</td></tr>
<tr><td>5. Are transgender and intersex inmates given the opportunity to shower separately from other inmates?</td><td>☑</td><td>☐</td><td>§115.42</td></tr>
<tr><td>6. Does the facility house youthful inmates (i.e. persons under the age of 18 who are under adult court supervision and incarcerated or detained in a prison, jail or lockup)?</td><td>☑</td><td>☐
<i>(Go to section 2)</i></td><td>§115.14</td></tr>
<tr><td>A. Are youthful inmates placed in housing units in which the youthful inmates will NOT have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters?</td><td>☐</td><td>☑</td><td>§115.14</td></tr>
<tr><td>B. In areas outside of housing units, does the agency maintain sight and sound separation between youthful inmates and adult inmates?</td><td>☐</td><td>☑
<i>(Go to C)</i></td><td>§115.14</td></tr>
<tr><td>i. If the answer to (B) is NO, does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact?</td><td>☑</td><td>☐</td><td>§115.14</td></tr>
<tr><td>C. Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision?</td><td>☑</td><td>☐</td><td>§115.14</td></tr>
<tr><td>D. Are youthful inmates NOT denied daily large-muscle exercise and any legally required special education services due to agency efforts to comply with this provision?</td><td>☑</td><td>☐</td><td>§115.14</td></tr>
</table>

Questions	YES	NO	Standard Reference
E. Are youthful inmates also provided access to other programs and work opportunities to the extent possible?	☑	☐	§115.14

2) Victim Services: General

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>1. Does the facility provide inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility with medical and mental health services consistent with the community level of care?</td><td>☑</td><td>☐</td><td>§115.83</td></tr>
<tr><td>2. Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse?</td><td>☑</td><td>☐
(Go to section 3)</td><td>§115.53</td></tr>
<tr><td>A. If the answer to (2) is YES, does the facility do the following?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>i. Give inmates mailing addresses and telephone numbers (including toll-free hotline numbers where available) of local, State, or national victim advocacy or rape crisis organizations.</td><td>☑</td><td>☐</td></tr>
<tr><td>ii. Give inmates mailing addresses and telephone numbers (including toll-free hotline numbers where available) of immigrant service agencies for persons detained solely for civil immigration purposes.</td><td>☑</td><td>☐</td></tr>
<tr><td>iii. Enable reasonable communication between inmates and these organizations, in as confidential a manner as possible.</td><td>☑</td><td>☐</td></tr>
</table></td><td>*(Select only if i-iiii are Yes)*
☑</td><td>☐</td><td>§115.53</td></tr>
<tr><td>B. If the answer to (2) is YES, does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored?</td><td>☑</td><td>☐</td><td>§115.53</td></tr>
<tr><td>C. If the answer to (2) is YES, does the facility inform inmates, prior to giving them access, of the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws?</td><td>☑</td><td>☐</td><td>§115.53</td></tr>
</table>

3) Victim Services: Immediate Response

Questions	YES	NO	Standard Reference
1. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, do staff first responders take preliminary steps to protect the victim pursuant to § 115.62 and immediately notify the appropriate medical and mental health practitioners?	☑	☐	§115.82
2. Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?	☑	☐	§115.82
3. Are treatment services provided to victims of sexual abuse without financial cost?	☑	☐	§115.82
4. Are treatment services provided to victims of sexual abuse regardless of whether or not the victim names the abuser?	☑	☐	§115.82
5. Are treatment services provided to victims of sexual abuse regardless of whether or not the victim cooperates with any investigation arising out of the incident?	☑	☐	§115.82
6. Does the agency offer all inmates who experience sexual abuse access to forensic medical exams, whether onsite or at an outside facility, without financial cost, where evidentiarily or medically appropriate? (Note: Also applies to State entities and DOJ components.)	☑	☐ *(Go to 7)*	§115.21
A. If the answer to (6) is **YES**, are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?	☑ *(Go to C)*	☐	§115.21
B. If the answer to (A) is **NO**, in the event that SAFEs or SANEs cannot be made available, are the examinations performed by other qualified medical practitioners?	☐	☐	§115.21
C. Does the agency document its efforts to provide SAFEs or SANEs?	☑	☐	§115.21
7. Are inmate victims of sexual abuse while incarcerated offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally	☑	☐	§115.82

Questions	YES	NO	Standard Reference
accepted standards of care, where medically appropriate?			
8. Does the agency attempt to make available to the victim a victim advocate from a rape crisis center? NOTE: For the purposes of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages.	☑	☐ *(Go to section 4)*	**§115.21**
A. If the answer to (8) is **YES**, and the rape crisis center is part of a governmental unity, is the center **not** part of the criminal justice system (such as a law enforcement agency), and does it offer a comparable level of confidentiality as a nongovernmental entity that provides similar victim services?	☑	☐	**§115.21**
B. If the answer to (8) is **YES**, does the agency document efforts to secure services from rape crisis centers?	☑	☐	**§115.21**
C. If the answer to (8) is **YES**, but a rape crisis center is unable to provide victim advocate services, does the agency make available a qualified staff member from a community-based organization or a qualified agency staff member to provide these services?	☑	☐ *(Go to D)*	**§115.21**
a) If the answer to (C) is **YES**, is the qualified agency staff member or the qualified community-based staff member screened for appropriateness to serve in this role?	☑	☐	**§115.21**
b) If the answer to (C) is **YES,** is the qualified agency staff member or the qualified community-based staff member someone who has received education concerning sexual assault and forensic examination issues in general?	☑	☐	**§115.21**
D. If the answer to (8) is **YES,** does the victim advocate, qualified agency staff member or qualified community-based staff member accompany and support the victim through the forensic medical exam process and investigatory interviews, and provide emotional support, crisis intervention, information, and referrals, as requested by the victim?	☑	☐	**§115.21**

4) Victim Services: Ongoing

Questions	YES	NO	Standard Reference
1. Does the facility 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?	☑	☐	§115.83
2. 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?	☑	☐	§115.83
3. Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests?	☑	☐	§115.83
4. If pregnancy results from an inmate suffering from sexually abusive vaginal penetration while incarcerated, do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services?	☑	☐	§115.83
5. Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections, as medically appropriate?	☑	☐	§115.83
6. Does the evaluation and treatment of such victims following their transfer to, or placement in, other facilities, or their release from custody, include the following, as appropriate? YES / NO A. Follow-up services. ☑ ☐ B. Treatment plans. ☑ ☐ C. Referrals for continued care (when necessary). ☑ ☐	*(Select only if A-C are Yes)* ☑	☐	§115.83

Section 1.6.1 – Inmate Screening Self-Assessment Checklist

1) Intake
2) Obtaining Information from Inmates
3) Use of Information
4) Information Management

1) Intake

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>1. Does the agency prohibit searching or physically examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status?</td><td>☑</td><td>☐</td><td>§115.15</td></tr>
<tr><td>2. In situations where the genital status of an inmate is unknown, does the facility attempt to determine the genital status through the following?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>i. Conversations with the inmate.</td><td>☑</td><td>☐</td></tr>
<tr><td>ii. Review of medical records.</td><td>☑</td><td>☐</td></tr>
</table></td><td><i>(Select only if i-ii are Yes)</i>
☑</td><td>☐</td><td>§115.15</td></tr>
<tr><td>3. If all other attempts to determine the inmate's genital status have failed, does the facility learn the information as part of a broader medical examination conducted in private by a medical practitioner?</td><td>☑</td><td>☐</td><td>§115.15</td></tr>
</table>

2) Obtaining Information from Inmates

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>1. Are all inmates assessed at the following times for their risk of being sexually abused by other inmates or sexually abusive toward other inmates both:
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. During an intake screening?</td><td>☑</td><td>☐</td></tr>
<tr><td>B. Upon transfer to another facility?</td><td>☑</td><td>☐</td></tr>
</table></td><td><i>(Select only if A-B are Yes)</i>
☑</td><td>☐
<i>(Go to 2)</i></td><td>§115.41</td></tr>
<tr><td>A. If the answer to (1) is YES, does intake screening ordinarily take place within 72 hours of arrival at the facility?</td><td>☑</td><td>☐</td><td>§115.41</td></tr>
</table>

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>2. Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. Whether the inmate has a mental, physical, or developmental disability.</td><td>☑</td><td>☐</td></tr>
<tr><td>B. Age.</td><td>☑</td><td>☐</td></tr>
<tr><td>C. Physical build of the inmate.</td><td>☑</td><td>☐</td></tr>
<tr><td>D. Whether the inmate has previously been incarcerated.</td><td>☑</td><td>☐</td></tr>
<tr><td>E. Level of emotional and cognitive development.</td><td>☑</td><td>☐</td></tr>
<tr><td>F. Whether the inmate has prior convictions for sex offenses against an adult or child.</td><td>☑</td><td>☐</td></tr>
<tr><td>G. Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming.</td><td>☑</td><td>☐</td></tr>
<tr><td>H. Whether the inmate has previously experienced sexual victimization.</td><td>☑</td><td>☐</td></tr>
<tr><td>I. The inmate's own perception of vulnerability.</td><td>☑</td><td>☐</td></tr>
<tr><td>J. Whether the inmate is detained solely for civil immigration purposes.</td><td>☑</td><td>☐</td></tr>
<tr><td>K. Prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse as known to the agency.</td><td>☑</td><td>☐</td></tr>
</table>
</td><td>(Select only if A-K are Yes)
☑</td><td>☐</td><td>§115.41</td></tr>
<tr><td>3. Is inmate screening conducted using an objective screening instrument?</td><td>☑</td><td>☐</td><td>§115.41</td></tr>
<tr><td>4. Does the facility reassess each inmate's risk of victimization or abusiveness within a set time period, not to exceed 30 days from the inmate's arrival at the facility, based upon any additional, relevant information received by the facility since the intake screening?</td><td>☑</td><td>☐</td><td>§115.41</td></tr>
</table>

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>5. Is an inmate's risk level reassessed when warranted due to the following?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. Referrals.</td><td>☑</td><td>☐</td></tr>
<tr><td>B. Requests.</td><td>☑</td><td>☐</td></tr>
<tr><td>C. Incidents of sexual abuse.</td><td>☑</td><td>☐</td></tr>
<tr><td>D. Receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.</td><td>☑</td><td>☐</td></tr>
</table></td><td><i>(Select only if A-D are Yes)</i>
☑</td><td>☐</td><td>§115.41</td></tr>
</table>

3) Use of Information

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>1. Does the agency use the information from the risk screening required by §115.41 to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive?</td><td>☑</td><td>☐</td><td>§115.42</td></tr>
<tr><td>2. Are placement decisions made on an individualized basis to ensure the safety of each inmate?</td><td>☑</td><td>☐</td><td>§115.42</td></tr>
<tr><td>3. Does the agency prohibit placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers?</td><td>☑</td><td>☐
<i>(Go to 4)</i></td><td>§115.43</td></tr>
<tr><td>A. If the answer to (3) is YES, but the facility cannot conduct the assessment immediately, does the facility have procedures in place allowing the holding of the inmate in involuntary segregated housing for less than 24 hours while the assessment is completed?</td><td>☑</td><td>☐</td><td>§115.43</td></tr>
<tr><td>B. If the answer to (3) is YES, and if an involuntary segregated housing assignment is made pursuant to question (3) above, does the facility clearly document the following?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>i. The basis for the facility's concern for the inmate's safety.</td><td>☑</td><td>☐</td></tr>
<tr><td>ii. The reason why no alternative means of separation can be arranged.</td><td>☑</td><td>☐</td></tr>
</table></td><td><i>Select only if i and ii are Yes)</i>
☑</td><td>☐</td><td>§115.43</td></tr>
</table>

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>4. Are inmates placed in involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged?</td><td>☑</td><td>☐</td><td>§115.43</td></tr>
<tr><td>5. Are inmates placed in involuntary segregated housing for a period that does not ordinarily exceed 30 days?</td><td>☑</td><td>☐</td><td>§115.43</td></tr>
<tr><td>6. Do inmates placed in segregated housing for this purpose still have access to the following, to the extent possible?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. Programs.</td><td>☑</td><td>☐</td></tr>
<tr><td>B. Privileges.</td><td>☑</td><td>☐</td></tr>
<tr><td>C. Education.</td><td>☑</td><td>☐</td></tr>
<tr><td>D. Work opportunities.</td><td>☑</td><td>☐</td></tr>
</table></td><td>*(Select only if A-D are Yes)*
☐</td><td>☑
(Go to7)</td><td>§115.43</td></tr>
<tr><td>E. If the answer to (6) is YES, and if the facility restricts access to programs, privileges, education or work opportunities, does the facility document the following?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>i. The opportunities that have been limited.</td><td>☑</td><td>☐</td></tr>
<tr><td>ii. The duration of the limitations.</td><td>☑</td><td>☐</td></tr>
<tr><td>iii. The reasons for such limitations.</td><td>☑</td><td>☐</td></tr>
</table></td><td>*(Select only if i-iii are Yes)*
☑</td><td>☐</td><td>§115.43</td></tr>
<tr><td>7. If an involuntary segregated housing assignment is made pursuant to question (3) above, does the facility afford each such inmate a review every 30 days to determine whether there is a continuing need for separation from the general population?</td><td>☑</td><td>☐</td><td>§115.43</td></tr>
<tr><td>8. Does the agency prohibit placing lesbian, gay, bisexual, transgender or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates?</td><td>☑</td><td>☐</td><td>§115.42</td></tr>
</table>

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>9. In determining whether to house a transgender or intersex inmate to a facility for male or female inmates, and in making other housing, and program assignments for transgender and intersex inmates, does the agency make the decisions in the following manner?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. On a case-by-case basis.</td><td>☑</td><td>☐</td></tr>
<tr><td>B. With the intention of ensuring the inmate's health and safety.</td><td>☑</td><td>☐</td></tr>
<tr><td>C. To determine whether the placement would present management and/or security problems.</td><td>☑</td><td>☐</td></tr>
</table></td><td>(Select only if A-C are Yes)
☑</td><td>☐
(Go to 10)</td><td>§115.42</td></tr>
<tr><td>D. If the answer to (9) is YES, does the agency specify the staff authorized to make this determination?</td><td>☑</td><td>☐</td><td>Best practice</td></tr>
<tr><td>E. If the answer to (9) is YES, does the agency reassess the placement and programming assignments for each transgender and intersex inmate at least twice each year to review any threats to safety experienced by the inmate?</td><td>☑</td><td>☐</td><td>§115.42</td></tr>
<tr><td>F. If the answer to (9) is YES, are such inmate's own views with respect to his or her own safety given serious consideration?</td><td>☑</td><td>☐</td><td>§115.42</td></tr>
<tr><td>10. If the screening pursuant to §115.41 indicates that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, does staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening?</td><td>☑</td><td>☐</td><td>§115.81</td></tr>
<tr><td>11. Does the agency prohibit the disciplining of inmates for refusing to answer (or for not disclosing complete information related to) the following questions:
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. Whether the inmate has a mental, physical, or developmental disability.</td><td>☑</td><td>☐</td></tr>
<tr><td>B. Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming.</td><td>☑</td><td>☐</td></tr>
<tr><td>C. Whether the inmate has previously experienced sexual victimization.</td><td>☑</td><td>☐</td></tr>
<tr><td>D. The inmate's own perception of vulnerability.</td><td>☑</td><td>☐</td></tr>
</table></td><td>(Select only if A-D are Yes)
☑</td><td>☐</td><td>§115.41</td></tr>
</table>

4) Information Management

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>1. Has the agency implemented appropriate controls on the dissemination of responses to the questions asked pursuant to this standard within the facility in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates?</td><td>☑</td><td>☐</td><td>§115.41</td></tr>
<tr><td>2. Is any information related to sexual victimization or abusiveness that occurred in an institutional setting subject to the following requirements:
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. Strictly limited to medical and mental health practitioners.</td><td>☑</td><td>☐</td></tr>
<tr><td>B. Strictly limited to other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments.</td><td>☐</td><td>☑</td></tr>
<tr><td>C. Strictly limited to other staff as otherwise required by Federal, State or local law.</td><td>☑</td><td>☐</td></tr>
</table>
</td><td>(Select only if A-C are Yes)
☐</td><td>☑</td><td>§115.81</td></tr>
<tr><td>3. Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?</td><td>☑</td><td>☐</td><td>§115.81</td></tr>
</table>

Section 1.7.1 – Reporting Self-Assessment Checklist

1) Inmate Reporting of Allegations
2) Staff and Third-Party Reporting of Allegations
3) Protection from Retaliation

1) Inmate Reporting of Allegations

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>1. Does the agency provide multiple internal ways for inmates to privately report the following?<table><tr><th></th><th>YES</th><th>NO</th></tr><tr><td>A. Sexual abuse and sexual harassment.</td><td>☑</td><td>☐</td></tr><tr><td>B. Retaliation by other residents or staff for reporting sexual abuse and sexual harassment.</td><td>☑</td><td>☐</td></tr><tr><td>C. Staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse.</td><td>☑</td><td>☐</td></tr></table></td><td>*(Select only if A-C are Yes)*
☑</td><td>☐</td><td>§115.51</td></tr>
<tr><td>2. Does the agency provide at least one way for inmates to report sexual abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?</td><td>☑</td><td>☐
(Go to 3)</td><td>§115.51</td></tr>
<tr><td>A. If the answer to (2) is **YES**, does the public or private entity or office allow inmates to remain anonymous upon request?</td><td>☑</td><td>☐</td><td>§115.51</td></tr>
<tr><td>3. Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security?</td><td>☑</td><td>☐</td><td>§115.51</td></tr>
</table>

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>4. Does the agency take appropriate steps to ensure that inmates with disabilities (e.g. 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 agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, to include the following steps?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. Providing access (for inmates who are deaf or hard of hearing) to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary (when necessary to ensure effective communication).</td><td>☑</td><td>☐</td></tr>
<tr><td>B. Ensuring that written materials are provided in formats and through methods that ensure effective communication with inmates with disabilities, including inmates with intellectual disabilities, limited reading skills, or who are blind or low vision.</td><td>☑</td><td>☐</td></tr>
</table>
<u>NOTE:</u> An agency is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a 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.</td><td><i>(Select only if A and B are Yes)</i>
☑</td><td>☐</td><td>§115.16</td></tr>
<tr><td>5. 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 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?</td><td>☑</td><td>☐</td><td>§115.16</td></tr>
</table>

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>6. Does the agency prohibit reliance on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate’s safety, the performance of first responder duties under §115.64, or the investigation of the inmate’s allegations?</td><td>☑</td><td>☐</td><td>§115.16</td></tr>
<tr><td>7. Are staff instructed to do the following?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. Accept sexual assault reports that are made verbally.</td><td>☑</td><td>☐</td></tr>
<tr><td>B. Accept sexual assault reports that are made in writing.</td><td>☑</td><td>☐</td></tr>
<tr><td>C. Accept sexual assault reports that are made anonymously.</td><td>☑</td><td>☐</td></tr>
<tr><td>D. Accept sexual assault reports that are made by third parties.</td><td>☑</td><td>☐</td></tr>
<tr><td>E. Promptly document any verbal reports.</td><td>☑</td><td>☐</td></tr>
</table></td><td>*(Select only if A-E are Yes)*
☑</td><td>☐
(Go to 8)</td><td>§115.51</td></tr>
<tr><td>F. If the answer to (7) is YES, are these instructions given in writing, through policy or other written directive?</td><td>☑</td><td>☐</td><td>Best Practice</td></tr>
<tr><td>8. Does the agency have administrative procedures to address inmate grievances regarding sexual abuse?</td><td>☑</td><td>☐
(Go to 9)</td><td>§115.52</td></tr>
<tr><td>A. If the answer to (8) is YES, does the agency NOT impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse?
<u>NOTE:</u> The agency may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.</td><td>☑</td><td>☐</td><td>§115.52</td></tr>
<tr><td>B. If the answer to (8) is YES, does the agency NOT require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse?</td><td>☑</td><td>☐</td><td>§115.52</td></tr>
</table>

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>C. If the answer to (8) is YES, does the agency ensure the following?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>i. That an inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint.</td><td>☑</td><td>☐</td></tr>
<tr><td>ii. That such a grievance is not referred to a staff member who is the subject of the complaint.</td><td>☑</td><td>☐</td></tr>
</table></td><td><i>(Select only if i and ii are Yes)</i>
☑</td><td>☐</td><td>§115.52</td></tr>
<tr><td>D. If the answer to (8) is YES, does the agency allow the following third parties to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>i. Fellow inmates.</td><td>☑</td><td>☐</td></tr>
<tr><td>ii. Staff members.</td><td>☑</td><td>☐</td></tr>
<tr><td>iii. Family members.</td><td>☑</td><td>☐</td></tr>
<tr><td>iv. Attorneys.</td><td>☑</td><td>☐</td></tr>
<tr><td>v. Outside advocates.</td><td>☑</td><td>☐</td></tr>
</table></td><td><i>(Select only if i-v are Yes)</i>
☑</td><td>☐</td><td>§115.52</td></tr>
<tr><td>E. If the answer to (8) is YES, does the agency allow the following third parties to file such requests for administrative remedies relating to allegations of sexual abuse on behalf of inmates?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>i. Fellow inmates.</td><td>☐</td><td>☐</td></tr>
<tr><td>ii. Staff members.</td><td>☐</td><td>☐</td></tr>
<tr><td>iii. Family members.</td><td>☐</td><td>☐</td></tr>
<tr><td>iv. Attorneys.</td><td>☐</td><td>☐</td></tr>
<tr><td>v. Outside advocates.</td><td>☐</td><td>☐</td></tr>
</table>
<u>NOTE:</u> 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 or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.</td><td><i>(Select only if i-v are Yes)</i>
☑</td><td>☐</td><td>§115.52</td></tr>
<tr><td>vi. If the facility requires as a condition of processing that the alleged victim agree to have the request filed on his or her behalf and the alleged victim declines, does the agency document the inmate's decision?</td><td>☑</td><td>☐</td><td>§115.52</td></tr>
</table>

Questions	YES	NO	Standard Reference
F. If the answer to (8) is **YES**, does the agency 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?	☑	☐ *(Go to G)*	§115.52
i. If the answer to (F) is **YES**, does the agency exclude the time consumed by inmates in preparing any administrative appeal from the computation of the 90-day time period?	☑	☐	§115.52
ii. If the answer to (F) is **YES**, can the agency claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision?	☑	☐	§115.52
a) Does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made?	☑	☐	§115.52
G. If the answer to (8) is **YES**, has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse?	☑	☐ *(Go to H)*	§115.52
i. If the answer to (G) is **YES**, does the procedure require the agency, after receiving such an emergency grievance, to do the following?	*(Select only if a-c are Yes)* ☑	☐	§115.52

	YES	NO
a) 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.	☑	☐
b) Provide an initial response within 48 hours.	☑	☐
c) Provide a completed final agency decision within 5 calendar days.	☑	☐

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>ii. If the answer to (G) is YES, does the initial response and final agency decision document the following?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>a) The agency’s determination of whether the inmate is in substantial risk of imminent sexual abuse.</td><td>☑</td><td>☐</td></tr>
<tr><td>b) The action taken in response to the emergency grievance.</td><td>☑</td><td>☐</td></tr>
</table></td><td><i>(Select only if a and b are Yes)</i>
☑</td><td>☐</td><td>§115.52</td></tr>
<tr><td>H. If the answer to (8) is YES, does the agency restrict disciplining an inmate for filing a grievance related to alleged sexual abuse only to situations where the agency demonstrates that the inmate filed the grievance in bad faith?</td><td>☑</td><td>☐</td><td>§115.52</td></tr>
<tr><td>I. If the answer to (8) is YES, does the agency recognize that the absence of a response within the time allotted for reply (including any properly noticed extension) at any time in the administrative process (including the final level) allows the inmate to consider this absence of a response to be a denial at that level?</td><td>☑</td><td>☐</td><td>§115.52</td></tr>
<tr><td>9. If the victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws?</td><td>☑</td><td>☐</td><td>§115.61</td></tr>
<tr><td>10. When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate?</td><td>☑</td><td>☐</td><td>§115.62</td></tr>
<tr><td>11. Apart from reporting to designated supervisors or officials and designated State or local services agencies, is 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?</td><td>☑</td><td>☐
<i>(Go to 12)</i></td><td>§115.61</td></tr>
<tr><td>A. If the answer to (11) is YES, does the agency policy specify those who need to know about a sexual abuse report, and what information they need to know, in order to make treatment, investigation, and other security and management decisions?</td><td>☐</td><td>☑</td><td>Best Practice</td></tr>
</table>

Questions	YES	NO	Standard Reference
12. Are medical practitioners required to inform inmates at the initiation of services of their duty to report, and the limitations of confidentiality, unless otherwise precluded by Federal, State, or local law?	☑	☐	§115.61

2) Staff and Third-Party Reporting of Allegations

<table>
<tr><th colspan="3">Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td colspan="3">1. Does the agency require all staff to report immediately and according to agency policy the following?</td><td rowspan="5"><i>(Select only if A-C are Yes)</i>
☑</td><td rowspan="5">☐</td><td rowspan="5">§115.61</td></tr>
<tr><td></td><td>YES</td><td>NO</td></tr>
<tr><td>A. 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.</td><td>☑</td><td>☐</td></tr>
<tr><td>B. Retaliation against inmates or staff who reported such an incident.</td><td>☑</td><td>☐</td></tr>
<tr><td>C. Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.</td><td>☑</td><td>☐</td></tr>
<tr><td colspan="3">2. Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?</td><td>☑</td><td>☐</td><td>§115.51</td></tr>
<tr><td colspan="3">3. Does the facility provide a method to receive third-party reports of sexual abuse and sexual harassment?</td><td>☑</td><td>☐
<i>(Go to 4)</i></td><td>§115.54</td></tr>
<tr><td colspan="3">A. If the answer to (3) is YES, does the facility publicly distribute information on how to report sexual abuse and sexual harassment on behalf of inmates?</td><td>☐</td><td>☑</td><td>§115.54</td></tr>
<tr><td colspan="3">4. Are medical and mental health practitioners required to report immediately and according to agency policy to designated supervisors or officials pursuant to question (1) of this section?</td><td>☑</td><td>☐</td><td>§115.61</td></tr>
</table>

3) Protection from Retaliation:

Questions	YES	NO	Standard Reference
1. Does the agency have a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff?	☑	☐	§115.67
A. If the answer to (1) is **YES**, does the policy designate which staff members or departments are charged with monitoring retaliation?	☑	☐	§115.67
2. Does the agency employ multiple protection measures for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations? NOTE: Protection measures may include the following: • Housing changes or transfers for inmate victims or abusers • Removal of alleged staff or inmate abusers from contact with victims • Emotional support services	☑	☐	§115.67
3. Does the agency monitor the conduct or treatment of inmates or staff who have reported sexual abuse and of inmates who were reported to have suffered from sexual abuse for at least 90 days following a report of sexual abuse, to see if there are changes that may suggest possible retaliation by inmates or staff? NOTE: An agency's obligation to monitor terminates if the agency determines that the allegation is unfounded.	☑	☐ *(Go to 4)*	§115.67
A. If the answer to (3) is **YES**, and the agency detects changes that may suggest possible retaliation by inmates or staff, does the agency act promptly to remedy any such retaliation?	☑	☐	§115.67

<table>
<tr><td>B. If the answer to (3) is YES, does agency monitoring include the following?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>i. Any inmate disciplinary reports.</td><td>☑</td><td>☐</td></tr>
<tr><td>ii. Any inmate housing changes.</td><td>☑</td><td>☐</td></tr>
<tr><td>iii. Any inmate program changes.</td><td>☑</td><td>☐</td></tr>
<tr><td>iv. Negative staff performance reviews.</td><td>☑</td><td>☐</td></tr>
<tr><td>v. Staff reassignments.</td><td>☑</td><td>☐</td></tr>
</table>
</td><td><i>(Select only if i-v are Yes)</i>
☑</td><td>☐</td><td>§115.67</td></tr>
<tr><td>C. If the answer to (3) is YES, in the case of inmates, does such monitoring include periodic status checks?</td><td>☑</td><td>☐</td><td>§115.367</td></tr>
<tr><td>D. If the answer to (3) is YES, does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?</td><td>☑</td><td>☐</td><td>§115.67</td></tr>
<tr><td>4. If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect the individual against retaliation?</td><td>☑</td><td>☐</td><td>§115.367</td></tr>
</table>

Section 1.8.1 – Investigations Self-Assessment Checklist

1) General Considerations
2) Response to Report of Allegation
3) Investigators and Investigation Procedure
4) Investigations Aftermath
5) Disciplinary Sanctions
6) Incident Review Team

1) General Considerations

Questions	YES	NO	Standard Reference
1. Is the agency responsible for investigating allegations of sexual abuse?	☑	☐ *(Go to B)*	§115.21
A. If the answer to (1) is **YES**, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions?	☑	☐ *(Go to B)*	§115.21
i. If the answer to (A) is **YES**, is the protocol developmentally appropriate for youth where applicable?	☑	☐	§115.21
ii. If the answer to (A) is **YES**, is the 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?	☑	☐	§115.21
B. If the answer to (1) is **NO**, does the agency cooperate with outside investigators and endeavor to remain informed about the process of the investigation?	☑	☐	§115.71
C. If the answer to (1) is **NO**, does the agency request that the investigating entity follow the requirements of paragraphs (a) through (e) of §115. 21?	☑	☐	§115.21
D. If the answer to (1) is **NO**, and investigations are conducted by a State entity (e.g., State Police), is the agency informed of whether the State entity complies with the requirements of Standard 115.71?	☑	☐	§115.71

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>2. Does the agency conduct its own investigations into allegations of sexual abuse and sexual harassment?
in conjunction with MDPD</td><td>☑</td><td>☐
<i>(Go to B)</i></td><td>§115.71</td></tr>
<tr><td>A. If the answer to (2) is YES, does it do so as follows for all sexual abuse and sexual harassment allegations, including third-party and anonymous reports?
<table>
<tr><th></th><th></th><th>YES</th><th>NO</th></tr>
<tr><td>i.</td><td>Promptly</td><td>☑</td><td>☐</td></tr>
<tr><td>ii.</td><td>Thoroughly</td><td>☑</td><td>☐</td></tr>
<tr><td>iii.</td><td>Objectively</td><td>☑</td><td>☐</td></tr>
<tr><td>iv.</td><td>Using investigators who have received special training in sexual abuse investigations pursuant to § 115.34</td><td>☑</td><td>☐</td></tr>
</table></td><td><i>(Select only if i-iv are Yes)</i>
☑</td><td>☐</td><td>§115.71</td></tr>
</table>

2) Response to Reports of Allegations

Questions	YES	NO	Standard Reference
1. Does the agency ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment?	☑	☐	§115.22
2. 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?	☑	☐ *(Go to 3)*	§115.22
A. If the answer to (2) is **YES**, does the agency document all such referrals?	☑	☐	§115.22
B. If the answer to (2) is **YES**, does the agency publish the policy on its website or, if it does not have one, make the policy available through other means?	☐	☑	§115.22
C. If the answer to (2) is **YES**, and if a separate entity is responsible for conducting criminal investigations, does this publication describe the responsibilities of both the agency and the investigating entity?	☐	☑	§115.22
3. Does any State entity responsible for conducting criminal or administrative investigations of sexual abuse or sexual harassment in your agency's facilities have in place a policy governing the conduct of such investigations?	☑	☐	§115.22

Questions	YES	NO	Standard Reference
4. If a Department of Justice component is responsible for conducting criminal or administrative investigations of sexual abuse or sexual harassment in your agency's facilities, is there a policy in place governing the conduct of such investigations?	☑	☐	**§115.22**
5. If the victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does policy state that the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws?	☑	☐	**§115.61**
6. Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators?	☑	☐	**§115.61**
7. If a facility receives an allegation that an inmate 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 **and** the appropriate investigating agency?	☐	☑ *(Go to 8)*	**§115.63**
A. If the answer to (7) is **YES**, is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?	☐	☐	**§115.63**
B. If the answer to (7) is **YES**, does the agency document that it has provided such notification?	☐	☐	**§115.63**
8. Has the facility developed a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership?	☑	☐ *(Go to 9)*	**§115.65**

Questions	YES	NO	Standard Reference
A. If the answer to (8) is **YES**, do the following actions occur (at minimum)?	*(Select only if i-viii are Yes)* ☑	☐	**USDOJ PREA Standards Preamble**[1]
i. Assessing the victim's acute medical needs?	☑	☐	
ii. Informing the victim of his or her rights under relevant Federal or State law?	☑	☐	
iii. Explaining of the need for a forensic medical exam and offering the victim the option of undergoing one?	☑	☐	
iv. Offering the presence of a victim advocate or a qualified staff member to be present during the exam?	☑	☐	
v. Providing crisis intervention counseling?	☑	☐	
vi. Interviewing the victim and any witnesses?	☑	☐	
vii. Collecting evidence?	☑	☐	
viii. Providing for any special needs the victim may have?	☑	☐	
B. If the answer to (8) is **YES**, does the policy specify which entities within the facility are responsible for which actions, how actions should be sequenced, and which actions can occur concurrently with other actions?	☑	☐	**Best practice**
9. Does the agency conduct internal investigations?	☑	☐ *(Go to B)*	
A. If the answer to (9) is **YES**, following an investigation into an inmate's allegation of sexual abuse suffered in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	☑ *(Go to 10)*	☐	**§115.73**
B. If the answer to (9) is **NO**, does the agency request the relevant information from the investigative agency in order to inform the inmate?	☐	☐	**§115.73**

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[1] Discussion of the eight coordination actions can be found within the discussion of **§115.65** in the preamble to the **U.S. Department of Justice's National Standards to Prevent, Detect, and Respond to Prison Rape.**

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>10. Except when an allegation has been determined to be unfounded, following an inmate's allegation that a staff member has committed sexual abuse against the inmate, does the agency subsequently inform the inmate whenever any of the following occur?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. The staff member is no longer posted within the inmate's unit.</td><td>☑</td><td>☐</td></tr>
<tr><td>B. The staff member is no longer employed at the facility.</td><td>☑</td><td>☐</td></tr>
<tr><td>C. The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility.</td><td>☐</td><td>☑</td></tr>
<tr><td>D. The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.</td><td>☐</td><td>☑</td></tr>
</table>
NOTE: An agency's obligation to report under this standard terminates if the inmate is released from the agency's custody.</td><td><i>(Select only if A-D are Yes)</i>
☐</td><td>☑
<i>(Go to 11)</i></td><td>§115.73</td></tr>
<tr><td>E. If the answer to (10) is YES, does the agency document all such notifications or attempted notifications?</td><td>☐</td><td>☐</td><td>§115.73</td></tr>
<tr><td>11. Following an inmate's allegation he or she has been sexually abused by another inmate, does the agency subsequently inform the inmate whenever either of the following occur?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility.</td><td>☐</td><td>☑</td></tr>
<tr><td>B. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.</td><td>☐</td><td>☑</td></tr>
</table>
NOTE: An agency's obligation to report under this standard terminates if the inmate is released from the agency's custody.</td><td><i>(Select only if A and B are Yes)</i>
☐</td><td>☑
<i>(Go to 12)</i></td><td>§115.73</td></tr>
</table>

Questions	YES	NO	Standard Reference
C. If the answer to (11) is YES, does the agency document all such notifications or attempted notifications?	☐	☐	§115.73
12. Does the facility head or agency office that receives a notification from another facility or agency that an inmate was sexually abused while confined at a facility within the agency ensure that the allegation is investigated in accordance with these standards?	☑	☐	§115.63
13. Upon learning that of an allegation that an inmate was sexually abused, is the first staff member to respond to the report required to do the following?	*(Select only if A-D are Yes)* ☑	☐	§115.64

	YES	NO
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 the alleged victim not to take any actions that could destroy physical evidence, including 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 washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.	☑	☐

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>14. If the first staff member to respond to an allegation that an inmate was sexually abused is not a security staff member, is the first responder required to do the following?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. Request that the alleged victim not take any actions that could destroy physical evidence.</td><td>☑</td><td>☐</td></tr>
<tr><td>B. Notify security staff.</td><td>☑</td><td>☐</td></tr>
</table></td><td><i>(Select only if A-B are Yes)</i>
☑</td><td>☐</td><td>§115.64</td></tr>
<tr><td>15. Is any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of §115.43?</td><td>☑</td><td>☐</td><td>§115.68</td></tr>
</table>

3) Investigators and Investigation Procedure

Questions	YES	NO	Standard Reference
1. Does the agency itself conduct sexual abuse and sexual harassment investigations?	☑	☐ *(Go to 2)*	**§115.34**
A. If the answer to (1) is **YES**, does the agency ensure that, where sexual abuse is alleged, its investigators have received training in conducting such investigations in confinement settings in addition to the general training provided to all employees pursuant to § 115.31?	☑	☐ *(Go to B)*	**§115.34**
i. If the answer to (A) is **YES**, does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations?	☑	☐	**§115.34**

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>ii. If the answer to (A) is YES, does this specialized training include the following?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>i. Techniques for interviewing sexual abuse victims.</td><td>☑</td><td>☐</td></tr>
<tr><td>ii. Proper use of <i>Miranda</i> and <i>Garrity</i> warnings.</td><td>☑</td><td>☐</td></tr>
<tr><td>iii. Sexual abuse evidence collection in confinement settings.</td><td>☑</td><td>☐</td></tr>
<tr><td>iv. The criteria and evidence required to substantiate a case for administrative action or prosecution referral.</td><td>☑</td><td>☐</td></tr>
</table></td><td><i>(Select only if i-iv are Yes)</i>
☑</td><td>☐</td><td>§115.34</td></tr>
<tr><td>B. If the answer to (1) is YES, do the investigators investigate all allegations of sexual abuse, including third-party and anonymous reports?</td><td>☑</td><td>☐</td><td>§115.71</td></tr>
<tr><td>2. Do investigators do the following:
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. Gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data.</td><td>☑</td><td>☐</td></tr>
<tr><td>B. Interview alleged victims, suspected perpetrators, and witnesses.</td><td>☑</td><td>☐</td></tr>
<tr><td>C. Review prior complaints and reports of sexual abuse involving the suspected perpetrator.</td><td>☑</td><td>☐</td></tr>
</table></td><td><i>(Select only if A-C are Yes)</i>
☑</td><td>☐</td><td>§115.71</td></tr>
<tr><td>3. 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?</td><td>☑</td><td>☐</td><td>§115.71</td></tr>
<tr><td>4. Is the credibility of an alleged victim, suspect, or witness assessed on an individual basis and not determined by the person's status as inmate or staff?</td><td>☑</td><td>☐</td><td>§115.71</td></tr>
<tr><td>5. Does the agency prohibit requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation?</td><td>☑</td><td>☐</td><td>§115.71</td></tr>
</table>

Questions	YES	NO	Standard Reference
6. Does the agency continue with an investigation into allegations to completion and findings, even if the alleged abuser or victim has resigned from the employment or departed from control of the facility or agency?	☑	☐	§115.71
7. Does the agency impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?	☑	☐	§115.72

4) Investigations Aftermath

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>1. Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?</td><td>☑</td><td>☐</td><td>§115.71</td></tr>
<tr><td>2. Are administrative investigations documented in written reports that include the following?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. A description of the physical and testimonial evidence.</td><td>☑</td><td>☐</td></tr>
<tr><td>B. The reasoning behind credibility assessments.</td><td>☑</td><td>☐</td></tr>
<tr><td>C. Investigative findings.</td><td>☑</td><td>☐</td></tr>
</table></td><td><i>(Select only if A-C are Yes)</i>
☑</td><td>☐</td><td>§115.71</td></tr>
<tr><td>3. Are criminal investigations documented in a written report that contains the following:
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. A thorough description of physical, testimonial, and documentary evidence.</td><td>☑</td><td>☐</td></tr>
<tr><td>B. Attached copies of all documentary evidence, where feasible.</td><td>☑</td><td>☐</td></tr>
</table></td><td><i>(Select only if A-B are Yes)</i>
☑</td><td>☐</td><td>§115.71</td></tr>
<tr><td>4. Are substantiated allegations of conduct that appear to be criminal referred for prosecution?</td><td>☑</td><td>☐</td><td>§115.71</td></tr>
</table>

Questions	YES	NO	Standard Reference
5. Does the agency retain all written reports referenced in questions (2) and (3) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	☑	☐	§115.71

5) Disciplinary Sanctions

Questions	YES	NO	Standard Reference
1. Are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse?	☑	☐	§115.78
2. Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories?	☑	☐	§115.78
3. Does the disciplinary process 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?	☑	☐	§115.78
4. Does the facility offer therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse?	☑	☐ *(Go to 5)*	
A. If the answer to (4) is **YES**, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits?	☑	☐	§115.78
5. Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact?	☑	☐	§115.78
6. Does the agency prohibit any inmate-on-inmate sexual activity?	☑	☐ *(Go to 7)*	
A. If the answer to (6) is **YES**, does agency policy clearly outline the entity that is authorized to determine whether or not inmate-on-inmate sexual activity is consensual?	☐	☑	**Best Practice**

Questions	YES	NO	Standard Reference
B. If the answer to (6) is **YES**, does the prohibition acknowledge that sexual activity between inmates that was not coerced does **not** constitute sexual abuse?	☐	☑	§115.78
7. 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?	☑	☐	§115.78

6) Incident Review Team

Questions	YES	NO	Standard Reference
1. 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?	☑	☐ *(Go to 2)*	§115.86
A. If the answer to (1) is YES, does such review ordinarily occur within 30 days of the conclusion of the investigation?	☑	☐	§115.86
2. Does the sexual abuse incident review team include upper-level management officials and allow for input from line supervisors, investigators, and medical or mental health practitioners?	☐	☑	§115.86

3. Does the sexual abuse incident review team do the following?	*(Select only if A-F are Yes)* ☑	☐ *(Checklist complete)*	**§115.86**

	YES	NO
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 or otherwise caused by the perpetrator or victim's race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.	☑	☐
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 A-E above, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.	☑	☐

G. If the answer to (3) is **YES**, does the facility implement the recommendations for improvement contained in the incident review team's report or document its reasons for not doing so?	☑	☐	**§115.86**

Section 1.9.1 – Training and Education Self-Assessment Checklist

1) Inmate Orientation and Education
2) Employee Training
3) Employee Training Design and Efficacy
4) Contractor/Volunteer Training Content

1) Inmate Orientation and Education

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>1. During the intake process, do inmates receive information explaining the following?
Update to verbiage
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. The agency's zero-tolerance policy regarding sexual abuse and sexual harassment.</td><td>☑</td><td>☑</td></tr>
<tr><td>B. How to report incidents or suspicions of sexual abuse or sexual harassment.</td><td>☑</td><td>☐</td></tr>
</table></td><td>*(Select only if both A & B are Yes)*
☑</td><td>☑</td><td>§115.33</td></tr>
<tr><td>2. Within 30 days of intake, does the agency provide comprehensive education to inmates regarding the following:
Materials need refinement
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. Their right to be free from sexual abuse and sexual harassment.</td><td>☑</td><td>☐</td></tr>
<tr><td>B. Their right to be free from retaliation for reporting such abuse or harassment.</td><td>☐</td><td>☑</td></tr>
<tr><td>C. Agency sexual abuse response policies and procedures.</td><td>☐</td><td>☑</td></tr>
</table></td><td>*(Select only if A-C are Yes)*
☐</td><td>☑
(Go to 3)</td><td>§115.33</td></tr>
<tr><td>D. If the answer to (2) is **YES**, is this education done either in person or via video?</td><td>☐</td><td>☐</td><td>§115.33</td></tr>
<tr><td>3. Does the agency have a plan to educate current inmates who have not received such education within one year of the effective date of the PREA standards?</td><td>☑</td><td>☐</td><td>§115.33</td></tr>
<tr><td>4. Does the agency have a plan to provide education to all inmates upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility?</td><td>☑</td><td>☐</td><td>§115.33</td></tr>
</table>

Questions	YES	NO	Standard Reference
5. Does the agency maintain documentation of inmate participation in these education sessions? Materials need changes	☑	☑	**§115.33**
6. Does the agency provide inmate orientation and all subsequent education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills?	☑	☐	**§115.33**
7. In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats?	☑	☐	**§115.33**

2) Employee Training

<table>
<tr><th colspan="3">Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td colspan="3">1. Does the agency train all employees who may have contact with inmates on the following?</td><td rowspan="12"><i>(Select only if A-J are Yes)</i>
☑</td><td rowspan="12">☐</td><td rowspan="12">§ 115.31</td></tr>
<tr><td></td><td>YES</td><td>NO</td></tr>
<tr><td>A. Its zero-tolerance policy for sexual abuse and sexual harassment.</td><td>☑</td><td>☐</td></tr>
<tr><td>B. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.</td><td>☑</td><td>☐</td></tr>
<tr><td>C. Inmates' right to be free from sexual abuse and sexual harassment.</td><td>☑</td><td>☐</td></tr>
<tr><td>D. The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment.</td><td>☑</td><td>☐</td></tr>
<tr><td>E. The dynamics of sexual abuse and sexual harassment in confinement.</td><td>☑</td><td>☐</td></tr>
<tr><td>F. The common reactions of sexual abuse and sexual harassment victims.</td><td>☑</td><td>☐</td></tr>
<tr><td>G. How to detect and respond to signs of threatened and actual sexual abuse.</td><td>☑</td><td>☐</td></tr>
<tr><td>H. How to avoid inappropriate relationships with inmates.</td><td>☑</td><td>☐</td></tr>
<tr><td>I. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex or gender nonconforming inmates.</td><td>☑</td><td>☐</td></tr>
<tr><td>J. How to comply with laws related to mandatory reporting of sexual abuse to outside authorities.</td><td>☑</td><td>☐</td></tr>
</table>

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>2. Does the agency train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible consistent with security needs?</td><td>☐</td><td>☑</td><td>§ 115.15</td></tr>
<tr><td>3. Are employee trainings tailored to the gender of inmates at the employee's facility?</td><td>☐</td><td>☑
(Go to 4)</td><td>§ 115.31</td></tr>
<tr><td>A. If the answer to (3) is YES, do employees receive additional training if they are reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa?</td><td>☐</td><td>☐</td><td>§ 115.31</td></tr>
<tr><td>4. 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 the following:
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. How to detect and assess signs of sexual abuse and sexual harassment.</td><td>☑</td><td>☐</td></tr>
<tr><td>B. How to preserve physical evidence of sexual abuse.</td><td>☑</td><td>☐</td></tr>
<tr><td>C. How to respond effectively and professionally to victims of sexual abuse and sexual harassment.</td><td>☐</td><td>☑</td></tr>
<tr><td>D. How and to whom to report allegations or suspicions of sexual abuse.</td><td>☑</td><td>☐</td></tr>
</table></td><td>*(Select only if A-D are Yes)*
☐</td><td>☑</td><td>§ 115.35</td></tr>
</table>

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>5. Do medical and mental health care practitioners that are employed by the agency also receive the following training?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. The agency's zero-tolerance policy for sexual abuse and sexual harassment.</td><td>☑</td><td>☐</td></tr>
<tr><td>B. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.</td><td>☑</td><td>☐</td></tr>
<tr><td>C. Inmates' right to be free from sexual abuse and sexual harassment.</td><td>☑</td><td>☐</td></tr>
<tr><td>D. The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment.</td><td>☑</td><td>☐</td></tr>
<tr><td>E. The dynamics of sexual abuse and sexual harassment in confinement.</td><td>☑</td><td>☐</td></tr>
<tr><td>F. The common reactions of sexual abuse and sexual harassment victims.</td><td>☑</td><td>☐</td></tr>
<tr><td>G. How to detect and respond to signs of threatened and actual sexual abuse.</td><td>☑</td><td>☐</td></tr>
<tr><td>H. How to avoid inappropriate relationships with inmates.</td><td>☑</td><td>☐</td></tr>
<tr><td>I. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex or gender nonconforming inmates.</td><td>☑</td><td>☐</td></tr>
<tr><td>J. How to comply with laws related to mandatory reporting of sexual abuse to outside authorities.</td><td>☑</td><td>☐</td></tr>
</table>
</td><td>(Select only if A-J are Yes)
☑</td><td>☐</td><td>§ 115.35</td></tr>
</table>

Questions	YES	NO	Standard Reference
6. Do medical staff employed by the agency conduct forensic examinations?	☐	☑ *(Go to next section)*	
A. If the answer to (5) is **YES**, do medical staff receive the appropriate training to conduct such examinations?	☐	☐	§ 115.35
i. If the answer to (A) is **YES**, does the agency maintain documentation that practitioners have received the training referenced in this standard either from the agency or elsewhere?	☐	☐	§ 115.35

3) Employee Training Design and Efficacy

Questions	YES	NO	Standard Reference
1. Does the agency have a plan to ensure that all current employees who have not received such training will be trained within one year of the effective date of the PREA standards (August 20, 2012)?	☑	☐	§ 115.31
2. Does the agency have a plan to 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?	☑	☐	§ 115.31
3. In the years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies?	☑	☐	§ 115.31
4. Does the agency document, via employee signature or electronic verification, employees' verification that they understand the training they have received?	☑	☐	§ 115.31

4) Contractor/Volunteer Training Content

Questions	YES	NO	Standard Reference
1. Does the agency ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	☑	☐ *(Checklist complete)*	§ 115.32

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>A. If the answer to (1) is YES, are all volunteers and contractors who have contact with inmates notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report sexual abuse?</td><td>☑</td><td>☐</td><td>§ 115.32</td></tr>
<tr><td>B. If the answer to (1) is YES, is the level and type of training provided to volunteers and contractors based on the services they provide and level of contact they have with inmates?</td><td>☑</td><td>☐</td><td>§ 115.32</td></tr>
<tr><td>C. If the answer to (1) is YES, does the agency maintain documentation confirming that volunteer<i>s</i> and contractor<i>s</i> understand the training they have received?</td><td>☑</td><td>☐</td><td>§ 115.32</td></tr>
<tr><td>2. Does the agency utilize contract medical or mental health care practitioners?</td><td>☑</td><td>☐
<i>(Go to 3)</i></td><td></td></tr>
<tr><td>A. If the answer to (2) is YES, do contract medical and mental health care practitioners receive the following training and information (consistent with § 115.32)?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>i. Training on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection and response policies and procedures.</td><td>☑</td><td>☐</td></tr>
<tr><td>ii. Notification of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment.</td><td>☑</td><td>☐</td></tr>
<tr><td>iii. Information on how to report sexual abuse and sexual harassment.</td><td>☑</td><td>☐</td></tr>
</table>
</td><td><i>(Select only if i-iii are Yes)</i>
☑</td><td>☐</td><td>§ 115.35</td></tr>
</table>

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>3. Does the agency utilize volunteer medical or mental health care practitioners?</td><td>☐</td><td>☑
<i>(Checklist complete)</i></td><td></td></tr>
<tr><td>A. If the answer to (3) is YES, do volunteer medical and mental health care practitioners receive the following training and information (consistent with § 115.32)?
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>i. Training on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection and response policies and procedures.</td><td>☐</td><td>☐</td></tr>
<tr><td>ii. Notification of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment.</td><td>☐</td><td>☐</td></tr>
<tr><td>iii. Information on how to report sexual abuse and sexual harassment.</td><td>☐</td><td>☐</td></tr>
</table></td><td><i>(Select only if i-iii are Yes)</i>
☐</td><td>☐</td><td>§ 115.35</td></tr>
</table>

Section 1.10.1—Data Collection Self-Assessment Checklist

1) Data Collection Processes
2) Data Usage
3) Data Management

1) Data Collection Processes

Questions	YES	NO	Standard Reference
1. 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?	☑	☐	§115.87
2. Does the incident-based data collected 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's Bureau of Justice Statistics?	☑	☐	§115.87
3. 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?	☑	☐	§115.87
4. Does the agency aggregate the incident-based sexual abuse data at least annually?	☑	☐	§115.87
5. Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates?	☐	☐	§115.87

2) Data Usage

<table>
<tr><th>Questions</th><th>YES</th><th>NO</th><th>Standard Reference</th></tr>
<tr><td>1. Upon request, can the agency provide all such data from the previous year to the Department of Justice no later than June 30?</td><td>☑</td><td>☐</td><td>§115.87</td></tr>
<tr><td>2. Does the agency review data collected and aggregated pursuant to §115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including the following:
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>A. Identifying problem areas.</td><td>☑</td><td>☐</td></tr>
<tr><td>B. Taking corrective action on an ongoing basis.</td><td>☑</td><td>☐</td></tr>
</table></td><td><i>(Select only if both A & B are Yes)</i>
☑</td><td>☐</td><td>§115.88</td></tr>
<tr><td>3. Does the agency prepare an annual report of its findings from its data review and any corrective actions for each facility, as well as the agency as a whole?</td><td>☑</td><td>☐
<i>(Go to next section)</i></td><td>§115.88</td></tr>
<tr><td>A. If the answer to (3) is YES, does the agency's annual report include the following:
<table>
<tr><th></th><th>YES</th><th>NO</th></tr>
<tr><td>i. A comparison of the current year's data and corrective actions with those from prior years.</td><td>☑</td><td>☐</td></tr>
<tr><td>ii. An assessment of the agency's progress in addressing sexual abuse?</td><td>☑</td><td>☐</td></tr>
</table></td><td><i>(Select only if i & ii are Yes)</i>
☑</td><td>☐</td><td>§115.88</td></tr>
<tr><td>B. If the answer to (3) is YES, is the agency's 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?</td><td>☐</td><td>☑</td><td>§115.88</td></tr>
<tr><td>C. If the answer to (3) is YES, does the agency redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but indicate the nature of the material redacted?</td><td>☐</td><td>☑</td><td>§115.88</td></tr>
</table>

3) Data Management

Questions	YES	NO	Standard Reference
1. Does the agency ensure that data collected pursuant to § 115.87 are securely retained?	☑	☐	**§115.89**
2. 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?	☐ *(Go to 3)*	☑	**§115.89**
A. If the answer to (2) is **NO**, does it make it available through other means?	☑	☐	**§115.89**
3. Before making aggregated sexual abuse data publicly available, does the agency remove all personal identifiers?	☑	☐	**§115.89**
4. Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of its initial collection unless Federal, State, or local law requires otherwise?	☑	☐	**§115.89**

2.2—Self-Assessment Checklist Summary

Using the responses to each Self-Assessment question and the PREA Standards, list all the standards that will require follow-up. After listing the standards, assign a priority level and an implementation status to each.

Standards for Follow-Up	Priority Level					
	Low	Medium	High	1. Not Currently Implemented	2. Partially Implemented	3. Fully Implemented
115.13	☐	☑	☐	☐	☑	☐
115.14	☐	☐	☑	☐	☑	☐
115.15	☐	☑	☐	☐	☑	☐
115.16	☐	☑	☐	☐	☑	☐
115.17	☐	☐	☑	☑	☐	☐
115.22	☐	☑	☐	☑	☐	☐

2.2—Self-Assessment Checklist Summary

Using the responses to each Self-Assessment question and the PREA Standards, list all the standards that will require follow-up. After listing the standards, assign a priority level and an implementation status to each.

Standards for Follow-Up	Priority Level					
	Low	Medium	High	1. Not Currently Implemented	2. Partially Implemented	3. Fully Implemented
115.35	☐	☑	☐	☐	☑	☐
115.41	☐	☑	☐	☐	☑	☐
115.42	☐	☐	☑	☐	☑	☐
115.43	☐	☑	☐	☐	☑	☐
115.63	☐	☐	☑	☐	☐	☑
115.67	☐	☑	☐	☐	☑	☐

2.2—Self-Assessment Checklist Summary

Using the responses to each Self-Assessment question and the PREA Standards, list all the standards that will require follow-up. After listing the standards, assign a priority level and an implementation status to each.

Standards for Follow-Up	Priority Level					
	Low	Medium	High	1. Not Currently Implemented	2. Partially Implemented	3. Fully Implemented
115.71	☐	☑	☐	☐	☑	☐
115.73	☐	☑	☐	☐	☑	☐
115.78	☐	☐	☑	☑	☐	☐
115.86	☐	☐	☑	☐	☑	☐
115.88	☐	☐	☑	☑	☐	☐
	☐	☐	☐	☐	☐	☐