

PREA Facility Audit Report: Final

Name of Facility: Travis County SMART Facility

Facility Type: Community Confinement

Date Interim Report Submitted: NA

Date Final Report Submitted: 11/18/2022

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input checked="" type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input checked="" type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input checked="" type="checkbox"/>
Auditor Full Name as Signed: Karen d. Murray	Date of Signature: 11/18/2022

AUDITOR INFORMATION	
Auditor name:	Murray, Karen
Email:	
Start Date of On-Site Audit:	10/12/2022
End Date of On-Site Audit:	10/12/2022

FACILITY INFORMATION	
Facility name:	Travis County SMART Facility
Facility physical address:	3404b South FM 973, Delvalle, Texas - 78617
Facility mailing address:	

Primary Contact	
Name:	
Email Address:	
Telephone Number:	

Facility Director	
Name:	
Email Address:	
Telephone Number:	

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

Facility Health Service Administrator On-Site	
Name:	
Email Address:	
Telephone Number:	

Facility Characteristics	
Designed facility capacity:	100
Current population of facility:	24
Average daily population for the past 12 months:	32
Has the facility been over capacity at any point in the past 12 months?	No
Which population(s) does the facility hold?	Both females and males
Age range of population:	18-99
Facility security levels/resident custody levels:	Community Confinement
Number of staff currently employed at the facility who may have contact with residents:	24
Number of individual contractors who have contact with residents, currently authorized to enter the facility:	17
Number of volunteers who have contact with residents, currently authorized to enter the facility:	0

AGENCY INFORMATION	
Name of agency:	Travis County Community Justice Services
Governing authority or parent agency (if applicable):	
Physical Address:	411 West 13th Street, Austin, Texas - 78701
Mailing Address:	
Telephone number:	

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

Agency-Wide PREA Coordinator Information			
Name:		Email Address:	

SUMMARY OF AUDIT FINDINGS	
<p>The OAS automatically populates the number and list of Standards exceeded, the number of Standards met, and the number and list of Standards not met.</p> <p>Auditor Note: In general, no standards should be found to be "Not Applicable" or "NA." A compliance determination must be made for each standard. In rare instances where an auditor determines that a standard is not applicable, the auditor should select "Meets Standard" and include a comprehensive discussion as to why the standard is not applicable to the facility being audited.</p>	
Number of standards exceeded:	
0	
Number of standards met:	
41	
Number of standards not met:	
0	

POST-AUDIT REPORTING INFORMATION

GENERAL AUDIT INFORMATION

On-site Audit Dates

1. Start date of the onsite portion of the audit:	2022-10-12
2. End date of the onsite portion of the audit:	2022-10-12

Outreach

10. Did you attempt to communicate with community-based organization(s) or victim advocates who provide services to this facility and/or who may have insight into relevant conditions in the facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Identify the community-based organization(s) or victim advocates with whom you communicated:	As is stated above in the site observation: During the tour the SAFE hotline was tested. An operator answered the call. The operator stated they were offer services as long as those services were under their purview. The operator stated law enforcement approved SAFE exams and if approved the SAFE advocates would meet the residents at the hospital and provide ongoing case management services.

AUDITED FACILITY INFORMATION

14. Designated facility capacity:	100
15. Average daily population for the past 12 months:	32
16. Number of inmate/resident/detainee housing units:	9
17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Not Applicable for the facility type audited (i.e., Community Confinement Facility or Juvenile Facility)

Audited Facility Population Characteristics on Day One of the Onsite Portion of the Audit

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

36. Enter the total number of inmates/residents/detainees in the facility as of the first day of onsite portion of the audit:	27
38. Enter the total number of inmates/residents/detainees with a physical disability in the facility as of the first day of the onsite portion of the audit:	1

39. Enter the total number of inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) in the facility as of the first day of the onsite portion of the audit:	0
40. Enter the total number of inmates/residents/detainees who are Blind or have low vision (visually impaired) in the facility as of the first day of the onsite portion of the audit:	0
41. Enter the total number of inmates/residents/detainees who are Deaf or hard-of-hearing in the facility as of the first day of the onsite portion of the audit:	0
42. Enter the total number of inmates/residents/detainees who are Limited English Proficient (LEP) in the facility as of the first day of the onsite portion of the audit:	0
43. Enter the total number of inmates/residents/detainees who identify as lesbian, gay, or bisexual in the facility as of the first day of the onsite portion of the audit:	3
44. Enter the total number of inmates/residents/detainees who identify as transgender or intersex in the facility as of the first day of the onsite portion of the audit:	0
45. Enter the total number of inmates/residents/detainees who reported sexual abuse in the facility as of the first day of the onsite portion of the audit:	0
46. Enter the total number of inmates/residents/detainees who disclosed prior sexual victimization during risk screening in the facility as of the first day of the onsite portion of the audit:	9
47. Enter the total number of inmates/residents/detainees who were ever placed in segregated housing/isolation for risk of sexual victimization in the facility as of the first day of the onsite portion of the audit:	0
48. Provide any additional comments regarding the population characteristics of inmates/residents/detainees in the facility as of the first day of the onsite portion of the audit (e.g., groups not tracked, issues with identifying certain populations):	No text provided.
Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit	
49. Enter the total number of STAFF, including both full- and part-time staff, employed by the facility as of the first day of the onsite portion of the audit:	24
50. Enter the total number of VOLUNTEERS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:	0
51. Enter the total number of CONTRACTORS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:	0

52. Provide any additional comments regarding the population characteristics of staff, volunteers, and contractors who were in the facility as of the first day of the onsite portion of the audit:	No text provided.
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INTERVIEWS

Inmate/Resident/Detainee Interviews

Random Inmate/Resident/Detainee Interviews

53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:	5
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54. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)	<input type="checkbox"/> Age <input checked="" type="checkbox"/> Race <input type="checkbox"/> Ethnicity (e.g., Hispanic, Non-Hispanic) <input checked="" type="checkbox"/> Length of time in the facility <input checked="" type="checkbox"/> Housing assignment <input checked="" type="checkbox"/> Gender <input type="checkbox"/> Other <input type="checkbox"/> None
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55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?	The facility provided the Auditor resident rosters, by housing unit and gender. Residents were then randomly chosen for interviews by the Auditor. Residents from each open housing unit and of both genders were interviewed.
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56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?	<input checked="" type="radio"/> Yes <input type="radio"/> No
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57. Provide any additional comments regarding selecting or interviewing random inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):	No text provided.
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Targeted Inmate/Resident/Detainee Interviews

58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:	5
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As stated in the PREA Auditor Handbook, the breakdown of targeted interviews is intended to guide auditors in interviewing the appropriate cross-section of inmates/residents/detainees who are the most vulnerable to sexual abuse and sexual harassment. When completing questions regarding targeted inmate/resident/detainee interviews below, remember that an interview with one inmate/resident/detainee may satisfy multiple targeted interview requirements. These questions are asking about the number of interviews conducted using the targeted inmate/resident/detainee protocols. For example, if an auditor interviews an inmate who has a physical disability, is being held in segregated housing due to risk of sexual victimization, and disclosed prior sexual victimization, that interview would be included in the totals for each of those questions. Therefore, in most cases, the sum of all the following responses to the targeted inmate/resident/detainee interview categories will exceed the total number of targeted inmates/residents/detainees who were interviewed. If a particular targeted population is not applicable in the audited facility, enter "0".

<p>60. Enter the total number of interviews conducted with inmates/residents/detainees with a physical disability using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>1</p>
<p>61. Enter the total number of interviews conducted with inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>After a tour, informal and formal interviews with residents and staff, and resident file review, this category of targeted residents did not appear to be within the current resident population.</p>
<p>62. Enter the total number of interviews conducted with inmates/residents/detainees who are Blind or have low vision (i.e., visually impaired) using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>After a tour, informal and formal interviews with residents and staff, and resident file review, this category of targeted residents did not appear to be within the current resident population.</p>
<p>63. Enter the total number of interviews conducted with inmates/residents/detainees who are Deaf or hard-of-hearing using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>

<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>After a tour, informal and formal interviews with residents and staff, and resident file review, this category of targeted residents did not appear to be within the current resident population.</p>
<p>64. Enter the total number of interviews conducted with inmates/residents/detainees who are Limited English Proficient (LEP) using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>After a tour, informal and formal interviews with residents and staff, and resident file review, this category of targeted residents did not appear to be within the current resident population.</p>
<p>65. Enter the total number of interviews conducted with inmates/residents/detainees who identify as lesbian, gay, or bisexual using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</p>	<p>3</p>
<p>66. Enter the total number of interviews conducted with inmates/residents/detainees who identify as transgender or intersex using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>After a tour, informal and formal interviews with residents and staff, and resident file review, this category of targeted residents did not appear to be within the current resident population.</p>
<p>67. Enter the total number of interviews conducted with inmates/residents/detainees who reported sexual abuse in this facility using the "Inmates who Reported a Sexual Abuse" protocol:</p>	<p>0</p>

<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>After a tour, informal and formal interviews with residents and staff, and resident file review, this category of targeted residents did not appear to be within the current resident population.</p>
<p>68. Enter the total number of interviews conducted with inmates/residents/detainees who disclosed prior sexual victimization during risk screening using the "Inmates who Disclosed Sexual Victimization during Risk Screening" protocol:</p>	<p>9</p>
<p>69. Enter the total number of interviews conducted with inmates/residents/detainees who are or were ever placed in segregated housing/isolation for risk of sexual victimization using the "Inmates Placed in Segregated Housing (for Risk of Sexual Victimization/Who Allege to have Suffered Sexual Abuse)" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>After a tour, informal and formal interviews with residents and staff, and resident file review, this category of targeted residents did not appear to be within the current resident population.</p>
<p>70. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):</p>	<p>No text provided.</p>
<p>Staff, Volunteer, and Contractor Interviews</p>	
<p>Random Staff Interviews</p>	
<p>71. Enter the total number of RANDOM STAFF who were interviewed:</p>	<p>5</p>

<p>72. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)</p>	<p><input checked="" type="checkbox"/> Length of tenure in the facility</p> <p><input checked="" type="checkbox"/> Shift assignment</p> <p><input checked="" type="checkbox"/> Work assignment</p> <p><input type="checkbox"/> Rank (or equivalent)</p> <p><input type="checkbox"/> Other (e.g., gender, race, ethnicity, languages spoken)</p> <p><input type="checkbox"/> None</p>
<p>73. Were you able to conduct the minimum number of RANDOM STAFF interviews?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p>
<p>a. Select the reason(s) why you were unable to conduct the minimum number of RANDOM STAFF interviews: (select all that apply)</p>	<p><input type="checkbox"/> Too many staff declined to participate in interviews.</p> <p><input checked="" type="checkbox"/> Not enough staff employed by the facility to meet the minimum number of random staff interviews (Note: select this option if there were not enough staff employed by the facility or not enough staff employed by the facility to interview for both random and specialized staff roles).</p> <p><input type="checkbox"/> Not enough staff available in the facility during the onsite portion of the audit to meet the minimum number of random staff interviews.</p> <p><input type="checkbox"/> Other</p>
<p>74. Provide any additional comments regarding selecting or interviewing random staff (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</p>	<p>All Direct Care Monitors, on each shift, on the day of the onsite review were interviewed.</p>
<p>Specialized Staff, Volunteers, and Contractor Interviews</p>	
<p>Staff in some facilities may be responsible for more than one of the specialized staff duties. Therefore, more than one interview protocol may apply to an interview with a single staff member and that information would satisfy multiple specialized staff interview requirements.</p>	
<p>75. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):</p>	<p>7</p>
<p>76. Were you able to interview the Agency Head?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>78. Were you able to interview the PREA Coordinator?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>

<p>79. Were you able to interview the PREA Compliance Manager?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if the agency is a single facility agency or is otherwise not required to have a PREA Compliance Manager per the Standards)</p>
<p>80. Select which SPECIALIZED STAFF roles were interviewed as part of this audit from the list below: (select all that apply)</p>	<p><input type="checkbox"/> Agency contract administrator</p> <p><input checked="" type="checkbox"/> Intermediate or higher-level facility staff responsible for conducting and documenting unannounced rounds to identify and deter staff sexual abuse and sexual harassment</p> <p><input type="checkbox"/> Line staff who supervise youthful inmates (if applicable)</p> <p><input type="checkbox"/> Education and program staff who work with youthful inmates (if applicable)</p> <p><input checked="" type="checkbox"/> Medical staff</p> <p><input checked="" type="checkbox"/> Mental health staff</p> <p><input type="checkbox"/> Non-medical staff involved in cross-gender strip or visual searches</p> <p><input checked="" type="checkbox"/> Administrative (human resources) staff</p> <p><input type="checkbox"/> Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) staff</p> <p><input checked="" type="checkbox"/> Investigative staff responsible for conducting administrative investigations</p> <p><input type="checkbox"/> Investigative staff responsible for conducting criminal investigations</p> <p><input checked="" type="checkbox"/> Staff who perform screening for risk of victimization and abusiveness</p> <p><input type="checkbox"/> Staff who supervise inmates in segregated housing/residents in isolation</p> <p><input checked="" type="checkbox"/> Staff on the sexual abuse incident review team</p> <p><input checked="" type="checkbox"/> Designated staff member charged with monitoring retaliation</p> <p><input checked="" type="checkbox"/> First responders, both security and non-security staff</p> <p><input checked="" type="checkbox"/> Intake staff</p> <p><input type="checkbox"/> Other</p>
<p>81. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p>

82. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility?	<input type="radio"/> Yes <input checked="" type="radio"/> No
83. Provide any additional comments regarding selecting or interviewing specialized staff.	No text provided.

SITE REVIEW AND DOCUMENTATION SAMPLING

Site Review

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

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

85. Observations of all facility practices in accordance with the site review component of the audit instrument (e.g., signage, supervision practices, cross-gender viewing and searches)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
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86. Tests of all critical functions in the facility in accordance with the site review component of the audit instrument (e.g., risk screening process, access to outside emotional support services, interpretation services)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
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87. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
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88. Informal conversations with staff during the site review (encouraged, not required)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
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89. Provide any additional comments regarding the site review (e.g., access to areas in the facility, observations, tests of critical functions, or informal conversations).	No text provided.
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Documentation Sampling

Where there is a collection of records to review-such as staff, contractor, and volunteer training records; background check records; supervisory rounds logs; risk screening and intake processing records; inmate education records; medical files; and investigative files-auditors must self-select for review a representative sample of each type of record.

90. In addition to the proof documentation selected by the agency or facility and provided to you, did you also conduct an auditor-selected sampling of documentation?	<input checked="" type="radio"/> Yes <input type="radio"/> No
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91. Provide any additional comments regarding selecting additional documentation (e.g., any documentation you oversampled, barriers to selecting additional documentation, etc.).

Resident and staff files were reviewed by utilizing the Community Confinement Facilities Documentation Review Resident/Staff Files Record tools.

SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS AND INVESTIGATIONS IN THIS FACILITY

Sexual Abuse and Sexual Harassment Allegations and Investigations Overview

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

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

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

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

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

Sexual Abuse and Sexual Harassment Investigation Outcomes

Sexual Abuse Investigation Outcomes

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

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

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

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

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

Sexual Harassment Investigation Outcomes

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

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

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

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

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

Sexual Abuse and Sexual Harassment Investigation Files Selected for Review

Sexual Abuse Investigation Files Selected for Review

98. Enter the total number of SEXUAL ABUSE investigation files reviewed/sampled:	0
a. Explain why you were unable to review any sexual abuse investigation files:	The facility has not experienced an allegation of sexual abuse in the past 12 months.

<p>99. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual abuse investigation files)</p>
<p>Inmate-on-inmate sexual abuse investigation files</p>	
<p>100. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</p>	<p>0</p>
<p>101. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
<p>102. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
<p>Staff-on-inmate sexual abuse investigation files</p>	
<p>103. Enter the total number of STAFF-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</p>	<p>0</p>
<p>104. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>
<p>105. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>
<p>Sexual Harassment Investigation Files Selected for Review</p>	
<p>106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>0</p>
<p>a. Explain why you were unable to review any sexual harassment investigation files:</p>	<p>The facility has not experienced an allegation of sexual harassment in the past 12 months.</p>

<p>107. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual harassment investigation files)</p>
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Inmate-on-inmate sexual harassment investigation files

<p>108. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>0</p>
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<p>109. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
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<p>110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
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Staff-on-inmate sexual harassment investigation files

<p>111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>0</p>
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<p>112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)</p>
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<p>113. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)</p>
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<p>114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.</p>	<p>The facility has not experienced an allegation of sexual harassment or sexual abuse in the past 12 months.</p>
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SUPPORT STAFF INFORMATION

DOJ-certified PREA Auditors Support Staff

<p>115. Did you receive assistance from any DOJ-CERTIFIED PREA AUDITORS at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p>
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Non-certified Support Staff

<p>116. Did you receive assistance from any NON-CERTIFIED SUPPORT STAFF at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p>
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AUDITING ARRANGEMENTS AND COMPENSATION

<p>121. Who paid you to conduct this audit?</p>	<p><input type="radio"/> The audited facility or its parent agency</p> <p><input type="radio"/> My state/territory or county government employer (if you audit as part of a consortium or circular auditing arrangement, select this option)</p> <p><input checked="" type="radio"/> A third-party auditing entity (e.g., accreditation body, consulting firm)</p> <p><input type="radio"/> Other</p>
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<p>Identify the name of the third-party auditing entity</p>	<p>PREA Auditors of America</p>
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Standards

Auditor Overall Determination Definitions

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

Auditor Discussion Instructions

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

115.211 Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

- 1. Travis County SMART Facility PAQ
- 2. Travis County PREA Community Confinement Standards, dated 12.2.2019
- 3. Travis County SMART Program Organizational Chart, dated 9.2022

Interviews:

- 1. Random residents
- 2. Targeted residents
- 3. Direct Care Monitors
- 4. SMART Facility Administrator
- 5. Division Director / PREA Coordinator

Through interviews with residents and staff and review of resident and staff files, it is evident that this facility interweaves requirements for this standard in their daily protocols. Both residents and staff could speak to facility PREA practices and protocols being used as is described in the agency's PREA policy. The Division Director / PREA Coordinator could attest to having the required time to implement PREA protocols.

Residents stated the facility is very safe, PREA is discussed often, and they appreciated the safe environment as they could focus on their issues as opposed to their safety. Residents stated the program should be called the SAFE program instead of SMART as they felt so safe.

Site Review Observation:

During the tour of the facility, the Auditor witnessed multiple Zero Tolerance postings with facility, hotline, agency and advocacy reporting information and Audit Notices on yellow paper, posted in the administrative area, hallways outside of dorms, meeting rooms, computer lab, and dining area. The facility has camera placement throughout the facility. Cameras were reviewed in the Control Area near the dorms and two cameras were found to be inoperable; however, the facility has requested repair. Video equipment at the facility is aged. All restrooms and showers had adequate curtains and or doors to ensure the privacy of residents while showering, changing clothes and or toileting.

Recommendations:

- 1. The facility to install a mirror in the blind spot noted in the kitchen.
- 2. The facility to install a mirror in the Resident 'Clothing Closet' in the washer/dryer area blind spot noted.
- 3. The facility to clearly explain the functions and purpose of the advocacy organization to all residents.

(a) The Travis County SMART Facility PAQ states the facility mandates zero-tolerance toward all forms of sexual abuse and sexual harassment in the facility it operates and those directly under contract. The facility has a written policy outlining how it will implement the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment. The policy includes definitions of prohibited behaviors regarding sexual abuse and sexual harassment. The policy includes sanctions for those found to have participated in prohibited behaviors. The policy includes a description of agency strategies and responses to reduce and prevent sexual abuse and sexual harassment of residents.

Travis County PREA Community Confinement Standards 115.211, page 5, section A-B., states,

A. "The Travis County Community Justice Services (TCCJS) SMART Facility is committed to providing a safe and healthy environment for residents, staff, visitors, contractors and volunteers. TCCJS is committed to protecting residents from sexual abuse and sexual harassment. Sexual abuse and sexual harassment compromise the safety of everyone in our facility and will not be tolerated. The TCCJS policy will serve as a mechanism for complying with the Prison Rape Elimination Act (PREA) and the PREA National Standards.

B. SMART has mandated a zero-tolerance policy relating to any sexual misconduct and sexual harassment between staff, volunteers, contractors, and residents or their family members. All allegations, regardless of the source, of coercive, or consensual sexual misconduct/harassment occurring among residents will be fully investigated, sanctioned (if authority to do so exists), and referred for prosecution if the prohibited conduct violates state criminal laws."

(b) The Travis County SMART Facility PAQ states The PREA Coordinator has sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its community confinement facilities. The position of the PREA Coordinator in the agency's organizational structure. The TCCJS Division Director serves as the PREA Coordinator.

Travis County PREA Community Confinement Standards 115.211, page 5, section C., states, "TCCJS shall employ or designate an upper-level, agency-wide PREA Coordinator, with sufficient time and authority to develop, implement, and

oversee agency efforts to comply with the PREA standards at SMART.”

The facility provided a Travis County SMART Program Organizational Chart. The organizational chart demonstrates the TCCJS Division Director serves as the PREA Coordinator who reports directly to the TCCJS Assistant Director.

Through such reviews, the facility meets the standards requirements.

115.212	Contracting with other entities for the confinement of residents
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review: 1. Travis County SMART Facility PAQ</p> <p>Interviews: 1. SMART Facility Administer</p> <p>During the pre-audit phase, the SMART Facility Administer conveyed the agency is a standalone facility and does not have privatized contracts.</p> <p>(a) The Travis County SMART Facility PAQ states agency does not contract with private agencies for confinement services of their residents.</p> <p>Through such reviews, the facility meets the standard requirements.</p>

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Travis County SMART Facility PAQ
2. Travis County PREA Community Confinement Standards, dated 12.2.2019
3. Gateway Staffing Plan for SMART Facility, dated 10.6.2022
4. Gateway Travis County SMART Program: September Monthly Report, Staffing Plan Review, dated 9.30.2021

Interviews:

1. Random residents
2. Targeted residents
3. Direct Care Monitors
4. SMART Program Administer
5. Division Director / PREA Coordinator

Residents stated staff always knock, very loudly, wait for a response and typically stand by the door to ask questions.

Female and male residents stated opposite gender staff rarely enter their dorms.

Staff and residents interviewed could attest to supervisory staff conducting rounds, each day, often occurring multiple times per day. Staff were observed in day and meeting rooms throughout the onsite review.

Site Observation:

During the tour knock and announce protocols were witnessed by staff touring and staff entering dorms during the tour.

Handmade signs were hung inside of dorms to remind residents to not open the door during specified times when opposite gender residents are in hallways.

(a) The Travis County SMART Facility PAQ states the facility requires the facility to develop, document and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect residents against abuse. Since August 20, 2012, or last PREA audit, whichever is later, the average daily number of residents is 35. Since August 20, 2012, or last PREA audit, whichever is later, the average daily number of residents on which the staffing plan was predicated is 80.

Travis County PREA Community Confinement Standards 115.213, page 7, section A., states, "SMART shall develop and document a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect residents against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, the following shall be taken into consideration:

1. The physical layout of the SMART facility;
2. The composition of the resident population;
3. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
4. Any other relevant factors. "

The facility provided a Gateway Staffing Plan for SMART Facility. The staffing plan is comprised of the following elements:

- PREA Standard 115.213
- Staff composition and staffing patterns
- Direct Care Monitors
- Monitoring
- Video Monitoring
- Facility Physical Layout
- Current Residential Population
- Substantiated/Unsubstantiated Incidents
- Staffing Plan Review

The staffing plan is signed by the SMART Residential Administrator, Gateway Vendor Administrator and the SMART PREA Coordinator and dated on 10.6.2022.

(b) The Travis County SMART Facility PAQ states the facility documents each time the staffing plan is not complied with, the facility documents and justifies deviations. The facility had zero deviations from the required ratios of their staffing plan.

Travis County PREA Community Confinement Standards 115.213, page 7, section B., states, "In circumstances where the staffing plan is not complied with, the Facility Administrator shall document and justify all deviations from the plan."

(c) The Travis County SMART Facility PAQ states at least once every year the facility, reviews the staffing plan to see whether adjustments are needed in (1) the staffing plan, (2) prevailing staffing patterns, (3) the deployment of video

monitoring systems and other monitoring technologies, or (4) the allocation of facility/agency resources to commit to the staffing plan to ensure compliance with the staffing plan.

Travis County PREA Community Confinement Standards 115.213, page 7, section C-D., states,

C. "The Facility Administrator will notify the PREA Coordinator of the deviation within seven (7) calendar days; to include a description of any corrective actions that were taken to resolve the deviation.

D. Whenever necessary, but no less frequently than once each year, the facility shall assess, determine, and document whether adjustments are needed to:

- a. The current staffing plan established;
- b. The facility's deployment of video monitoring systems and other monitoring technologies; and
- c. The resources the facility has available to commit to ensure adequate staffing levels."

The facility provided a Gateway Travis County SMART Program: September Monthly Report, Staffing Plan Review. The review documents the following:

- Personnel Updates
 - o Interviews/Hiring Process
 - o Open positions
- Operational Updates
 - o Vendor Contracts
 - o Information Systems/Data
 - o Transport
 - o TB Testing
 - o Cleaning
 - o Medical
 - o Weekly Meetings
 - o Staffing Issues
 - o Maintenance
 - o Investigations
 - o Visits
 - o Recovery Day Activities
 - o PREA Investigations

Through such reviews, the facility meets the standard requirements.

115.215 Limits to cross-gender viewing and searches

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

- 1. Travis County SMART Facility PAQ
- 2. Travis County PREA Community Confinement Standards, dated 12.2.2019
- 3. National PREA Resource Center Guidance in Cross-Gender and Transgender Pat Searches PowerPoint, not dated

Interviews:

- 1. Random residents
- 2. Targeted residents
- 3. Direct Care Monitors
- 4. Mental Health Practitioner
- 5. SMART Facility Administer
- 6. Division Director / PREA Coordinator

Interviews with residents demonstrated this is a no touch facility. Residents stated search protocols were respectable.

Interviews with staff demonstrated each had been trained in search protocols; however, none had experienced a resident touch search.

Site Review Observation:

During the tour the auditor was able to view the empty dorm used for intake. The dorm is open with cameras, private to only the staff and the resident. Shower area has a PREA curtain as do all resident showers in the resident dorms.

(a) Travis County SMART Facility PAQ states the facility does not conduct cross-gender strip or cross-gender visual body cavity searches of their Residents. In the past 12 months the facility has conducted zero cross-gender strip or cross-gender visual body cavity searches of residents. In the past 12 months, the number of cross-gender strip or cross-gender visual body cavity searches of residents was zero. In the past 12 months, the number of cross-gender strip or cross-gender visual body cavity searches of residents that did not involve exigent circumstances or were performed by non-medical staff was zero.

Travis County PREA Community Confinement Standards 115.215, page 8, section A., states, "SMART shall not conduct cross-gender strip searches or cross-gender visual body cavity searches except in exigent circumstances or when performed by medical practitioners. All cross-gender strip searches or cross-gender visual body cavity searches must be documented."

(b) Travis County SMART Facility PAQ states the facility does not permit cross-gender pat-down searches of female residents, absent exigent circumstances (facilities have until August 20, 2015, to comply; or August 20, 2017. The facility does not restrict female residents' access to regularly available programming or other outside opportunities in order to comply with this provision. The number of pat-down searches of female residents that were conducted by male staff was zero. Policy compliance can be found in provision (a) of this standard.

(c) Travis County SMART Facility PAQ states the facility policy requires that all cross-gender strip searches and cross-gender visual body cavity searches be documented. Policy compliance can be found in provision (a) of this standard.

(d) Travis County SMART Facility PAQ states the facility has implemented policies and procedures that enable residents to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks (this includes viewing via video camera). Policies and procedures require staff of the opposite gender to announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing.

Travis County PREA Community Confinement Standards 115.215, page 8, section B., states, "The SMART facility shall implement policies and procedures that enable residents to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances."

(e) The Travis County SMART Facility PAQ states the facility has a policy prohibiting staff from searching or physically examining a transgender or intersex resident for the sole purpose of determining the resident's genital status. Such searches (described in 115.215(e)-1) occurred in the past 12 months was zero.

Travis County PREA Community Confinement Standards 115.215, page 8, section D., states, "The facility shall not search or physically examine a transgender or intersex resident for the sole purpose of determining the resident's genital status. If the resident's genital status is unknown, it may be determined during conversations with the resident, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a

medical practitioner.”

(f) The Travis County SMART Facility PAQ states 100% of all security staff received training on conducting cross-gender pat-down searches and searches of transgender and intersex residents in a professional and respectful manner, consistent with security needs.

Travis County PREA Community Confinement Standards 115.215, page 8, section E., states, “The agency shall train security staff in how to conduct cross-gender pat-down searches and searches of transgender and intersex residents, in a manner that is professional, respectful and the least intrusive possible while being consistent with security needs.”

The facility provided a National PREA Resource Center Guidance in Cross-Gender and Transgender Pat Searches PowerPoint. The PowerPoint includes the following elements:

- Bipartisan bill passed in 2004
- Goal: Reduce sexual abuse and sexual harassment in confinement settings
- Relevant PREA Standards
- Define exigent circumstances
- Key terms for pat searches
- Considerations from searches of transgender or intersex inmates and residents
- Practice pat searches
- Observe, analyze, and provide feedback to peers on practice searches

Through such reviews, the facility meets the standard requirements.

115.216 Residents with disabilities and residents who are limited English proficient

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Travis County SMART Facility PAQ
2. Travis County PREA Community Confinement Standards, dated 12.2.2019
3. Deaf / Hearing Impaired Offender - Interpreter Link Instruction, not dated
4. County of Travis Language Access Plan, dated 11.25.2019

Interviews:

1. Targeted residents
2. Direct Care Monitors
3. Mental Health Practitioner
4. SMART Facility Administrator
5. Division Director / PREA Coordinator

During interviews with staff, each stated residents were not used for translation services. The facility did not have any residents who were hard of hearing, blind, physically disabled, LEP or cognitively disabled. Mental Health Practitioners stated PREA training information is read to residents and residents are asked if they have questions regarding education received.

(a) The Travis County SMART Facility PAQ states the agency has established procedures to provide disabled residents 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.

Travis County PREA Community Confinement Standards 115.216, page 9, section A., states, "Residents with disabilities, including those who are limited in English proficiency or reading ability, deaf, visually impaired, or otherwise disabled, have an equal access and opportunity to participate in or benefit from all aspects of SMART's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. (a & b)

1. Interpreters will be provided who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
2. In the event a resident has difficulty understanding information or procedures, staff must ensure that such information is effectively communicated to such residents on an individual basis.
3. Auxiliary aids that are reasonable, effective, and appropriate to the needs of the resident shall be provided when simple written or oral communication is not effective.
4. Clinical Supervisor or designee will assign individuals to counselors based on the needs of each resident including those with limited English skills, reading or writing abilities. Documents are available in Spanish, and large-size fonts if needed."

(b) The Travis County SMART Facility PAQ states the agency has established procedures to provide residents with limited English proficiency 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. Policy compliance can be found in provision (a) of this standard.

Deaf / Hearing Impaired Offender - Interpreter Link Instructions, state, "In the event that a deaf or hearing impaired offender receives a probation sentence, the case will be assigned to an officer in the regular rotation. In order to ensure that the offender is provided with adequate interpretation of probation conditions, referrals and supervision guidelines at the initial office visit, Intake staff will schedule an interpreter through the Travis County Services for the Deaf and Hard of Hearing.

After an initial office visit is set with the assigned officer, Intake staff will go to the following link: <http://traviscentral/sign-language-interpretters?highlight=WyJKZWFmlI0=> and follow the steps to complete the online interpreter request. The request will note the date and time of the initial office visit, with an estimated length of appointment of 2.5 hours. The contact information will be completed with the assigned officer's name, phone and e-mail address. Staff will then document that the interpreter request was made and then e-mail the assigned officer with the information.

Note: this policy would also apply to SMART, and arrangements would be made with the agency to provide services as needed."

(c) The Travis County SMART Facility PAQ states the agency policy prohibits use of resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties under §115.264, or the investigation of the resident's allegations. If YES, the agency or facility documents the limited circumstances in individual cases where resident interpreters, readers, or other types of resident assistants are used. In the past 12 months, the number of instances where resident interpreters, readers, or other types of resident assistants have been used and it was not the case that an extended delay in obtaining another interpreter could compromise the resident's safety, the performance of first-response duties under § 115.264, or the investigation of the resident's allegations was zero.

Travis County PREA Community Confinement Standards 115.216, page 9, section B., states, "Residents will not be relied on to provide interpretation services, act as readers, or provide other types of communication assistance. In limited exceptional circumstances, where an extended delay in obtaining an effective interpreter could compromise the resident's safety, such as incidents needing First-Responder duties performed, or the investigation of a resident's allegations."

The facility provided a County of Travis Language Access Plan. The plan provides facility personnel with in-depth instruction on providing and accessing language services.

Through such reviews, the facility meets the standard requirements.

115.217	Hiring and promotion decisions
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Travis County SMART Facility PAQ 2. Travis County PREA Community Confinement Standards, dated 12.2.2019 3. Post Audit: CCH Form, Completed, dated 10.13.2022 4. Post Audit: Travis County Community Justice Services Memorandum, from Ph.D., Assessment & Division Director, SMART PREA Coordinator, RE: PREA Policy 115.217 Hiring and Promotion Decisions, dated 10.28.2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Human Resource Specialist Senior <p>Interviews with the Human Resource Specialist Senior demonstrated the agency was unaware promoted employees must comply with provision (f) of this standard. All applicants do complete criminal background checks during the second interview as well as sign a release which require answers to administrative adjudication questions.</p> <p>Site Review Observation:</p> <ul style="list-style-type: none"> • File review demonstrated a criminal background check had not been conducted for one employee. • File review of the agency's vendor personnel files demonstrated promoted employees were not asked directly about previous misconduct described in paragraph (a) of this standard. <p>Action Plan:</p> <ul style="list-style-type: none"> • The facility to complete the background check for the one employee without a criminal history back. • The facility to upload the completed criminal history check to the supplemental files in the online audit system. <p>Post audit the facility provided a completed CCH Form for the staff who did not have a criminal background check in the personnel file reviewed.</p> <ul style="list-style-type: none"> • The facility to write a memorandum to the Auditor and applicable employees, providing a sustainable action plan to ensure all promoted employees with both the agency and vendor personnel complete administrative adjudication questions. • The facility to email the memorandum to the PREA Auditor. <p>Post Audit: Travis County Community Justice Services Memorandum, from Ph.D., Assessment & Division Director, SMART PREA Coordinator, RE: PREA Policy 115.217 Hiring and Promotion Decisions, to the Department of Justice PREA Auditor; TCCJS SMART Employees; SMART Vendor Employees, stating, "The purpose of this policy is to ensure any incident of sexual harassment shall be considered in determining whether to hire or promote any individual or to enlist the services of any contractor, who may have contact with residents.</p> <ol style="list-style-type: none"> 1. See attached PREA Policy 115.217 Hiring and Promotion Decisions. 2. Regarding Criminal Background Checks: <ol style="list-style-type: none"> a. TCCJS Human Resources Department shall perform criminal background checks for new hires and SMART and Vendor employees. b. TCCJS Human Resources Department shall perform criminal background checks annually for SMART and Vendor employees. c. TCCJS Human Resources Department shall perform criminal background checks for SMART and Vendor employees prior to promotions. 3. Regarding the Application for Staff Access to Residential Facilities (see attached): <ol style="list-style-type: none"> a. TCCJS Human Resources Department shall have new hires complete this form prior to hiring. b. The Vendor shall complete this form prior to hiring for their employees and submit it to the TCCJS Human Resources Department. <p>Please review the policy and attached documents to ensure all appropriate criminal background checks and applications are completed per PREA policy 115.217 Hiring and Promotion Decisions."</p> <p>(a) The Travis County SMART Facility PAQ states agency policy prohibits hiring or promoting anyone who may have contact with residents and prohibits enlisting the services of any contractor who may have contact with residents who: (1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997); (2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or (3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.</p> <p>Travis County PREA Community Confinement Standards 115.217, page 10, section A., states, "To the extent permitted by law, TCCJS shall not hire or promote and may terminate employment based on material omission regarding such misconduct of anyone and may not enlist the services of any contractor/volunteer who may have:</p>

1. contact with residents who have engaged in sexual abuse in a prison, jail, lock up, community confinement facility, juvenile facility, or another jurisdiction;
2. been convicted of engaging or attempting to engage in any type of sexual misconduct 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; and/or been civilly or administratively adjudicated to have engaged in any type of sexual misconduct.

(b) The Travis County SMART Facility PAQ states agency policy requires the consideration of any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents.

Travis County PREA Community Confinement Standards 115.217, page 10, section policy statement states, "Any incident of sexual harassment shall be considered in determining whether to hire or promote any individual or to enlist the services of any contractor, who may have contact with residents."

(c) The Travis County SMART Facility PAQ states the agency policy requires that before it hires any new employees who may have contact with residents, it (a) conducts criminal background record checks, and (b) consistent with federal, state, and local law, makes its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse. In the past 12 months, the number of persons hired who may have contact with residents who have had criminal background record checks is four.

Travis County PREA Community Confinement Standards 115.217, page 10, section B-C., state,

B. "Before hiring new employees or enlisting the service of any contractor/volunteer that may have contact with residents, TCCJS shall:

1. perform a criminal background records check;
2. contact any former institutional employers for any information regarding sexual misconduct or alleged sexual misconduct;
3. ask all applicants and employees about previous sexual misconduct.

C, Best efforts are made 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 in consistent with federal, state, and local laws."

(d) The Travis County SMART Facility PAQ states the agency policy requires that a criminal background record check be completed before enlisting the services of any contractor who may have contact with residents. In the past 12 months, the number of contracts for services where criminal background record checks were conducted on all staff covered in the contract who might have contact with residents is two.

Travis County PREA Community Confinement Standards 115.217, page 10, section D., states, "TCCJS shall also perform a criminal background records check before enlisting the services of any unescorted contractor who may have contact with the residents."

(e) The Travis County SMART Facility PAQ states the agency policy requires that either criminal background record checks be conducted at least every five years for current employees and contractors who may have contact with residents or that a system is in place for otherwise capturing such information for current employees.

Travis County PREA Community Confinement Standards 115.217, page 10, section E., states, "TCCJS shall perform a criminal background check annually, using the date of employment on each employee who has contact with the residents."

(f) Travis County PREA Community Confinement Standards 115.217, page 11, section H., states, "TCCJS also imposes upon all employees a continuing affirmative duty to disclose any such misconduct."

(g) The Travis County SMART Facility PAQ states Agency policy states that material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

Travis County PREA Community Confinement Standards 115.217, page 11, section F., states, "Material omissions or the provision of materially false information regarding sexual misconduct shall be grounds for termination."

(h) Travis County PREA Community Confinement Standards 115.217, page 11, section G., states, "Unless prohibited by law, TCCJS shall provide information on substantiated allegations of sexual misconduct involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work."

Through such reviews, the facility meets the standard requirements.

115.218	Upgrades to facilities and technology
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Travis County SMART Facility PAQ 2. Travis County PREA Community Confinement Standards, dated 12.2.2019 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Division Director / PREA Coordinator <p>The Division Director / PREA Coordinator stated the facility has not gone under modifications during the last audit cycle.</p> <p>Site Review Observation:</p> <p>Cameras were found to be throughout both the Community Corrections and Alternative Sentencing Department buildings. Cameras did not have access into resident dorms.</p> <p>(a) The Travis County SMART Facility PAQ states the agency has acquired a new facility or made substantial expansions or modifications to existing facilities since the last PREA audit.</p> <p>Travis County PREA Community Confinement Standards 115.218, section A., states, "When designing or acquiring any new facility and in planning any substantial expansion or modification of SMART, TCCJS shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect residents from sexual abuse."</p> <p>(b) The Travis County SMART Facility PAQ states, the agency/facility has installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.</p> <p>Travis County PREA Community Confinement Standards 115.218, section B., states, "When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, TCCJS shall consider how such technology may enhance the agency's ability to protect residents from sexual abuse."</p> <p>Through such reviews, the facility meets the standard requirements.</p>

115.221	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Travis County SMART Facility PAQ 2. Travis County PREA Community Confinement Standards, dated 12.2.2019 3. Travis County Community Justice Services/Pretrial Services and Adult Probation PREA Sexual Assault Hotline Memorandum of Understanding with SAFE Alliance, dated 3.9.2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. LVN <p>Interviews with the LVN demonstrated residents would immediately be provided with a forensic examination if a sexual abuse allegation would to have occur.</p> <p>Site Review Observation:</p> <p>The facility has not experienced a sexual abuse allegation in the past 12 months.</p> <p>(a) The Travis County SMART Facility PAQ states the agency/facility is responsible for conducting administrative sexual abuse investigations (including resident-on-resident sexual abuse or staff sexual misconduct). The agency/facility is not responsible for conducting criminal sexual abuse investigations (including resident-on-resident sexual abuse or staff sexual misconduct). The Austin Police Department is responsible for conducting sexual abuse investigations.</p> <p>Travis County PREA Community Confinement Standards 115.221, page 13, section A./C, states,</p> <p>A. "The Facility Administrator shall ensure that an administrative investigation and a referral for a criminal investigation, where appropriate, are completed for all allegations of sexual abuse and sexual harassment.</p> <p>C. The investigating entity shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions."</p> <p>(b) The Travis County SMART Facility PAQ states the protocol being developmentally appropriate is not developmentally appropriate for youth as the facility does not house youthful offenders. The protocol was adapted from or otherwise based on the most recent edition of the DOJ'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.</p> <p>Travis County PREA Community Confinement Standards 115.221, page 13, section D., states,</p> <p>"The protocol shall be, as appropriate, adapted from or otherwise based on the most recent edition of the Department of Justice's Office on Violence against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults" or similarly comprehensive and authoritative protocols developed after 2011."</p> <p>(c) The Travis County SMART Facility PAQ states the facility offers all residents who experience sexual abuse access to forensic medical examinations. Forensic medical examinations are offered without financial cost to the victim. Where possible, examinations are conducted by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs). When SANEs or SAFEs are not available, a qualified medical practitioner performs forensic medical examinations. The facility documents efforts to provide SANEs or SAFEs. The number of forensic medical exams conducted during the past 12 months is zero. The number of SANEs/SAFEs during the past 12 months was zero. The number of exams performed by a qualified medical practitioner during the past 12 months was zero.</p> <p>Travis County PREA Community Confinement Standards 115.221, page 13, section E., states, "The investigating entity shall offer all victims of sexual abuse access to forensic medical examinations, whether onsite or at an outside facility, without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by a Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The investigating entity shall document its efforts to provide SAFEs or SANEs. The agency has a Memorandum of Understanding (MOU) with SAFE to provide these services. "</p> <p>The facility provided a Travis County Community Justice Services/Pretrial Services and Adult Probation PREA Sexual Assault Hotline Memorandum of Understanding with SAFE Alliance. The Memorandum of Understanding (MOU) provide sexual abuse forensic exams and emotional support services to residents. The MOU does not appear to expire until either party submit termination in writing. The MOU is signed by the Travis County Community Justice Service Representative and the Chief Executive Office, SAFE Austin.</p>

(d) The Travis County SMART Facility PAQ states the facility attempts to make available to the victim a victim advocate from a rape crisis center, either in person or by other means. The efforts are documented. If and when a rape crisis center is not available to provide victim advocate services, the facility provides a qualified staff member from a community-based organization or a qualified agency staff member. Policy compliance can be found in provisions (s) and (c) of this standard.

Travis County PREA Community Confinement Standards 115.221, page 13, section F/H., states,

F. "The agency/investigating entity shall attempt to make available to the victim a victim advocate from a rape crisis center.

The agency/investigating entity may utilize a rape crisis center that is part of a government unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a non-governmental entity that provides similar victim services. The agency has an MOU with SAFE to provide these services.

H. The investigating entity shall document efforts to secure services from rape crisis centers."

(e) The Travis County SMART Facility PAQ states a qualified staff or community member accompanies and supports the victim through the forensic medical examination process and investigatory interviews and provides emotional support, crisis intervention, information and referrals.

Travis County PREA Community Confinement Standards 115.221, page 13, section G, states, "If a rape crisis center is not available to provide victim advocate services, the agency/ investigating entity shall make available a qualified investigating entity staff member, to provide these services."

(f) The Travis County SMART Facility PAQ states, if the agency is not responsible for investigating allegations of sexual abuse and relies on another agency to conduct these investigations, the agency has requested that the responsible agency follow the requirements of paragraphs §115.221 (a) through (e) of the standards.

Travis County PREA Community Confinement Standards 115.221, page 13, section B, states, "Responsibilities of the Investigating Entity Investigations conducted by a facility employee for allegations of sexual abuse will be handled in accordance with the Code of Federal Regulations, Title 28, Part 1151.221, Evidence Protocol and Forensic Medical Examinations, as outlined below. If the facility is not responsible for investigating such allegations, the facility shall request that the responsible outside agency or entity (i.e., state or local law enforcement, contracting agency) comply with the requirements listed below."

(g) Travis County PREA Community Confinement Standards 115.221, page 13, section G, states, "The requirements of standard 115.221 (a – f) also applies to any State entity outside of the agency or Department of Justice component that is responsible for investigating allegations of sexual abuse in a community confinement facility."

(h) Travis County PREA Community Confinement Standards 115.221, page 13, section H, states, "A qualified agency staff member or a qualified community based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general."

Through such reviews, the facility meets the standard requirements.

115.222 Policies to ensure referrals of allegations for investigations

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Travis County SMART Facility PAQ
2. Travis County PREA Community Confinement Standards, dated 12.2.2019
3. Post Audit: Travis County Community Justice Services Memorandum, from SMART Program Administrator, dated 11.3.2022

Interviews:

1. Direct Care Monitors
2. SMART Facility Administrator / Investigator
3. Division Director / PREA Coordinator

The interview with the Investigator demonstrated he would refer sexual abuse allegations to the Austin Police Department.

Site Review Observation:

The facility has not had a sexual abuse allegation in the past 12 months.

The pre-audit phase demonstrated the facility investigation policy was not posted on the facility website or otherwise made available to the public. The following action plans were requested and completed.

Action Plan:

- The facility to post the investigation policy on its website or provide a memorandum to the Auditor and any applicable personnel, from the agency head, providing a sustainable action plan of how the investigation policy will be made available to the public with supporting documentation sustaining the action plan.
- The facility to email the memorandum to the PREA Auditor.

Post Audit the facility provided Travis County Community Justice Services Memorandum, from SMART Program Administrator to the Department of Justice PREA Auditor, Re: PREA Policy 115.222 - Policies to Ensure Referrals of Allegations for Investigations, PREA Policy 115.288 - Data Review for Corrective Action and PREA Policy 115.403 - Audit Contents and Findings, stating, "In response to the Travis County Post PREA Audit Action Plan, TCCJS has made the following documents available on our department website: <https://www.traviscountytx.gov/tccjs/adult-probation/smart-program> r />• All SMART PREA Policies

- All SMART PREA Annual Reports
- All SMART PREA Audit Final Reports"

(a) The Travis County SMART Facility PAQ states the agency ensures that an administrative or criminal investigations are completed for all allegations of sexual abuse and sexual harassment. In the past 12 months the facility has had zero allegations of sexual abuse and sexual harassment that were received.

Travis County PREA Community Confinement Standards, 115.222, page 15, section L., states, "The Facility Administrator shall ensure that an administrative investigation and a referral for a criminal investigation, where appropriate, are completed for all allegations of sexual abuse and sexual harassment."

(b) The Travis County SMART Facility PAQ states the agency has a policy that requires that allegations of sexual abuse or sexual harassment be referred for investigation to an agency with the legal authority to conduct criminal investigations, including the agency if it conducts its own investigations, unless the allegation does not involve potentially criminal behavior. During the pre-audit phase the program director provided the following information.

Travis County PREA Community Confinement Standards, 115.222, page 15, section M., states, "TCCJS shall ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority (Austin Police Department) to conduct criminal investigation, unless the allegation does not involve potentially criminal behavior. TCCJS shall publish such policy on its website or, if it does not have one, make the policy available through other means. TCCJS shall document all such referrals.

(c) Travis County PREA Community Confinement Standards, 115.222, page 15, section N., states, "If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both TCCJS and the investigating entity.

(d) Travis County PREA Community Confinement Standards, 115.222, page 15, section O., states, "Any State entity

responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in community confinement facilities shall have in place a policy governing the conduct of such investigations.”

(e) Travis County PREA Community Confinement Standards, 115.222, page 15, section P., states, “Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in community confinement facilities shall have in place a policy governing the conduct of such investigations.”

Through such reviews, the facility meets the standard requirements.

115.231	Employee training
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Travis County SMART Facility PAQ 2. Travis County PREA Community Confinement Standards, dated 12.2.2019 3. Gateway Prison Rape Elimination Act PREA Overview PowerPoint Training, not dated 4. Sign-In Sheet PREA Policy Review / Training Roster, not dated 5. Post Audit: Vendor PREA Policy Review Annual Training, dated 11.3.2022 – 11.9.2022 6. Post Audit: Vendor PREA Policy Review Refresher Training, dated 10.27.2022 – 11.2.2022 7. Post Audit: Travis County Community Justice Services Memorandum, from Ph.D., Assessment & Division Director, SMART PREA Coordinator, RE: PREA, Policy § 115.231 - Employee Training, dated 11.9.2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Direct Care Monitors 2. Specialized Staff 3. Human Resource Specialist Senior 4. SMART Facility Administrator <p>Interviews with staff demonstrated each received PREA training upon hire, throughout each year and as an annual requirement through either in person training or through the agency Relias training database.</p> <p>Site Observation:</p> <p>Review of the agency personnel files demonstrated each agency staff interviewed had completed PREA training either annually and or consistently, every year, for the past two years.</p> <p>Review of contract security staff files demonstrated the agency’s security vendor personnel have not completed the required training in provision (a) (1-10) of this standard. The agency’s security vendor had not trained staff annually on the agency’s zero tolerance policy and procedures.</p> <p>Action Plan:</p> <ul style="list-style-type: none"> • The facility vendor to design employee training required of provision (a) (1-10) of this standard for all employees. • The facility to train all vendor personnel on the newly designed training required of provision (1) (1-10) of this standard and document completion of this training. • The facility to annually train vendor personnel on the agencies zero tolerance policy and procedures and document completion of this training. • The facility to upload the revised vendor training required of provisions (a) and (c) of this standards requirement to the supplemental files. • The facility to upload the completed annual training to all vendor personnel, to the supplemental files. <p>Post audit the facility provided Vendor PREA Policy Review Annual Training Acknowledgments and training rosters for 16 contracted security staff. Training topics are inclusive of the required elements in provision (a) of this standard.</p> <p>Post audit the facility provided Vendor PREA Policy Refresher training for 16 employees.</p> <ul style="list-style-type: none"> • The facility to complete a memorandum to the Auditor and any applicable personnel to ensure revised initial and annual training is conducted for all applicable vendor personnel, moving forward. • The facility to email the memorandum to the PREA Auditor. <p>Post audit the facility provided a Travis County Community Justice Services Memorandum, from Ph.D., Assessment & Division Director, SMART PREA Coordinator, RE: PREA, Policy § 115.231 - Employee Training to the Department of Justice PREA Auditor; TCCJS SMART Employees; SMART Vendor Employees. The memorandum states, “In response to the Travis County Post PREA Audit Action Plan, TCCJS has made the following changes:</p> <ul style="list-style-type: none"> • Gateway annual PREA training: <ul style="list-style-type: none"> o The original PowerPoint training used by Gateway staff has been revised to meet the required provisions of standard § 115.231 Employee Training (a) and (c); o This revised PowerPoint has been uploaded to the supplemental file; o All Gateway staff have been trained utilizing this revised PowerPoint, and acknowledgment of training signed by staff. These have been uploaded to the supplemental file; o Moving forward, this PowerPoint will be required of all newly hired Gateway staff and serve as an annual training required every 2 years; o The training will be revised as needed to ensure it reflects the current population and practices of SMART. • Gateway PREA refresher training: <ul style="list-style-type: none"> o All Gateway staff have completed the NIC PREA for Community Confinement online training;

- o Acknowledgment of training signed by staff, and these have been uploaded to the supplemental file;
- o Moving forward, Gateway staff will complete refresher trainings every 2 years that match those of TCCJS staff. These would include trainings offered by the NIC PREA Learning Center or National PREA Resource Center.
- Note that currently Gateway has three staff that are on leave due to medical and FMLA without a determined return to work date. Upon return to SMART, these staff will immediately complete the annual and refresher trainings.”

(a) The Travis County SMART Facility PAQ states the agency trains all employees who may have contact with residents on the agency's zero-tolerance policy for sexual abuse and sexual harassment.

Travis County PREA Community Confinement Standards 115.231, page 16, section A, states, “TCCJS shall train all employees who have contact with residents on: (a)

1. the zero-tolerance policy on sexual abuse and sexual harassment;
2. how to fulfill their responsibilities of prevention, detection, reporting, and response to sexual abuse and harassment;
3. resident rights to be free from sexual abuse and harassment;
4. the right of residents and employees to be free from retaliation for reporting sexual abuse and harassment;
5. the dynamics of sexual abuse and sexual harassment in confinement;
6. the common reactions of sexual abuse and harassment victims;
7. how to detect and respond to signs of threatened and actual sexual abuse;
8. how to avoid inappropriate relationships with residents;
9. how to communicate effectively and professionally with residents, including LGBTI and gender non-conforming residents;
10. how to comply with relative laws related to mandatory reporting of sexual abuse to outside authorities.”

The facility provided a Gateway Prison Rape Elimination Act PREA Overview PowerPoint Training. The training includes the following components:

- Gateway Policy
- PREA Timeline
- Four Sets of PREA Standards
- §115.5 General Definitions
- Overview
- Definitions
- Investigative Conclusions
- Reporting
- Hugging and Hand Shakes
- Employee Inappropriate Contact

During the pre-audit phase the Program Director stated the following: “SMART staff reviews all PREA policies. In addition, the PREA training comes from the NIC training modules (e.g., PREA for Community Confinement training; Communicating Effectively and Professionally with LGBTI Offenders training; PREA: Your Role in Responding to Sexual Abuse; PREA 201 for Medical and Mental Health Practitioners). Other in-house trainings also come from the PREA Resource Center website. Gateway provides an in-house PREA training to their staff, including trainings from RELIAS. “

(b) The Travis County SMART Facility PAQ states training is tailored to the gender of the residents at the facility. Employees who are reassigned from facilities housing the opposite gender are given additional training. The 33rd and 424th Judicial District Intermediate Sanction Facility is a male only facility and a standalone facility where reassignments would not be applicable.

Travis County PREA Community Confinement Standards 115.231, page 16, section B, states, “Training shall be tailored to the gender of the residents at SMART. Staff will receive additional training if the staff is reassigned from a facility that houses only male residents to a facility that houses only female residents, or vice versa.”

(c) The Travis County SMART Facility PAQ states between trainings the agency provides employees who may have contact with residents with refresher information about current policies regarding sexual abuse and harassment. The frequency with which employees who may have contact with residents receive refresher training on PREA requirements annually or when needed.

Travis County PREA Community Confinement Standards 115.231, page 16, section C., states, “Current staff members will receive and acknowledge PREA training within one year of hire, refresher training will be provided every two years to ensure all employees understand the agency's current sexual abuse and sexual harassment policies.”

(d) The Travis County SMART Facility PAQ states the agency documents that employees who may have contact with residents understand the training they have received through employee signature or electronic verification.

The facility provided a Sign-In Sheet PREA Policy Review / Training Roster. The roster documents and has staff affirm the following:

- Topic/Standards

• Date/Location/Training Hours

• Trainer(s)

• By signing below, I acknowledge that I have received training on PREA as required of standards. I understand the Department's zero tolerance policy for sexual abuse and sexual harassment within the SMART facility. I understand the PREA information presented to me and understand that if I have questions or need more information, I can ask my supervisor or any other Department supervisor.

• Employee Printed Name/Signature/Unit/PO#

Through such reviews, the facility meets the standard requirements.

115.232	Volunteer and contractor training
	<p data-bbox="244 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="244 210 451 237">Auditor Discussion</p> <p data-bbox="244 273 435 300">Document Review:</p> <ol data-bbox="244 304 1129 434" style="list-style-type: none"> 1. Travis County SMART Facility PAQ 2. Travis County PREA Community Confinement Standards, dated 12.2.2019 3. PREA Volunteer Training – Travis County Adult Probation SMART Program, not dated 4. Travis County Adult Probation SMART PREA Acknowledgment Form, dated 11/2015 <p data-bbox="244 465 355 492">Interviews:</p> <ol data-bbox="244 497 638 524" style="list-style-type: none"> 1. Division Director / PREA Coordinator <p data-bbox="244 528 1257 555">The Facility Director interview demonstrated the facility does not utilize volunteer and or contract staff.</p> <p data-bbox="244 586 1489 748">(a) The Travis County SMART Facility PAQ states all volunteers and contractors who have contact with residents have been trained on their responsibilities under the agency’s policies and procedures regarding sexual abuse and sexual harassment prevention, detection, and response. The number of volunteers and contractors, who may have contact with residents, who have been trained in agency’s policies and procedures regarding sexual abuse and sexual harassment prevention, detection, and response is zero.</p> <p data-bbox="244 779 1473 909">Travis County PREA Community Confinement Standards 115.232, page 17, section A. states, “Volunteers and contractors will be trained on their responsibilities under the TCCJS sexual abuse and harassment prevention, detection, and response policies and procedures. They will receive a copy of the policy prior to admission to SMART to begin their assignment or task.”</p> <p data-bbox="244 940 1465 999">The facility provided a PREA Volunteer Training – Travis County Adult Probation SMART Program. The training objectives are as follows:</p> <ul data-bbox="244 1003 539 1299" style="list-style-type: none"> • Purpose • What is PREA? • Zero Tolerance • Definitions • Texas Law • Consequences • Reporting • What to Watch for • Maintaining Professionalism <p data-bbox="244 1330 1457 1460">(b) The Travis County SMART Facility PAQ states the level and type of training provided to volunteers and contractors is based on the services they provide and level of contact they have with residents. All volunteers and contractors who have contact with residents have been notified of the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.</p> <p data-bbox="244 1491 1489 1621">Travis County PREA Community Confinement Standards 115.232, page 17, section B. states, “The level and type of training provided to volunteers and contractors shall be based on services provided and level of contact they have with residents. Training shall include the zero-tolerance policy regarding the sexual abuse and sexual harassment and inform of how to report such incidents.”</p> <p data-bbox="244 1653 1425 1711">(c) The Travis County SMART Facility PAQ states the agency maintains documentation confirming that volunteers and contractors who have contact with residents understand the training they have received.</p> <p data-bbox="244 1742 1193 1769">Travis County PREA Community Confinement Standards 115.232, page 17, section C-E. state,</p> <ol data-bbox="244 1774 1473 1966" style="list-style-type: none"> C. “Volunteers and contractors will acknowledge by electronic or manual signature, their understanding of the received training. D. The PREA Acknowledge Form serves as verification of the volunteers or contractor’s review and understanding of the contents of this policy and shall be completed by each volunteer or contractor who has contact with residents on a recurring basis. A newly signed PREA Acknowledge Form will be required for future revisions of this policy. E. Signed documentation will be maintained in the volunteer or contractor’s file.” <p data-bbox="244 1998 1409 2092">The facility provided a Travis County Adult Probation SMART PREA Acknowledgment Form. The form demonstrates volunteers and contractors affirm they have completed training in regard to the agency PREA policy and reporting procedures.</p> <p data-bbox="244 2123 922 2150">Through such reviews, the facility meets the standard requirements.</p>

115.233 Resident education

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Travis County SMART Facility PAQ
2. Travis County PREA Community Confinement Standards, dated 12.2.2019
3. Prison Rape Elimination Act SMART Resident Orientation Information, not dated

Interviews:

1. Random Residents
2. Targeted Residents
3. Mental Health Practitioner

Interviews with the random and targeted residents demonstrated each understood their knowledge of PREA, reporting options to staff, third parties, hotline and advocate phone numbers posted on Zero-Tolerance Posters throughout the facility.

Site Observation:

Of the 10 resident files reviewed, each demonstrated evidence of PREA education within 72 hours of intake and typically on the day of admission.

(a) The Travis County SMART Facility PAQ states residents receive information at time of intake about the zero-tolerance policy, how to report incidents or suspicions of sexual abuse or harassment, their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents. The number of residents admitted during past 12 months who were given this information at intake was 149.

Travis County PREA Community Confinement Standards 115.233, page 18, section A-B., states, "During the intake/orientation process, all residents, including those who have transferred from another facility, shall receive information regarding the sexual abuse prevention and reporting in a manner that is understandable regardless of individual limitations explaining: (a & b)

1. the agency's zero-tolerance policy regarding sexual abuse and sexual harassment;
2. how to safely report incidents, threats or suspicions of sexual misconduct/harassment;
3. their rights to be free from sexual misconduct and retaliation for reporting such incidents
4. agency policies and procedures for responding to such incidents; and
5. consequences of false allegations."

The facility provided Prison Rape Elimination Act SMART Resident Orientation Information. This information demonstrates residents are educated on the following:

"SMART has a zero tolerance toward all forms of sexual abuse and sexual harassment of residents. Sexual abuse and sexual harassment of any type is strictly prohibited and will not be tolerated. This means, all allegations of sexual abuse and sexual harassment, whether it is perpetrated by staff or another resident will be thoroughly investigated, administratively and/or criminally. Additionally, SMART prohibits any form of retaliation for reporting allegations and/or cooperating with investigations related to sexual abuse or sexual harassment.

Sexual abuse and sexual harassment of a resident includes the following:

- Sexual abuse of a resident by another resident includes any of the following acts, if the victim does not consent, is coerced into such act, or is unable to consent or refuse:
 - o Contact between the penis and vulva or penis and anus;
 - o Contact between the mouth and penis, vulva, or anus;
 - o Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instruments; and
 - o Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks, excluding contact incidental to a physical altercation.
- Sexual abuse of a resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent:
 - o Contact between the penis and the vulva or the penis and the anus
 - o Contact between the mouth and any body part with the intent to abuse, arouse, or gratify sexual desire
 - o Penetration of anal or genital opening, that is unrelated to official duties
 - o Contact intended to abuse, arouse, or gratify sexual desire
 - o Any attempt, threat, or request to engage in the activities described above
 - o Any display of genitals, buttocks, or breasts in the presence of a resident
 - o Voyeurism

• Sexual harassment of a resident includes:

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

Reporting Sexual Abuse or Sexual Harassment

If you are a victim of sexual abuse, sexual harassment, experienced retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents, report it immediately.

All allegations of sexual abuse and sexual harassment will be taken seriously. A report made in good faith based upon a reasonable belief that the alleged conduct occurred does not constitute lying, even if the investigation does not establish enough evidence to substantiate or prove the allegation.

However, if the investigation reveals that a resident knew that the allegation was false, and made the allegation intentionally or with malice, the resident may be subject to disciplinary sanctions. This behavior is also a violation of the Texas Penal Code.

You may report the situation in any of the following ways and remain anonymous upon request:

- Notify any staff member
- Tell your counselor or probation officer
- Contact the Facility Administrator, Michael Sullivan in person or call (512) 854-3151
- Contact the PREA Hotline at 1-800-362-8477
- Contact the Texas Board of Criminal Justice, PREA Ombudsman Office at (936) 437-5570.

Outside Confidential Support Services

If you are in need of emotional support services or crisis counseling related to sexual abuse, notify staff so they can assist you. If you want to receive confidential counseling, you may contact the following organization:

SAFE 24/7 Hotline: 512. 267.SAFE (7233)

To contact SAFE by mail, send a letter to P.O. Box 19545, Austin, TX 78760

Perpetrator Consequences

Resident perpetrators who are found to have engaged in sexual abuse or sexual harassment of another resident will be administratively disciplined and may be subject to criminal penalties.

If you want the PREA orientation information explained to you further, contact facility staff for guidance.

Residents confirm the training has been provided by attesting to the following:

I have been provided with an orientation and written information regarding policies and procedures for reporting sexual abuse and sexual harassment and how to access outside support services for emotional support services and crisis counseling.”

(b) The Travis County SMART Facility PAQ states the facility provides residents who are transferred from a different community confinement facility with refresher information referenced in 115.233(a)-1. The number of residents transferred from a different community confinement facility during the past 12 months was zero. The number of residents transferred from a different community confinement facility, during the past 12 months, who received refresher information was zero.

Travis County PREA Community Confinement Standards 115.233, page 18, section D-F., states, “

D. “In the event a resident has difficulty understanding information or procedures outlined in this policy, employees must ensure that such information is effectively communicated to such residents on an individual basis.

E. Clinical Supervisor or designee will assign individuals to counselors based on the needs of each resident including those with limited English skills, reading or writing abilities. Documents are available in Spanish, and large-size fonts if needed.

F. Auxiliary aids that are reasonable, effective, and appropriate to the needs of the resident shall be provided when simple written or oral communication is not effective.”

(c) The Travis County SMART Facility PAQ states Resident PREA education is available in formats accessible to all residents, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled and those who have limited reading skills.

Travis County PREA Community Confinement Standards 115.233, page 18, section B/G., states,

B. “Resident education will be provided in formats accessible to all residents, including those who are limited in English proficiency or reading ability, deaf, visually impaired, or otherwise disabled.

G. Residents will not be relied on to provide interpretation services, act as readers, or provide other types of communication assistance. In limited exceptional circumstances, where an extended delay in obtaining an effective interpreter could

compromise the resident's safety, such as incidents needing First-Responder duties performed, or the investigation of a resident's allegations."

(d) The Travis County SMART Facility PAQ states the agency maintains documentation of resident participation in PREA education sessions.

Travis County PREA Community Confinement Standards 115.233, page 18, section C., states, "Staff will document verification of resident orientation and education on PREA by completing the PREA Resident Orientation Information form. Staff will maintain the original signed form in the resident's treatment file."

(e) The Travis County SMART Facility PAQ states the agency ensures that key information about the agency's PREA policies is continuously and readily available or visible through posters, resident handbooks, or other written formats.

Travis County PREA Community Confinement Standards 115.233, page 18, section H/I., states,
H. "SMART shall maintain documentation of resident participation in educational sessions pertaining to sexual abuse and sexual harassment.

I. In addition to providing such education, SMART shall ensure that key information is continuously and readily available or visible to residents through posters, resident handbooks, or other written formats."

Through such reviews, the facility meets the standard requirements.

115.234	Specialized training: Investigations
	<p data-bbox="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 208 451 237">Auditor Discussion</p> <p data-bbox="242 271 435 300">Document Review:</p> <ol data-bbox="242 302 1374 465" style="list-style-type: none"> 1. Travis County SMART Facility PAQ 2. Travis County PREA Community Confinement Standards, dated 12.2.2019 3. Certificate of Completion, PREA: Investigating Sexual Abuse in Confinement Setting 4. Certificate of Completion, PREA: Investigating Sexual Abuse in a Confinement Setting: Advanced Investigation 5. Certificate of Completion, PREA Investigator Training <p data-bbox="242 495 352 524">Interviews:</p> <ol data-bbox="242 526 687 555" style="list-style-type: none"> 1. SMART Facility Administrator Investigator <p data-bbox="242 557 1461 622">Interviews with the SMART Facility Administrator demonstrated he had completed specialized investigator training through the State of Texas Investigator training classes.</p> <p data-bbox="242 651 419 680">Site Observation:</p> <p data-bbox="242 683 1094 712">Specialized Investigator training certificates were uploaded in the online audit system.</p> <p data-bbox="242 741 1477 806">(a) The Travis County SMART Facility PAQ states agency policy requires that investigators are trained in conducting sexual abuse investigations in confinement settings.</p> <p data-bbox="242 835 1230 864">Travis County PREA Community Confinement Standards 115.234, page 19, section D-E., states, “</p> <p data-bbox="242 893 1445 983">D. “The PREA Coordinator shall ensure that more than one (1) person at SMART receives training as a sexual abuse investigator. This will ensure that a trained investigator is available as a back-up during employee absences (e.g., leave, paid time off, sickness, offsite training, etc.) from work.</p> <p data-bbox="242 990 1477 1086">E. In addition to the general training (see Employee Training) policy, investigators shall receive training in conducting sexual abuse investigations in confinement settings. (a) Or, the PREA Coordinator shall ensure all staff are trained to call the law enforcement to investigate allegations.”</p> <p data-bbox="242 1115 1485 1243">(b) The facility provided Travis County PREA Community Confinement Standards 115.234, page 19, section F., “Specialized investigators training shall include techniques for interviewing sexual abuse victim, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.”</p> <p data-bbox="242 1272 1485 1361">(c) The Travis County SMART Facility PAQ states the agency maintain documentation showing that investigators have completed the required training. The number of investigators currently employed who have completed the required training is two.</p> <p data-bbox="242 1406 1490 1503">The facility provided Travis County PREA Community Confinement Standards 115.234, page 19, section G., “Documentation confirming that investigators have completed the required specialized training in conducting sexual abuse investigations shall be maintained in accordance with facility record retention policies.”</p> <p data-bbox="242 1532 1453 1628">The facility provided Certificates of Completion, PREA: Investigating Sexual Abuse in Confinement Setting, Certificates of Completion, PREA: Investigating Sexual Abuse in a Confinement Setting: Advanced Investigation and Certificates of Completion, PREA Investigator Training.</p> <p data-bbox="242 1657 914 1686">Through such reviews the facility meets the standard requirements.</p>

115.235	Specialized training: Medical and mental health care
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Travis County SMART Facility PAQ 2. Travis County PREA Community Confinement Standards, dated 12.2.2019 3. Certificates of Completion, PREA 201 for Medical and Mental Health Practitioners <p>Interviews:</p> <ol style="list-style-type: none"> 1. Mental Health Practitioners <p>The interview with the Mental Health PR actioners demonstrated each had completed specialized training for medical and mental health staff to include components regarding detecting and assessing signs of sexual harassment and abuse, preserving evidence, speaking with victims and how to report allegations.</p> <p>Site Observation:</p> <p>Training certificates for Medical and Mental Health staff were uploaded to the online audit system.</p> <p>(a) The Travis County SMART Facility PAQ states the agency does have a policy related to the training of medical and mental health practitioners who work regularly in its facilities. The facility has five medical and mental health staff. The PAQ states the facility has three CSCD Mental Health Professionals, two Gateway Medical staff and one Psychologist, as needed." The percent of all medical and mental health care practitioners who work regularly at this facility and have received the training required by agency policy is 100%.</p> <p>Travis County PREA Community Confinement Standards 115.235, page 20, section H., states, "All full and part-time Qualified Mental Health Professionals, who work regularly at SMART, shall receive specialized medical training as outlined below: (a)</p> <ol style="list-style-type: none"> 1. how to detect and assess signs of sexual abuse and sexual harassment; 2. how to preserve physical evidence of sexual abuse; 3. how to respond effectively and professionally to victims of sexual abuse and sexual harassment; and 4. how and to whom to report allegations of sexual abuse and sexual harassment." <p>(b) The Travis County SMART Facility PAQ states the agency does not have medical staff at this facility.</p> <p>Travis County PREA Community Confinement Standards 115.235, page 20, section I., states, "If medical staff employed by TCCJS conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations."</p> <p>(c) The Travis County SMART Facility PAQ states the agency maintains documentation showing that medical and mental health practitioners have completed the required training.</p> <p>Travis County PREA Community Confinement Standards 115.235, page 20, section J, states, "Documentation will be maintained that medical and mental health practitioners have received specialized training from this agency or elsewhere."</p> <p>The facility provided five Certificates of Completion, PREA 201 for Medical and Mental Health Practitioners demonstrating each has completed specialized medical and mental health training through the National Institute of Corrections.</p> <p>(d) Travis County PREA Community Confinement Standards 115.235, page 20, section K, states, "The mandated Employee Training (115.231) or training for contractors and volunteers (115.232) shall also be required."</p> <p>Through such reviews the facility meets the standard requirements.</p>

115.241	Screening for risk of victimization and abusiveness
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Travis County SMART Facility PAQ 2. Travis County PREA Community Confinement Standards, dated 12.2.2019 3. Travis County Adult Probation SMART Program – Sexual Victimization and Abusiveness Risk Screening Form, not dated <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random residents 2. Targeted residents 3. Mental Health Practitioner <p>Residents interviewed demonstrated they remembered being screened at intake and again within a month of intake. Most residents recalled being asked questions such as being in jail or prison, if they had been sexually abused in the past and how they identified.</p> <p>The interview with the mental health practitioner demonstrated she completed risk assessments, and she paid particular attention to information regarding past predators, victims, criminal history, mental health, physical size, age and resident thoughts on safety and feeling safe.</p> <p>Site Observation:</p> <p>During review of 10 resident files, this Auditor noted each resident had received screening within 72 hours of admission, primarily on the day of admission. Every resident file reviewed demonstrated each had been reassessed within 30 days of intake.</p> <p>(a) The Travis County SMART Facility PAQ states the agency has a policy that requires screening (upon admission to a facility or transfer to another facility) for risk of sexual abuse victimization or sexual abusiveness toward other residents.</p> <p>Travis County PREA Community Confinement Standards 115.241, page 21, section A., states, “Upon admission or no later than 72 hours to SMART, and upon transfer to another facility, residents shall be screened by staff assigned to perform the initial intake screening process in order to obtain information relevant to:</p> <ol style="list-style-type: none"> 1. housing, bed, work, education, counseling, groups, and programming with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive; and identify past victims and/or predators and assess vulnerability to sexual abuse victimization.” <p>(b) The Travis County SMART Facility PAQ states the agency policy requires that residents be screened for risk of sexual victimization or risk of sexually abusing other residents within 72 hours of their intake. The number of residents entering the facility (either through intake or transfer) within the past 12 months (whose length of stay in the facility was for 72 hours or more) who were screened for risk of sexual victimization or risk of sexually abusing other residents within 72 hours of their entry into the facility was 145. Policy compliance can be found in provision (a) of this standard.</p> <p>(c-e) The Travis County SMART Facility PAQ states the risk assessment is conducted using an objective screening instrument.</p> <p>Travis County PREA Community Confinement Standards 115.241, page 21, section I., states, “Screenings will be completed and documented using the Sexual Victimization and Abusiveness Risk Screening Form, which will be shared with resident's counselor for proper treatment planning and monitoring.”</p> <p>The facility provided a Travis County Adult Probation SMART Program – Sexual Victimization and Abusiveness Risk Screening Form. The form captures the following information.</p> <p>Name/Date of Intake Assessment</p> <p>Risk of Sexual Victimization Factors</p> <ul style="list-style-type: none"> • Has the Client previously experienced sexual victimization? • Is the Client under 21 years of age or over 65 years of age? • Is the Client's height less than 5'6" and weight less than 140 lbs? • Is this the Client's first incarceration that has lasted longer than 30 days? • Is the Client's criminal history exclusively non-violent? • Does the Client have prior convictions for sex offenses against an adult or child? • Is the Client perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming? • Does the Client have a mental, physical, or developmental disability?

- Does the Client perceive himself/herself as vulnerable?

Risk of Sexual Predator Factors

- Does the Client have a history of institutional predatory sexual behavior within the past 10 years?
- Does the Client have a history of prior sexual abuse (regardless of conviction)?
- Does the Client have a history of convictions for violent offenses within the past 10 years?
- Has the Client committed acts of violence within an institution during the past 10 years?
- Has the Client committed an act of sexual behavior while incarcerated within the last 10 years (no evidence of coercion or force)?

- What The Victim Risk Factors Indicate:

- o 0 "Yes" answers indicate: Non-Victim
- o 2 or more "Yes" answers indicate: Potential Victim

- What the Predator Risk Factors Indicate:

- o 0 "Yes" answers indicate: Non-Predator
- o 2 or more "Yes" answers indicate: Potential Predator

- *If the Client is a Known Victim or Known Predator, Housing Considerations Are Needed*

- Were Housing Considerations Needed?

(f) The Travis County SMART Facility PAQ states the number of residents entering the facility (either through intake or transfer) within the past 12 months whose length of stay in the facility was for 30 days or more who were reassessed for their risk of sexual victimization or of being sexually abusive within 30 days after their arrival at the facility based upon any additional, relevant information received since intake was 119 assessments."

Travis County PREA Community Confinement Standards 115.241, page 21, section P.1., states, "Reassessment of the resident's risk level of victimization or abusiveness will be conducted by the appropriate staff member designated by the Facility Administrator or designee. The reassessment shall occur:

1. The reassessment shall be completed within 30 days of the resident's arrival at SMART. It will include any additional relevant information received by the facility since the initial intake screening."

(i) The Travis County SMART Facility PAQ states the policy requires that a resident's risk level be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the resident's risk of sexual victimization or abusiveness.

Travis County PREA Community Confinement Standards 115.241, page 21, section P.2., states,

When warranted, due to a referral, request, incident of sexual abuse, or receipt of additional information that may impact the resident's risk of victimization or abusiveness."

(h) The Travis County SMART Facility PAQ states the policy prohibits disciplining residents for refusing to answer (or for not disclosing complete information related to) the questions regarding: (a) whether or not the resident has a mental, physical, or developmental disability; (b) whether or not the resident is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming; (c) Whether or not the resident has previously experienced sexual victimization; and (d) the resident's own perception of vulnerability.

Travis County PREA Community Confinement Standards 115.241, page 21, section Q., states, "Residents may not be disciplined for refusing to answer, or for not disclosing complete information, in response to questions asked pursuant to the following:

1. Whether the resident has a mental, physical, or developmental disability;
2. Whether the resident is, or is perceived to be, LGBTI or Gender Non-Conforming;
3. Whether the resident has previously experienced sexual victimization; or
4. The resident's own perception of vulnerability.

(i) Travis County PREA Community Confinement Standards 115.241, page 21, section K., states, "Appropriate controls shall be implemented within the facility regarding the dissemination of responses to questions asked in order to ensure that sensitive information is not exploited by employees or other residents to the resident's detriment."

Through such reviews, the facility meets the standard requirements.

115.242	Use of screening information
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Travis County SMART Facility PAQ 2. Travis County PREA Community Confinement Standards, dated 12.2.2019 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Targeted residents 2. SMART Facility Administrator <p>Interviews with staff demonstrated risk assessments were documented in the facility database with strict controls of who had access to the risk assessment. Staff interviewed could attest to being aware of resident risk level and ensuring victims were not housed closely to aggressive residents.</p> <p>There were five targeted residents, in total. Of those residents each felt safe in their housing and program assignments.</p> <p>(a) The Travis County SMART Facility PAQ states the agency/facility uses information from the risk screening required by §115.241 to inform housing, bed, work, education, and program assignments with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive.</p> <p>Travis County PREA Community Confinement Standards 115.242, page 22, section A., states, “SMART shall use information from risk screening to inform housing, bed, work, education, counseling, groups, and programming with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive.”</p> <p>(b) The Travis County SMART Facility PAQ states the agency/facility makes individualized determinations about how to ensure the safety of each resident.</p> <p>Travis County PREA Community Confinement Standards 115.242, page 22, section B., states, “SMART will make individualized determinations about how to ensure the safety of each resident.”</p> <p>(c/d) The Travis County SMART Facility PAQ states the agency/facility makes housing and program assignments for transgender or intersex residents in the facility on a case-by-case basis.</p> <p>Travis County PREA Community Confinement Standards 115.242, page 22, section C/D., states, “In deciding whether to house a transgender or intersex resident in a male housing unit or a female housing unit, or when making other housing and programming assignments for such residents, SMART shall consider the transgender or intersex resident’s own views with respect to his/her own safety and shall consider on a case-by-case basis whether such a placement would ensure the resident’s health and safety. Consideration should also be given as to whether the placement would present management or security problems.”</p> <p>(e) Travis County PREA Community Confinement Standards 115.242, page 22, section D., states, “Transgender and intersex residents shall be given the opportunity to shower separately from other residents.”</p> <p>(f) Travis County PREA Community Confinement Standards 115.242, page 22, section E., states, “The establishment of a unit solely dedicated to the housing of LGBTI and/or Gender Non-Conforming residents is strictly prohibited unless required by consent decree, legal settlement, or legal judgment for the purpose of protecting that resident.”</p> <p>Through such reviews, the facility meets the standard requirements.</p>

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Travis County SMART Facility PAQ
2. Travis County PREA Community Confinement Standards, dated 12.2.2019
3. Gateway Corrections Foundation SMART Program Resident Behavioral Guidelines & Services Handbook, dated 6.1.2022

Interviews:

1. Random residents
2. Targeted residents
3. Direct Care Monitors
4. SMART Facility Administer
5. Division Director / PREA Coordinator

Staff and residents were comfortable reporting verbally to any staff. Each resident interviewed stated they would report to staff verbally, through the hotline or advocate numbers posted on the No Means No posters, available throughout the facility. Residents were aware of and spoke to a private room made for professional and personal resident phone calls.

Direct Care Monitors interviewed stated if a resident wanted to use a staff phone to call an advocate or the hotline, they would take them to the private room used for resident phone and video calls.

Site Observations:

During the tour Zero Tolerance postings with internal and external reporting information were noted throughout the facility. The facility also has a room dedicated for private resident phone and video calls. Access to this room is through achievement through good behaviors and or the need for a professional call. During the tour the Auditor tested the resident phone in the private room for residents. Pressing #1 rang into the advocacy center who stated they are not a reporting entity; however, they would prompt the resident to call law enforcement to report allegations.

(a) The Travis County SMART Facility PAQ states the agency has established procedures allowing for multiple internal ways for residents to report privately to agency officials about: (a) sexual abuse or sexual harassment; (b) retaliation by other residents or staff for reporting sexual abuse and sexual harassment; and (c) staff neglect or violation of responsibilities that may have contributed to such incidents.

Travis County PREA Community Confinement Standards 115.251, page 23, states, "Residents who are victims of or have knowledge of sexual misconduct shall be encouraged to immediately report the incident. They shall also be encouraged to immediately report any pressure, threats or possible retaliation by other residents or employees for reporting sexual abuse/harassment and staff neglect or violation of responsibilities that may have contributed to such incidents. Resident Reporting"

1. Residents may utilize the formal grievance procedure to report sexual misconduct.
2. Residents are not required to go through the formal grievance process to report allegations of sexual misconduct. Grievances will be given high priority in accordance with the established SMART policy.
3. Residents are not required to file written reports.
4. SMART has established a method to receive third-party reports of sexual abuse and harassment by contacting the TDCJ PREA Ombudsman Office: PO Box 99, Huntsville, TX 77342-0099; Phone Number (936) 437-5570; Fax Number: (936) 437-5555; E-mail: prea.ombudsman@tdcj.texas.gov. (115.254)
5. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.
6. Staff may privately report sexual abuse and sexual harassment of residents by forwarding a letter, sealed and marked "confidential", to the Facility Administrator, PREA Coordinator, Division Director, or Director. "

On 9.25.2022 at 4:20 pm MST this Auditor completed a Third Party Reporting Form through the Travis County Sheriff's Office website. On 9.25.2022 at 4:25 this Auditor received a returned receipt of the form. On 9.26.2022 at 1:46 pm the Auditor received a phone call from a PREA Officer within Travis County. The Officer wanted to verify that this Auditor was contracted with Travis County before responding to the Third Party response information request. When a response wasn't received this Auditor sent another email inquiry on 10.2.2022 at 2:56 pm. On 10.3.2022 at 6:43 am this Auditor received the following response from the TCJ/TCCC PREA Coordinator stating the following: "This is monitored like a PREA hotline call. We read the information provided and notify the Building Supervisor of the call and the urgency behind the message. We also keep track of who and when the call made for future reference."

The facility provided a Gateway Corrections Foundation SMART Program Resident Behavioral Guidelines & Services Handbook. Pages 14-15 state, "Residents are encouraged to problem solve and attempt to work out problems with staff once

they are identified. If a problem is not able to be resolved, a resident may however file a grievance at any time to bring a problem to the attention of staff or to appeal a specific action such as a Behavioral Review response. A resident may file a grievance only on behalf of him/herself, although one resident may assist another resident in filing a grievance.

Each grievance may contain only one issue or concern. The grievance form includes instructions for completion. A resident may withdraw a previously filed grievance at any time. No staff member or other resident may discourage, intimidate, harass, or retaliate against a resident for filing or withdrawing a grievance. The grievance forms are located in the Forms box in the resident hallways. All completed grievances are to be placed in the black "Grievance" box located by the dining hall entrance in the buildings. Grievances are collected from the box Monday – Friday. All grievances must be completed in writing.

A formal response from the Gateway Grievance Coordinator to the resident will be provided within seven (7) calendar days from the acknowledged date of receipt. If the resident wishes to appeal the Grievance response, then he/she may write APPEAL on a grievance form and attach a copy of the grievance they wish to appeal (this appeal will be forward to the Gateway Facility Administrator. If the resident wishes to appeal the Gateway Facility Administrator's response, then the resident will write APPEAL on a grievance form and attach a copy of both the Grievance Coordinator response and the Gateway Facility Administrator's response (this appeal will be forwarded to the Travis County Facility Director).

If the resident wishes to appeal the Travis County Facility Director's response, then the resident will write APPEAL on a grievance form and attach a copy of the Grievance Coordinator response, the Gateway Facility Administrator's response, and the Travis County Facility Director's response (this will be forwarded to the Travis County HR department). Travis County HR department is the last step in the Grievance Process."

(b) The Travis County SMART Facility PAQ states the agency provides at least one way for residents to report abuse or harassment to a public or private entity or office that is not part of the agency. Policy compliance can be found in provision (a) of this standard.

(c) The Travis County SMART Facility PAQ states the agency has a policy mandating that staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties. Policy compliance can be found in provision (a) of this standard.

(d) The Travis County SMART Facility PAQ states the agency has established procedures for staff to privately report sexual abuse and sexual harassment of residents. Employees are made aware of the following through the facility PREA policy training received at orientation and annually thereafter. The PAQ states, "Staff may privately report sexual abuse and sexual harassment of residents by forwarding a letter, sealed and marked "confidential", to the Facility Administrator, PREA Coordinator, Division Director, or Director." Policy compliance can be found in provision (a) of this standard.

Through such reviews, the facility meets the standard requirements.

115.252	Exhaustion of administrative remedies
	<p data-bbox="244 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="244 210 451 237">Auditor Discussion</p> <p data-bbox="244 273 435 300">Document Review:</p> <ol data-bbox="244 304 1015 367" style="list-style-type: none"> 1. Travis County SMART Facility PAQ 2. Travis County PREA Community Confinement Standards, dated 12.2.2019 <p data-bbox="244 398 352 425">Interviews:</p> <ol data-bbox="244 430 638 555" style="list-style-type: none"> 1. Random Residents 2. Targeted Residents 3. SMART Facility Administrator 4. Division Director / PREA Coordinator <p data-bbox="244 564 1449 658">Residents interviewed were aware of the grievance procedures and understood they could file a grievance for any rights violation. Residents stated grievance boxes were located in both the residential and administrative building where groups were held.</p> <p data-bbox="244 689 419 716">Site Observation:</p> <p data-bbox="244 721 1388 784">The facility did not have any grievances filed within the last 12 months. Grievance boxes were observed in both the residential and administrative buildings.</p> <p data-bbox="244 815 1433 878">(a) The Travis County SMART Facility PAQ states the agency has an administrative procedure for dealing with resident grievances regarding sexual abuse.</p> <p data-bbox="244 909 1439 1003">A. Travis County PREA Community Confinement Standards 115.252, page 24, section A., states, "An agency shall be exempt from this standard if it does not have administrative procedures to address resident grievances regarding sexual abuse."</p> <p data-bbox="244 1034 1455 1097">(b) The Travis County SMART Facility PAQ states the agency policy or procedure allows a resident to submit a grievance regarding an allegation of sexual abuse at any time, regardless of when the incident is alleged to have occurred.</p> <p data-bbox="244 1128 1308 1155">Travis County PREA Community Confinement Standards 115.252, page 24, section B., states, "Time limits</p> <ol data-bbox="244 1160 1455 1420" style="list-style-type: none"> 1. The agency shall not impose a time limit on when a resident may submit a grievance regarding an allegation of sexual abuse. 2. The agency may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse. 3. The agency shall not require a resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. 4. Nothing in this section shall restrict the agency's ability to defend against a lawsuit filed by a resident on the ground that the applicable statute of limitations has expired." <p data-bbox="244 1451 1487 1576">(c) The Travis County SMART Facility PAQ states the agency's policy and procedure allows a resident to submit a grievance alleging sexual abuse without submitting it to the staff member who is the subject of the complaint. The agency's policy and procedure require that a resident grievance alleging sexual abuse not be referred to the staff member who is the subject of the complaint.</p> <p data-bbox="244 1608 1449 1671">Travis County PREA Community Confinement Standards 115.252, page 24, section C., states, "The agency shall ensure that:</p> <ol data-bbox="244 1697 1477 1792" style="list-style-type: none"> 1. A resident who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and; 2. Such grievance is not referred to a staff member who is the subject of the complaint. <p data-bbox="244 1823 1477 1948">(d) The Travis County SMART Facility PAQ states the agency policy and procedure requires that a decision on the merits of any grievance or portion of a grievance alleging sexual abuse be made within 90 days of the filing of the grievance. In the past 12 months, the number of grievances filed that alleged sexual abuse was zero. In the past 12 months, the number of grievances alleging sexual abuse that reached final decision within 90 days after being filed was zero.</p> <p data-bbox="244 1980 1187 2007">Travis County PREA Community Confinement Standards 115.252, page 24, section D., states,</p> <ol data-bbox="244 2011 1487 2136" style="list-style-type: none"> 1. "The agency shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. 2. Computation of the 90-day time period shall not include time consumed by residents in preparing any administrative appeal.

3. The agency may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the resident in writing of any such extension and provide a date by which a decision will be made.

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

(e) The Travis County SMART Facility PAQ states agency policy and procedure permits third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse and to file such requests on behalf of residents. Agency policy and procedure requires that if a resident decline to have third-party assistance in filing a grievance alleging sexual abuse, the agency documents the resident's decision to decline. The number of grievances alleging sexual abuse filed by residents in the past 12 months in which the resident declined third-party assistance, containing documentation of the resident's decision to decline was zero.

Travis County PREA Community Confinement Standards 115.252, page 24-25, section E., states,

1. “The parties, including fellow residents, staff members, family members, attorneys, and outside advocates, shall be permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of residents.
2. If a third party files such a request on behalf of a resident, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
3. If the resident declines to have the request processed on his or her behalf, the agency shall document the resident's decision. “

(f) The Travis County SMART Facility PAQ states the agency has a policy and established procedures for filing an emergency grievance alleging that a resident is subject to a substantial risk of imminent sexual abuse. Agency policy and procedure for emergency grievances alleging substantial risk of imminent sexual abuse requires an initial response within 48 hours. The number of emergency grievances alleging substantial risk of imminent sexual abuse that were filed in the past 12 months was zero. The agency's policy and procedure for emergency grievances alleging substantial risk of imminent sexual abuse requires that a final agency decision be issued within 5 days. The number of grievances alleging substantial risk of imminent sexual abuse filed in the past 12 months that reached final decisions within 5 days was zero.

Travis County PREA Community Confinement Standards 115.252, page 25, section F., states, “

1. “The agency shall establish procedures for the filing of an emergency grievance alleging that a resident is subject to a substantial risk of imminent sexual abuse.
2. After receiving an emergency grievance alleging a resident is subject to a substantial risk of imminent sexual abuse, the agency shall 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, shall provide an initial response within 48 hours, and shall issue a final agency decision within 5 calendar days. The initial response and final agency decision shall document the agency's determination whether the resident is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.”

(g) The Travis County SMART Facility PAQ states the agency has a written policy that limits its ability to discipline a resident for filing a grievance alleging sexual abuse to occasions where the agency demonstrates that the resident filed the grievance in bad faith. In the past 12 months, the number of resident grievances alleging sexual abuse that resulted in disciplinary action by the agency against the resident for having filed the grievance in bad faith was zero.

Travis County PREA Community Confinement Standards 115.2552, page 25, section G., states, “The agency may discipline a resident for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the resident filed the grievance in bad faith.”

Through such reviews, the facility meets the standard requirements.

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Travis County SMART Facility PAQ
2. Travis County PREA Community Confinement Standards, dated 12.2.2019
3. Gateway Corrections Foundation SMART Program Resident Behavioral Guidelines & Services Handbook, dated 6.1.2022
4. Travis County Community Justice Services/Pretrial Services and Adult Probation PREA Sexual Assault Hotline Memorandum of Understanding with SAFE Alliance, dated 3.9.2022

Interviews:

1. Random residents
2. Targeted residents
3. Direct Care Monitors
4. Specialized staff

Staff and residents interviewed informally and formally were aware the SAFE hotline was a community advocacy center, available to the residents; however, the residents were not aware of the actual services provided by the SAFE hotline. A recommendation was provided to the facility to perhaps educate the residents on SAFE services available, in total.

On Site Observation:

No Means No posters with the SAFE hotline contact information, were observed throughout the facility. During the tour the SAFE hotline was tested. An operator answered the call. The operator stated they were offer services as long as those services were under their purview. The operator stated law enforcement approved SAFE exams and if approved the SAFE advocates would meet the residents at the hospital and provide ongoing case management services.

(a) The Travis County SMART Facility PAQ states the facility provides residents with access to outside victim advocates for emotional support services related to sexual abuse. The facility provides residents with access to such services by giving residents mailing addresses and telephone numbers (including toll-free hotline numbers where available) for local, state, or national victim advocacy or rape crisis organizations. The facility provides residents with access to such services by enabling reasonable communication between residents and these organizations in as confidential a manner as possible.

Travis County PREA Community Confinement Standards 115.253, page 26, section A., states, "SMART shall provide residents with access to outside victim advocates for emotional support services related to sexual abuse by giving residents mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and by enabling reasonable communication between residents and these organizations, in as confidential a manner as possible."

The facility provided a Gateway Corrections Foundation SMART Program Resident Behavioral Guidelines & Services Handbook. Page 16, states, "Outside Confidential Support Services

If you are in need of emotional support services or crisis counseling related to sexual abuse, notify staff so they can assist you. If you want to receive confidential counseling, you may contact the following organization: SAFE 24/7 Hotline: 512. 267.SAFE (7233). To contact SAFE by mail, send a letter to P.O. Box 19545, Austin, TX 78760

(b) The Travis County SMART Facility PAQ states the facility informs residents, prior to giving them access to outside support services, of the extent to which such communications will be monitored.

Travis County PREA Community Confinement Standards 115.253, page 26, section B., states, "The SMART facility shall inform residents, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws."

(c) The Travis County SMART Facility PAQ states the agency or facility maintains memorandum of understanding (MOUs) or other agreements with community service providers that are able to provide residents with emotional support services related to sexual abuse.

Travis County PREA Community Confinement Standards 115.253, page 26, section C., states, "The agency shall maintain memoranda of understanding (MOU) or other agreements with community service providers that are able to provide residents with confidential emotional support services related to sexual abuse. The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements. The agency has an MOU with SAFE which provides these services to residents."

The facility provided a Travis County Community Justice Services/Pretrial Services and Adult Probation PREA Sexual Assault Hotline Memorandum of Understanding with SAFE Alliance. The Memorandum of Understanding (MOU) provide

sexual abuse forensic exams and emotional support services to residents. The MOU does not appear to expire until either party submit termination in writing. The MOU is signed by the Travis County Community Justice Service Representative and the Chief Executive Office, SAFE Austin.

As is stated above in the site observation: During the tour the SAFE hotline was tested. An operator answered the call. The operator stated they were offer services as long as those services were under their purview. The operator stated law enforcement approved SAFE exams and if approved the SAFE advocates would meet the residents at the hospital and provide ongoing case management services.

Through such reviews, the facility meets the standard requirements.

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Travis County SMART Facility PAQ
2. Travis County PREA Community Confinement Standards, dated 12.2.2019
3. Texas Board of Criminal Justice PREA Ombudsman Office Brochure, English and Spanish, dated 4.2022

Interviews:

1. Random residents
2. Targeted residents
3. Direct Care Monitors
4. Supervisory staff

Residents and staff interviewed demonstrated their reporting knowledge of third-party reporting stating that resident family members, friends and or legal counsel could report sexual harassment or sexual abuse allegations. Residents unequivocally stated they felt comfortable enough around the facility staff that third party reporting was a nice option; however, they would speak with staff directly.

Site Observation:

During tours of all areas of the facility's Zero Tolerance posters were present. Flyers included contact information and instruction for third party reports.

(a) The Travis County SMART Facility PAQ states the agency or facility provides a method to receive third-party reports of resident sexual abuse or sexual harassment. The agency or facility publicly distributes information on how to report resident sexual abuse or sexual harassment on behalf of residents.

Travis County PREA Community Confinement Standards 115.254, page 27, states, "SMART has established a method to receive third-party reports of sexual abuse and harassment by contacting the following offices:

PREA Hotline

Phone: 1-800-457-2598

TDCJ PREA Ombudsman Office

PO Box 99

Huntsville, TX 77342-0099

Phone: (936) 437-5570

Fax: (936) 437-5555

E-mail: prea.ombudsman@tdcj.texas.gov

Office of Inspector General

P.O. Box 4003

Huntsville, TX 77342-4003

Phone: (936) 437-5116

Fax: (936) 437-5109

Email: oig.records@tdcj.texas.gov

TDCJ Ombudsman Office

P.O. Box 99

Huntsville, TX 77342-0099

Phone: (936) 437-5620

Fax: (936) 437-4930

Email: ombudsman@tdcj.texas.gov

TDCJ Parole Division Ombudsman

P.O. Box 13401, Austin, TX 78711

Phone: (512) 406-5795

Fax: (512) 406-5858

Email: parole.div@tdcj.texas.gov

The facility provided a Texas Board of Criminal Justice PREA Ombudsman Office Brochure, in English and Spanish. The brochure provides the following contact information:

"Reporting Sexual Abuse and Sexual Harassment

Staff

Any staff member knowledgeable of an inmate-on-inmate or staff-on-inmate sexual abuse or sexual harassment that occurs within a TDCJ correctional facility must immediately report the allegation to unit administration in accordance with agency policies. Inmate's TDCJ inmates are encouraged to immediately report allegations of sexual abuse and sexual harassment to correctional staff, facility administrators, or the unit Safe Prisons/PREA manager. Inmates may also report allegations of sexual abuse and sexual harassment to the PREA Ombudsman Office, the Office of the Inspector General (OIG), or through the grievance process.

Family and Friends

Family and friends of inmates incarcerated in the TDCJ, and the general public, are encouraged to report allegations of sexual abuse and sexual harassment to the PREA Ombudsman Office or the TDCJ Office of the Independent Ombudsman. Public inquiries concerning allegations of sexual abuse and sexual harassment received by the TBCJ and the TDCJ are referred to the PREA Ombudsman Office for investigation and response. In addition, all allegations of sexual abuse or sexual harassment are referred to the OIG for possible criminal investigation.

Contact Information (Please submit inquiries in writing) Anyone knowledgeable of an inmate-on-inmate or staff-on-inmate sexual abuse or sexual harassment that occurs within a TDCJ correctional facility is encouraged to immediately report the allegation.

PREA Ombudsman Office P.O. Box 99, Huntsville, TX 77342-0099 (936) 437-5570 (936) 437-5555 fax
prea.ombudsman@tdcj.texas.gov

Office of the Inspector General (OIG) P.O. Box 4003, Huntsville, TX 77342-4003 (936) 437-5116 (936) 437-5109 fax
oig.records@tdcj.texas.gov

TBCJ Office of the Independent Ombudsman P.O. Box 99, Huntsville, TX 77342-0099 (936) 437-5620 (936) 437-4930 fax
Hotline (833) 598-2700 ombudsman@tdcj.texas.gov

General inmate status information may be obtained at www.tdcj.texas.gov Agency Toll-Free Telephone Number 1-800-535-0283"

Through such reviews, the facility meets the standard requirements.

115.261	Staff and agency reporting duties
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Travis County SMART Facility PAQ 2. Travis County PREA Community Confinement Standards, dated 12.2.2019 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random residents 2. Targeted residents 3. Direct Care Monitors 4. Specialized staff 5. SMART Facility Administrator 6. Division Director / PREA Coordinator <p>Interviews with each staff and residents demonstrated each actively practices and understood the importance of immediately reporting all allegations of sexual abuse and sexual harassment.</p> <p>Site Observations:</p> <p>The facility has not had an allegation of sexual harassment or sexual abuse in the past 12 months.</p> <p>(a) The Travis County SMART Facility PAQ states the agency requires all staff to report immediately and according to agency policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency. The agency requires all staff to report immediately and according to agency policy retaliation against residents or staff who reported such an incident. The agency requires all staff to report immediately and according to agency policy any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.</p> <p>Travis County PREA Community Confinement Standards 115.261, page 28, section A., states, "Staff members who receive reports from residents of any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred at SMART are required to immediately notify the supervisor, Facility Administrator, or one of the members of the PREA team. Similarly, staff are required to report any employee's neglect or violation of responsibilities that may have contributed to an incident or retaliation."</p> <p>(b) The Travis County SMART Facility PAQ states, apart from reporting to designated supervisors or officials and designated state or local services agencies, agency policy prohibits staff from revealing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.</p> <p>Travis County PREA Community Confinement Standards 115.261, page 28, section H., states, "Apart from reporting to designated PREA-trained team members, employees shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, and as specified in this policy, to make treatment, investigation, and other security and management decisions."</p> <p>(c) Travis County PREA Community Confinement Standards 115.261, page 28, section K., states, "Unless otherwise precluded by federal, state, or local law, medical and mental health professionals shall be required to follow reporting procedures, and at the initiation of services, medical and mental health professionals will inform residents of their professional duty to report and the limitations of confidentiality."</p> <p>(d) Travis County PREA Community Confinement Standards 115.261, page 28, section K., states, "If the alleged victim is under the age of eighteen (18) or considered a vulnerable adult under a state or local vulnerable person's statute, the allegation shall be reported to the designated state or local services agency under applicable mandatory reporting laws."</p> <p>(e) Travis County PREA Community Confinement Standards 115.261, page 28, section D., states, "Staff shall report incidents regardless of its source. Staff members who receive information concerning resident on resident sexual misconduct, or who observe an incident of resident on resident sexual contact or have a reasonable cause to suspect sexual misconduct must immediately report the incident to their supervisor, the Facility Administrator or designee, and the facility investigator (e). Employees having contact with alleged victim should behave in a manner that is sensitive, supportive and non-judgmental."</p> <p>Through such reviews, the facility meets the standard requirements.</p>

115.262	Agency protection duties
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Travis County SMART Facility PAQ 2. Travis County PREA Community Confinement Standards, dated 12.2.2019 <p>Interviews:</p> <ol style="list-style-type: none"> 1. SMART Facility Administrator / Investigator 2. Division Director / PREA Coordinator <p>Interviews with the Division Director / PREA Coordinator and facility investigator demonstrated the facility staff act promptly and responds properly at the discovery of an incident.</p> <p>(a) The Travis County SMART Facility PAQ states when the agency or facility learns that a resident is subject to a substantial risk of imminent sexual abuse, it takes immediate action to protect the resident. In the past 12 months, the number of times the agency or facility determined that a resident was subject to a substantial risk of imminent sexual abuse was zero.</p> <p>Travis County PREA Community Confinement Standards 115.262, page 29, states, "When it is learned that a resident is subject to a substantial risk of imminent sexual abuse, immediate action shall be taken to protect the resident. Refer to Staff First Responders and Coordinated Response policy."</p> <p>Through such reviews the facility meets the standard requirements.</p>

115.263	Reporting to other confinement facilities
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Travis County SMART Facility PAQ 2. Travis County PREA Community Confinement Standards, dated 12.2.2019 <p>Interviews:</p> <ol style="list-style-type: none"> 1. SMART Facility Administrator <p>The interview with the SMART Facility Administrator demonstrated that he was aware that upon receiving an allegation that a resident was sexually abused while confined at another facility, he had the responsibility to notify the head of the facility where the allegation occurred.</p> <p>(a) The Travis County SMART Facility PAQ states the agency has a policy requiring that, upon receiving an allegation that a resident was sexually abused while confined at another facility, the head of the facility must notify the head of the facility or appropriate office of the agency or facility where sexual abuse is alleged to have occurred. During the past 12 months, the number of allegations the facility received that a resident was abused while confined at another facility was zero.</p> <p>Travis County PREA Community Confinement Standards 115.263, page 30, section 1-3, state,</p> <ol style="list-style-type: none"> 1. Contact the outside entity where the alleged abuse took place within seventy-two hours after receiving the allegations; (a) (b) 2. If the allegation was reported and investigated by the appropriate officials, the facility shall document the allegation, name and title of the person contacted, and that the allegation has already been addressed. Under this circumstance, further investigation and notification need not occur; 3. If the allegation was not reported or not investigated, a copy of the statement of the resident shall be forwarded to the appropriate official at the location where the incident was reported to have occurred.” <p>(b) The Travis County SMART Facility PAQ states the agency policy requires the facility head to provide such notification as soon as possible, but no later than 72 hours after receiving the allegation. Policy compliance can be found in provision (a) of this standard.</p> <p>(c) The Travis County SMART Facility PAQ states the agency or facility documents that it has provided such notification within 72 hours of receiving the allegation.</p> <p>Travis County PREA Community Confinement Standards 115.263, page 30, section 4., states, “All such contacts and notifications shall be documented including the allegation, any details learned from contact with the site where the alleged abuse took place, and the facility’s response to the allegation.”</p> <p>(d) The Travis County SMART Facility PAQ states the agency or facility policy requires that allegations received from other facilities and agencies are investigated in accordance with the PREA standards. In the past 12 months, the number of allegations of sexual abuse the facility received from other facilities was zero.</p> <p>Travis County PREA Community Confinement Standards 115.263, page 30, section 5., states, “If an allegation is received from another facility, the Facility Administrator will ensure that allegation is investigated.”</p> <p>Through such reviews the facility meets the standard requirements.</p>

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Travis County SMART Facility PAQ
2. Travis County PREA Community Confinement Standards, dated 12.2.2019

Interviews:

1. Direct Care Monitors
2. Specialized staff
3. SMART Facility Administrator / Facility Investigator

Interviews with each staff interviewed demonstrated they were aware of their first responder responsibilities. Staff stated reporting information is posted throughout the facility and each has access to any PREA policies and or forms they may need.

Site Observation:

The facility has not had an allegation of sexual harassment or sexual abuse in the past 12 months.

(a) The Travis County SMART Facility PAQ states the agency has a first responder policy for allegations of sexual abuse. The policy requires that, upon learning of an allegation that a resident was sexually abused, the first security staff member to respond to the report shall be required to separate the alleged victim and abuser. The policy requires that, upon learning of an allegation that a resident was sexually abused, the first security staff member to respond to the report shall be required to preserve and protect any crime scene until appropriate steps can be taken to collect any evidence. The policy requires that, upon learning of an allegation that a resident was sexually abused and the abuse occurred within a time period that still allows for the collection of physical evidence, the first security staff member to respond to the report shall be required to request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. The policy requires that, upon learning of an allegation that a resident was sexually abused and the abuse occurred within a time period that still allows for the collection of physical evidence, the first security staff member to respond to the report shall be required to ensure that the alleged abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

In the past 12 months, zero allegations occurred where a resident was sexually abused. Of these allegations, the number of times the first security staff member to respond to the report separated the alleged victim and abuser was zero. In the past 12 months, there were zero allegations where staff were notified within a time period that still allowed or the collection of evidence. Of these allegations the number of times the first security staff member to respond to the report was zero.

Travis County PREA Community Confinement Standards, 15.264, page 31, section A-G., states, "If the allegations of sexual misconduct took place while the alleged victim was housed at another facility, the Facility Administrator shall:

A. "Non-Security staff receiving the report:

1. ensure that the victim is safe and kept separate (with no contact) from the alleged aggressor;
2. request that the alleged victim not wash, brush their teeth, change their clothes, urinate, defecate, smoke, drink, eat or take any other actions that could destroy physical evidence; and
3. notifies the supervisor, Facility Administrator, or one of the members of the PREA team;
4. the first responder and/or the supervisor will notify the PREA Coordinator and/or investigating agency if appropriate;

B. Security staff receiving the report:

1. ensure that the victim is safe and kept separate (with no contact) from the alleged aggressor;
2. take steps to preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
3. if the abuse occurred in a time frame that still allows for the collection of physical evidence, request that the alleged victim and alleged abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;
4. if the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged abuser not take any actions that could destroy physical evidence including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking drinking, or eating;
5. notifies the supervisor, Facility Administrator, or one of the members of the PREA team;
6. the first responder and/or the supervisor will notify the PREA Coordinator and/or investigating agency if appropriate;

C. Call for an ambulance to transport the victim to the nearest hospital if warranted;

D. Photograph the scene and any visible evidence and seal access to the immediate area of the scene if possible; and

E. All required information concerning the allegation is kept confidential by discussing the information with only those

employees who have a direct need to know.

F. Ask the resident and document the questions listed below.

A. What type of alleged sexual misconduct occurred?

B. Who was involved in the misconduct?

C. When did the misconduct occur?

D. Where did the misconduct occur?

G. Complete incident report/statement.”

(b) The Travis County SMART Facility PAQ states the facility’s’ policy requires that if the first staff responder is not a security staff member, that responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence and notify security staff. Of the allegations that a resident was sexually abused made in the past 12 months, the number of times a non-security staff member was the first responder was zero.

Travis County PREA Community Confinement Standards, 15.264, page 31, section H., states, “If the first responder is not a staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence and then notify the appropriate facility staff.”

Through such reviews, the facility meets the standard requirements.

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Travis County SMART Facility PAQ
2. Travis County PREA Community Confinement Standards, dated 12.2.2019

Interviews:

1. Direct Care Monitors
2. Specialized staff
3. SMART Facility Administrator / Investigator
4. Division Director / PREA Coordinator

Interviews with staff demonstrated the response to allegations of sexual assault is written to coordinate actions taken in response to sexual abuse and sexual harassment incidents.

(a) The Travis County SMART Facility PAQ states the facility has 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.

Travis County PREA Community Confinement Standards 115.265, page 32-33, states, "The PREA Coordinator shall ensure the following coordinated response process is completed upon receipt of a reported sexual abuse incident.

G. Refer to Staff and First Responder Duties policy 115.264 for additional information.

H. Immediately report all allegations of rape, sexual assault, or employee on resident sexual misconduct to state or local law enforcement agencies for criminal investigation if the allegation (if proven true) would be considered a criminal act under federal, state, or local law. The reporting party should request guidance from the law enforcement agency(ies) in preserving the crime scene and coordinating an investigation.

I. If the allegation involves a staff member, ensure steps are taken to place this person in a _____ role that does not involve contact with residents.

J. Ensure that medical and mental health referrals are completed (when appropriate)

K. Medical duties/responsibilities:

1. Resident victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment, the nature and scope of which are determined by medical practitioners according to their professional judgment.
2. SMART shall offer medical evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse.
3. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from SMART.
4. SMART shall provide such victims with medical and mental health services consistent with the community level of care.

L. Mental Health duties/responsibilities:

1. Resident victims of sexual abuse shall receive timely, unimpeded access to emergency crisis intervention services, the nature and scope of which are determined by mental health practitioners according to their professional judgment.
2. Sexual abuse victims will be given the opportunity to speak with mental health staff, if desired. If the victim chooses, mental health staff will see him/her. If no mental health staff is on duty, security staff will complete a Mental Health Referral Form and a mental health counselor will respond as soon as possible. If needed, a medical provider will see the resident in the absence of mental health staff.
3. External victim advocacy/assistance from approved agencies, including toll-free phone numbers where available, shall be offered to the victim. Mental Health staff will coordinate with SAFE, if necessary, to provide the victim with resources.
4. SMART shall offer mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse at SMART.
5. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from SMART.
6. SMART shall provide such victims with mental health services consistent with the community level of care.
7. When requested, SMART counselors will provide emotional support services for residents who fear retaliation for reporting sexual abuse or sexual harassment, or for cooperating with investigations.

M. Ensure that an investigation is initiated and documented. Investigations into allegations of sexual abuse must be investigated by a staff member who has received training in the investigation of sexual abuse cases.

N. Ensure appropriate incident reports are completed in accordance with facility PREA policy and procedure.

O. Review any video recordings of the alleged crime scene from the time period implicated by the allegation. Ensure all video recordings are secured and preserved from the time period implicated in the allegation.

P. A preliminary review of the incident and the facility's response shall be conducted 48 to 72 hours following a reportable PREA incident. The review will be convened by the Facility Administrator or designee. At a minimum, the review shall include:

1. Discussion of the incident, and whether the incident response meets applicable standards;
2. Appropriate categorization of the incident report;
3. Completion of required notifications;
4. A request for law enforcement involvement (if appropriate); and
5. Whether employee actions or failures to act contributed to the sexual abuse.”

Through such reviews, the facility meets the standard requirements.

115.266	<p>Preservation of ability to protect residents from contact with abusers</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Travis County SMART Facility PAQ 2. Travis County PREA Community Confinement Standards, dated 12.2.2019 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Division Director / PREA Coordinator <p>An interview with the Division Director / PREA Coordinator demonstrated the facility is not responsible for collective bargaining.</p> <p>(a) The Travis County SMART Facility PAQ states the agency, facility, or any other governmental entity is not responsible for collective bargaining on the agency's behalf has not entered into or renewed any collective bargaining agreement or other agreement since August 20, 2012, or since the last PREA audit, whichever is later.</p> <p>Travis County PREA Community Confinement Standards 115.266, page 35, section A., states, "Neither the agency nor any other governmental entity responsible for collective bargaining on the agency's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.</p> <p>(b) Travis County PREA Community Confinement Standards 115.266, page 35, section A., states, "Nothing in this standard shall restrict the entering into or renewal of agreements that govern:</p> <ol style="list-style-type: none"> 1. The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §115.272 and 115.276; or 2. 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." <p>Through such reviews, the facility meets the standard requirements.</p>
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115.267	Agency protection against retaliation
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Travis County SMART Facility PAQ 2. Travis County PREA Community Confinement Standards, dated 12.2.2019 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Senior Mental Health Provider / Retaliation Monitor <p>The interview with the Senior Mental Health Provider demonstrated she would complete retaliation monitoring for the facility, whether the victim be a resident or employee. The Senior Mental Health Provider stated she would check in and document retaliation monitoring every month for at least 90 days and or as long as was necessary and document those notes in the agency resident database.</p> <p>(a) The Travis County SMART Facility PAQ states the agency has a policy to protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff. The agency designates staff member(s) or charges department(s) with monitoring for possible retaliation. Monitoring is completed by the Facility Administrator, Treatment Manager and or the PREA Coordinator-Division Director.</p> <p>Travis County PREA Community Confinement Standards 115.267, page 36, section A., states, "Retaliation against residents, employees, or other parties for reporting sexual abuse or harassment or cooperating with sexual abuse or sexual harassment investigations, will not be tolerated. Those who retaliate may face disciplinary action up to and including unsuccessful discharge for residents and dismissal for employees."</p> <p>(b) Travis County PREA Community Confinement Standards 115.267, page 36, section D., states, "Protection measures by the facility include but are not limited to the following: (b)</p> <ol style="list-style-type: none"> 1. housing changes or transfer for resident victims or abuser; 2. removal of alleged staff or resident abusers from contact with victims; 3. emotional support services for residents or staff who fear retaliation for reporting sexual misconduct or for cooperating with investigations." <p>(c) The Travis County SMART Facility PAQ states the facility monitors the conduct or treatment of residents or staff who reported sexual abuse and of residents who were reported to have suffered sexual abuse to ascertain if there are any changes that may suggest possible retaliation by residents or staff. The facility will monitor conduct or treatment until the resident is discharged. The facility acts promptly to remedy any such retaliation. In the past 12 months, the facility has had zero incidents of retaliation.</p> <p>Travis County PREA Community Confinement Standards 115.267, page 36, section E., states, "Staff will monitor the conduct and treatment of residents or staff who reported the sexual abuse, any individual expressing a fear of retaliation, and of residents who were reported to have suffered sexual misconduct to see if there are changes that may suggest possible retaliation for at least 90 days. The agency will continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need. The agency will promptly act to remedy any such retaliation and will monitor items such as resident disciplinary reports, housing changes, program changes, negative performance reviews of staff, and/or reassignment of staff."</p> <p>(d) Travis County PREA Community Confinement Standards 115.267, page 36, section F., states, "Residents shall be provided with periodic status updates."</p> <p>(e) Travis County PREA Community Confinement Standards 115.267, page 36, section B., states, "If any individual who cooperates with an investigation expresses fear of retaliation, the agency will take appropriate measures to protect that individual against retaliation."</p> <p>Through such reviews, the facility meets the standard requirements.</p>

115.271	Criminal and administrative agency investigations
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Travis County SMART Facility PAQ 2. Travis County PREA Community Confinement Standards, dated 12.2.2019 <p>Interviews:</p> <ol style="list-style-type: none"> 1. SMART Facility Administrator / Investigator 2. Division Director / PREA Coordinator <p>The facility investigators clearly articulated processes required during an investigation, to include a thorough review and in-depth documentation process.</p> <p>Site Observation:</p> <p>The facility has not had a sexual harassment or sexual abuse allegation in the past 12 months.</p> <p>(a) The Travis County SMART Facility PAQ states the agency/facility has a policy related to criminal and administrative agency investigations.</p> <p>Travis County PREA Community Confinement Standards 115.271, page 37, section Q-R., state,</p> <p>Q. "The Facility Administrator shall ensure that an administrative investigation and a referral for a criminal investigation, where appropriate, are completed for all allegations of sexual abuse and sexual harassment.</p> <p>R. When the agency conducts its own investigations, it shall do so promptly, thoroughly for all allegations, including third-party and anonymous reports."</p> <p>(b) Travis County PREA Community Confinement Standards 115.271, page 37, section S., states, "The agency's investigators shall receive specialized training in sexual abuse investigations."</p> <p>(c) Travis County PREA Community Confinement Standards 115.271, page 37, section T., states, "Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator."</p> <p>(d) Travis County PREA Community Confinement Standards 115.271, page 37, section U., states, "When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution."</p> <p>(e) Travis County PREA Community Confinement Standards 115.271, page 37, section V., states, "The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as resident or staff. No agency shall require a resident 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."</p> <p>(f) Travis County PREA Community Confinement Standards 115.271, page 37, section W., states, "The administrative investigation shall include an effort to determine whether staff actions or failures to act contributed to the abuse. Such investigations shall be documented and shall detail the following components:</p> <ol style="list-style-type: none"> 1. Investigative facts (i.e., specific details about what actually happened); 2. Physical evidence (e.g., clothes collected, medical evidence, etc.); 3. Testimonial evidence (e.g., witness statements); 4. Reasoning behind credibility assessments (i.e., why is the person deemed credible or not credible. Credibility shall be assessed on an individual basis and not be determined by the person's status as a resident or employee.); 5. Investigative findings (i.e., discovery or outcome of the investigation); and 6. Whether actions and/or failures of staff to act contributed to the incident, including an explanation as to what determined the conclusion." <p>(g) Travis County PREA Community Confinement Standards 115.271, page 38, section Y., states, "Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible. Criminal investigations will be completed by the Austin Police Department."</p> <p>(h) The Travis County SMART Facility PAQ states substantiated allegations of conduct that appear to be criminal are referred for prosecution. The number of substantiated allegations of conduct that appear to be criminal that were referred for prosecution since the last PREA audit, was zero.</p>

Travis County PREA Community Confinement Standards 115.271, page 38, section Z., states, "Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution."

(i) The Travis County SMART PAQ states substantiated the agency retains all written reports pertaining to the administrative or criminal investigation of alleged sexual abuse or sexual harassment for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

Travis County PREA Community Confinement Standards 115.271, page 38, section AA., states, "The agency shall retain all written reports referenced in sections (f) and (g) of this standard for as long as the alleged abuser is incarcerated or employed by the agency, plus five years."

(j) Travis County PREA Community Confinement Standards 115.271, page 38, section BB., states, "The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide the basis for terminating an investigation."

(k) Travis County PREA Community Confinement Standards 115.271, page 38, section CC., states, "Any State entity of Department of Justice component that conducts such investigations shall do so pursuant to the above requirements."

(l) Travis County PREA Community Confinement Standards 115.271, page 38, section DD., states, "When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation."

Through such reviews, the facility meets the standard requirements.

115.272	<p>Evidentiary standard for administrative investigations</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Travis County SMART Facility PAQ 2. Travis County PREA Community Confinement Standards, dated 12.2.2019 <p>Interviews:</p> <ol style="list-style-type: none"> 1. SMART Facility Administrator / Investigator 2. Division Director / PREA Coordinator <p>The interview with facility investigators demonstrated the facility shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.</p> <p>(a) The Travis County SMART Facility PAQ Bureau states the agency imposes a standard of a preponderance of the evidence or a lower standard of proof for determining whether allegations of sexual abuse or sexual harassment are substantiated.</p> <p>Travis County PREA Community Confinement Standards 115.272, page 39, section A-C., state,</p> <p>A. "In any sexual abuse or sexual harassment investigation in which SMART is the primary investigating entity, the facility shall utilize a preponderance of the evidence standard for determining whether allegations of sexual abuse or sexual harassment are substantiated.</p> <ol style="list-style-type: none"> 1. Preponderance of the evidence standard – An evidentiary standard under which an allegation is deemed substantiated if the weight of the available evidence indicates that the allegation is more likely than not to be truthful or correct. <p>B. Following completion of the investigation, the allegation will be classified as follows:</p> <ol style="list-style-type: none"> 1. Substantiated – An incident shall be classified as substantiated if the results of the Investigation determine that the allegation did occur. 2. Unsubstantiated – An incident shall be classified as unsubstantiated if the results of the investigation determine that the evidence was insufficient to make a final determination of whether or not the allegation occurred. 3. Unfounded – An incident shall be classified as unfounded if the results of the investigation determine the allegation did not occur. <p>C. The Facility Administrator or designee shall determine the appropriate classification of the incident and ensure that the Investigation Report is completed and submitted to the PREA Coordinator. "</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Travis County SMART Facility PAQ
2. Travis County PREA Community Confinement Standards, dated 12.2.2019
3. Travis County Community Justice Services Pretrial Services & Adult Probation, Sample PREA Allegation, Anonymous Report, not dated
4. Travis County Community Justice Services & Adult Probation SMART Notice of PREA Investigation Outcome Form, dated 3.10.2020

Interviews:

1. SMART Facility Administrator

The interviews with the SMART Facility Administrator demonstrated he would personally verbally inform the resident of the outcome of an investigation. The SMART Facility Administrator would also document the verbal notification within the facility investigation documentation.

(a) The Travis County SMART Facility PAQ states the agency has a policy requiring that any resident who makes an allegation that he or she suffered sexual abuse in an agency facility is informed, verbally or in writing, as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded following an investigation by the agency. The number of criminal and/or administrative investigations of alleged resident sexual abuse that were completed by the agency/facility in the past 12 months was zero.

Travis County PREA Community Confinement Standards 115.273, page 40, section A., states, "Following an investigation into a resident's allegation of sexual abuse suffered at SMART, the facility shall inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded."

The facility provided a Travis County Community Justice Services Pretrial Services & Adult Probation, Sample PREA Allegation, Anonymous Report. This report demonstrates the facility documents the following upon receipt of an allegation of sexual harassment or sexual abuse.

- Address to:
- From: TCCJS Human Resource Manager
- Date
- Subject: PREA Allegation, Anonymous Resident Report
- Witnesses
- Items reviewed – Request to Official and Details of the incident reported

(b) The Travis County SMART Facility PAQ states an outside entity conducts such investigations, the agency requests the relevant information from the investigative entity in order to inform the resident of the outcome of the investigation. The number of investigations of alleged resident sexual abuse in the facility that were completed by an outside agency in the past 12 months was zero.

Travis County PREA Community Confinement Standards 115.273, page 40, section B., states, "If SMART did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the resident."

(c) The Travis County SMART Facility PAQ states following a resident's allegation that a staff member has committed sexual abuse against the resident, the agency/facility subsequently informs the resident (unless the agency has determined that the allegation is unfounded) whenever: (a) the staff member is no longer posted within the resident's unit; (b) the staff member is no longer employed at the facility; (c) the agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or (d) the agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

Travis County PREA Community Confinement Standards 115.273, page 40, section C., states, "Following a resident's allegation that a staff member has committed sexual misconduct against the resident, SMART shall subsequently inform the resident (unless the agency has determined that the allegation is unfounded) whenever:

1. the staff member is no longer posted within the resident's area;
2. the staff member is no longer employed at the facility; and/or
3. the facility learns that the staff member has been indicted or convicted of a charge related to sexual abuse within the facility."

(d) The Travis County SMART Facility PAQ states following a resident's allegation that he or she has been sexually abused by another resident in an agency facility, the agency subsequently informs the alleged victim whenever: (a) the agency learns

that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or (b) the agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

Travis County PREA Community Confinement Standards 115.273, page 40, section D., states, "Following a resident's allegation that he or she has been sexually abused by another resident, SMART shall subsequently inform the alleged victim whenever the facility learns that the alleged abuser has been indicted or convicted on a charge related to sexual abuse within the facility."

The facility provided a Travis County Community Justice Services & Adult Probation SMART Notice of PREA Investigation Outcome Form. The form demonstrates the following is documented upon a notification to a resident.

- Definitions of PREA Community Confinement Standards 115.273
- Date of Incident
- Name of Resident Involved
- Outcome of Investigation
- Resident Name/Resident Signature/Date
- Staff Printed Name/Staff Signature/Date

(e) The Travis County SMART Facility PAQ states the agency has a policy that all notifications to residents described under this standard are documented.

Travis County PREA Community Confinement Standards 115.273, page 40, section E., states, "All such notifications or attempted notifications shall be documented. The resident shall sign the forms, verifying that such notification has been received. In the event the resident refuses to sign, staff will document the reason and sign the document. The signed forms shall be kept in the resident's file."

Through such reviews, the facility meets the standard requirements.

115.276	Disciplinary sanctions for staff
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Document Review: 1. Travis County SMART Facility PAQ 2. Travis County PREA Community Confinement Standards, dated 12.2.2019</p> <p>Interviews: 1. Division Director / PREA Coordinator The interview with the Division Director / PREA Coordinator demonstrated there were zero staff who were disciplined for violation of an agency sexual abuse or sexual harassment policy.</p> <p>(a) The Travis County SMART Facility PAQ states staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.</p> <p>Travis County PREA Community Confinement Standards 115.276, page 41, section A., states, "Employees shall be subject to disciplinary sanctions up to and including termination for violating facility sexual abuse or sexual harassment policies."</p> <p>(b) The Travis County SMART Facility PAQ states in the last 12 months, there has been zero staff from the facility that had violated agency sexual abuse or sexual harassment policies.</p> <p>Travis County PREA Community Confinement Standards 115.276, page 41, section B., states, "Termination shall be the presumptive disciplinary sanction for employees who have engaged in sexual abuse."</p> <p>(c) The Travis County SMART Facility PAQ states disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. In the past 12 months there have zero staff requiring discipline for sexual abuse or sexual harassment.</p> <p>Travis County PREA Community Confinement Standards 115.276, page 41, section C., states, "Disciplinary sanctions for violations of facility sexual abuse or sexual harassment policies (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff's disciplinary history, and the sanctions imposed for comparable offenses by other employees with similar histories."</p> <p>(d) The Travis County SMART Facility PAQ states 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, are reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. In the past 12 months, zero staff have been terminated for sexual abuse or harassment.</p> <p>Travis County PREA Community Confinement Standards 115.276, page 41, section D., states, "All terminations for violations of the facility sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies."</p> <p>Through such reviews, the facility meets the standard requirements.</p>

115.277	Corrective action for contractors and volunteers
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Travis County SMART Facility PAQ 2. Travis County PREA Community Confinement Standards, dated 12.2.2019 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Division Director / PREA Coordinator <p>The interview with the Division Director / PREA Coordinator demonstrated the facility does not utilize volunteers and or contractors.</p> <p>Site Observation:</p> <p>During the last audit cycle, the facility did not have any volunteers or contractors subject to disciplinary action due to violating sexual abuse or sexual harassment policies.</p> <p>(a) The Travis County SMART Facility PAQ states agency policy requires that any contractor or volunteer who engages in sexual abuse be reported to law enforcement agencies (unless the activity was clearly not criminal) and to relevant licensing bodies. Agency policy requires that any contractor or volunteer who engages in sexual abuse be prohibited from contact with residents. In the past 12 months, contractors or volunteers have not been reported to law enforcement agencies and relevant licensing bodies for engaging in sexual abuse of residents. In the past 12 months, the number of contractors or volunteers reported to law enforcement for engaging in sexual abuse of residents was zero.</p> <p>Travis County PREA Community Confinement Standards 115.277, page 41, section F., states, "Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with residents, shall be prohibited from continuing contractual or volunteer duties for the department, and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing body."</p> <p>(b) The Travis County SMART Facility PAQ the facility takes appropriate remedial measures and considers whether to prohibit further contact with residents in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.</p> <p>Travis County PREA Community Confinement Standards 115.277, page 41, section G., states, "Any other violation of the facility sexual abuse or sexual harassment policies by a civilian or contractor will result in the facility taking appropriate remedial measures, including further prohibitions."</p> <p>Through such reviews, the facility meets the standard requirements.</p>

115.278	Disciplinary sanctions for residents
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

Document Review:

1. Travis County SMART Facility PAQ
2. Travis County PREA Community Confinement Standards, dated 12.2.2019

Interviews:

1. Division Director / PREA Coordinator

An interview with the Division Director / PREA Coordinator demonstrated residents who falsely reported PREA allegations would typically receive a resident incident report, which would regress them in the program to a lower phase causing them to lose program privileges.

(a) The Travis County SMART Facility PAQ states residents are subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative finding that a resident engaged in resident-on-resident sexual abuse. Residents are subject to disciplinary sanctions only pursuant to a formal disciplinary process following a criminal finding of guilt for resident-on-resident sexual abuse. In the past 12 months, the number of administrative findings of resident-on-resident sexual abuse that have occurred at the facility was zero. In the past 12 months, the number of criminal findings of guilt for resident-on-resident sexual abuse that have occurred at the facility was zero.

Travis County PREA Community Confinement Standards 115.278, page 42, section H., states, "Following an administrative finding that the resident engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident-on-resident sexual abuse, the resident shall be institutionally disciplined in accordance with the facility disciplinary procedures."

(b) Travis County PREA Community Confinement Standards 115.278, page 42, section J., states, "Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories."

(c) Travis County PREA Community Confinement Standards 115.278, page 42, section K., states, "The disciplinary process shall consider whether a resident's mental disabilities or mental illness contributed to his/her behavior when determining what type of sanction, if any, should be imposed."

(d) The Travis County SMART Facility PAQ states the facility offers therapy, counseling, or other interventions designed to address and correct the underlying reasons or motivations for abuse. If the facility offers therapy, counseling, or other interventions designed to address and correct the underlying reasons or motivations for abuse, the facility considers whether to require the offending resident to participate in such interventions as a condition of access to programming or other benefits.

Travis County PREA Community Confinement Standards 115.278, page 42, section I., states, "If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending resident to participate in such interventions as a condition of access to programming or other benefits."

(e) The Travis County SMART Facility PAQ states the agency disciplines residents for sexual conduct with staff only upon finding that the staff member did not consent to such contact.

Travis County PREA Community Confinement Standards 115.278, page 42, section M., states, "A resident may be disciplined for sexual conduct with an employee only upon finding that the staff did not consent to such contact."

(f) The Travis County SMART Facility PAQ states the agency prohibits disciplinary action for a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation.

Travis County PREA Community Confinement Standards 115.278, page 42, section N., states, "For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation."

(g) The Travis County SMART Facility PAQ states the agency prohibits all sexual activity between residents. If the agency prohibits all sexual activity between residents and disciplines residents for such activity, the agency deems such activity to constitute sexual abuse only if it determines that the activity is coerced.

Travis County PREA Community Confinement Standards 115.278, page 42, section Q., states, "The agency prohibits all sexual activity between residents and may discipline residents for such activity. An agency may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced."

Through such reviews, the facility meets the standard requirements.

115.282	Access to emergency medical and mental health services
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Document Review: 1. Travis County SMART Facility PAQ 2. Travis County PREA Community Confinement Standards, dated 12.2.2019</p> <p>Interviews: 1. LVN 2. Senior Mental Health Provider Interviews with specialized staff demonstrated residents would immediately have access to emergency medical and mental health services upon any allegation of sexual abuse.</p> <p>Site Observation: A review of resident files demonstrated resident disclosures are documented and follow up medical and or mental health appointments are offered and documented within and well before the 14-day requirement.</p> <p>(a) The Travis County SMART Facility PAQ states resident victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The nature and scope of such services are determined by medical and mental health practitioners according to their professional judgment.</p> <p>Travis County PREA Community Confinement Standards 115.282, page 43, section A., states, "Resident victims of sexual abuse shall 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. SMART has medical and mental health staff on-site."</p> <p>(b) Travis County PREA Community Confinement Standards page 28, section 35.01 Access to Emergency Medical and Mental Health Services, second paragraph states, "If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, the first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners."</p> <p>Travis County PREA Community Confinement Standards 115.282, page 43, section B., states, "If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, first responders shall take preliminary steps to protect the victim (115.262) and shall immediately notify the appropriate medical and mental health practitioners, including utilizing emergency services (e.g., calling 911)."</p> <p>(c) The Travis County SMART Facility PAQ states, resident victims of sexual abuse while incarcerated are offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.</p> <p>Travis County PREA Community Confinement Standards 115.282, page 43, section C., states, "Resident victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate."</p> <p>(d) The Travis County SMART Facility PAQ states, treatment services are provided to every victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.</p> <p>Travis County PREA Community Confinement Standards 115.282, page 43, section D, states, "Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident."</p> <p>Through such reviews, the facility meets the standard requirements.</p>

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

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Travis County SMART Facility PAQ
2. Travis County PREA Community Confinement Standards, dated 12.2.2019
3. Travis County Community Justice Services Pretrial Services & Adult Probation Referral for Psychological/Psychiatric Services Form, dated 8.29.2018

Interviews:

1. LVN
2. Senior Mental Health Provider

Interviews with specialized staff demonstrated that ongoing medical services prescribed by a physician would be followed once the resident returned to the facility. The mental health provider stated mental health evaluations would be completed with considerations of shared advocate information as soon as the resident returned from emergency services.

(a) The Travis County SMART Facility PAQ states the facility offers medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.

Travis County PREA Community Confinement Standards 115.283, page 44, section E., states, "SMART shall offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.

- a. Staff will notify or refer resident to the appropriate medical or mental health staff.
- b. Staff will complete a Referral for Psychological/Psychiatric Services Form if warranted."

The facility provided a Travis County Community Justice Services Pretrial Services & Adult Probation Referral for Psychological/Psychiatric Services Form. The form documents the following:

- Referral Information
- Reason for Referral
- Problem Description
- Counselor III Assessment, Outcome and Rationale for Recommendation

(b) Travis County PREA Community Confinement Standards 115.283, page 44, section F., states, "The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody."

(c) Travis County PREA Community Confinement Standards 115.283, page 44, section G., states, "SMART shall provide such victims with medical and mental health services consistent with the community level of care."

(d) The Travis County SMART Facility PAQ states female victims of sexually abusive vaginal penetration while incarcerated are offered pregnancy tests.

Travis County PREA Community Confinement Standards 115.283, page 44, section H., states, "Resident victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests."

(e) The Travis County SMART Facility PAQ states if pregnancy results from sexual abuse while incarcerated, victims receive timely and comprehensive information about, and timely access to, all lawful pregnancy-related medical services.

Travis County PREA Community Confinement Standards 115.283, page 44, section I., states, "If pregnancy results from conduct specified in paragraph (D) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services."

(f) The Travis County SMART Facility PAQ states resident victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate.

Travis County PREA Community Confinement Standards 115.283, page 44, section J., states, "Resident victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate."

(g) Travis County PREA Community Confinement Standards 115.283, page 44, section K., states, "Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident."

(h) The Travis County SMART Facility PAQ states the facility does attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offers treatment when deemed appropriate by mental health practitioners.

Travis County PREA Community Confinement Standards 115.283, page 44, section L., states, "SMART shall attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners."

Through such reviews, the facility meets the standard requirements.

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Travis County SMART Facility PAQ
2. Travis County PREA Community Confinement Standards, dated 12.2.2019
3. Travis County Community Justice Services Pretrial Services & Adult Probation SMART Facility Incident Review, dated 2.24.2020

Interviews:

1. SMART Program Administrator / Investigator
2. Division Director / PREA Coordinator

The team on-site clearly articulated their review of all incidents reported and investigations of sexual harassment and sexual abuse. The team considers demographics of residents, facility area where abuse is alleged to have taken place, staffing patterns and technology when reviewing incidents of sexual harassment or sexual abuse.

(a) The Travis County SMART Facility PAQ states the facility conducts a sexual abuse incident review at the conclusion of every criminal or administrative sexual abuse investigation, unless the allegation has been determined to be unfounded. In the past 12 months there has been zero criminal and or administrative investigations of alleged sexual abuse completed at the facility,

Travis County PREA Community Confinement Standards 115.286, page 45, section A-B., states, "The Facility Administrator will ensure that a post investigation review of a sexual abuse incident is conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. Such review shall ordinarily occur within 30 days of the conclusion of the investigation.

The facility provided a Travis County Community Justice Services Pretrial Services & Adult Probation SMART Facility Incident Review Form. The form demonstrates the following is documented.

- Date of Review
- Review Team Members Present
- Date Incident Reported
- Date Investigation Concluded
- Name(s) of those involved
- Respondent/Accused
- Findings
- Does allegation indicate a need to change policy or practice to better prevent, detect or respond to sexual abuse?
- Was the incident motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or, gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility?
- Examination of area where incident occurred:
 - o Physical barriers observed?
 - o Video monitoring of area available?
- Adequacy of staffing levels in that area?
- Should monitoring technology to be deployed or augmented to supplement supervision by staff?
- Has victim been notified of investigation outcome?
- Facility shall prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1) -(d)(5) of this section, and any recommendations for improvement and submit such report to the Facility Director and PREA Coordinator.
- Action taken by facility after this incident.

(b) The Travis County SMART Facility PAQ states sexual abuse incident reviews are ordinarily conducted within 30 days of concluding the criminal or administrative investigation. In the past 12 months, the number of criminal and/or administrative investigations of alleged sexual abuse completed at the facility that were followed by a sexual abuse incident review within 30 days, excluding only "unfounded" incidents were zero. Policy compliance can be found in provision (a) of this standard.

(c) The Travis County SMART Facility PAQ states the sexual abuse incident review team includes upper-level management officials and allows for input from line supervisors, investigators, and medical or mental health practitioners.

Travis County PREA Community Confinement Standards 115.286, page 45, section C., states, "In addition to the Facility Administrator, the incident review team shall include input from all parties involved including any supervisors, PREA investigators, medical staff, and/or mental health practitioners."

(d) The Travis County SMART Facility PAQ states the facility prepares a report of its findings from sexual abuse incident

reviews, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1) -(d)(5) of this section, and any recommendations for improvement and submits such report to the facility head and Facility Director / PREA Coordinator.

Travis County PREA Community Confinement Standards 115.286, page 45, section D., states, "The review team shall:

1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
4. Assess the adequacy of staffing levels in that area during different shifts;
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
6. All findings and recommendations for improvement will be documented on the Sexual Abuse Incident Review Report. Completed Incident reports will be forwarded to the facility administrator, PREA Coordinator/Compliance Manager, Division Director, and Director."

(e) The Travis County SMART Facility PAQ states, the facility implements the recommendations for improvement or documents its reasons for not doing so.

Travis County PREA Community Confinement Standards 115.286, page 45, section E., states, "The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so."

Through such reviews, the facility meets the standard requirements.

115.287	Data collection
	<p data-bbox="242 145 742 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 208 454 237">Auditor Discussion</p> <p data-bbox="242 271 438 300">Document Review:</p> <ol data-bbox="242 304 1013 365" style="list-style-type: none"> <li data-bbox="242 304 630 333">1. Travis County SMART Facility PAQ <li data-bbox="242 338 1013 365">2. Travis County PREA Community Confinement Standards, dated 12.2.2019 <p data-bbox="242 394 1468 454">(a) The Travis County SMART Facility PAQ states the agency collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.</p> <p data-bbox="242 483 1460 577">Travis County PREA Community Confinement Standards 115.287, page 46, section A., states, "The agency shall collect accurate, uniform data for every allegation of sexual abuse the SMART facility using a standardized instrument and set of definitions."</p> <p data-bbox="242 607 1484 636">(b) The Travis County SMART Facility PAQ states the agency aggregates the incident-based sexual abuse at least annually.</p> <p data-bbox="242 665 1476 725">Travis County PREA Community Confinement Standards 115.287, page 46, section B., states, "The agency shall aggregate the incident-based sexual abuse data at least annually."</p> <p data-bbox="242 754 1492 848">(c) The Travis County SMART Facility PAQ states the standardized instrument includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice.</p> <p data-bbox="242 878 1484 972">Travis County PREA Community Confinement Standards 115.287, page 46, section C., states, "The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice."</p> <p data-bbox="242 1001 1428 1061">(d) The Travis County SMART Facility PAQ states the agency maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.</p> <p data-bbox="242 1090 1468 1184">Travis County PREA Community Confinement Standards 115.287, page 46, section D., states, "The agency shall maintain, review, and collect data as needed from all available incident-based documents including reports, investigation files, and sexual abuse incident reviews."</p> <p data-bbox="242 1214 1300 1243">(e) This provision is not applicable as the Travis County SMART Facility does do not have private facilities.</p> <p data-bbox="242 1272 1356 1301">(f) This provision is not applicable as the Travis County SMART Facility as DOJ has not requested agency data.</p> <p data-bbox="242 1330 917 1359">Through such reviews, the facility meets the standard requirements.</p>

115.288	Data review for corrective action
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Travis County SMART Facility PAQ 2. Travis County PREA Community Confinement Standards, dated 12.2.2019 3. TCCJS 2021 PREA Annual Report 4. TCCJS 2020 PREA Annual Report 5. TCCJS 2019 PREA Annual Report 6. Post Audit: Travis County Community Justice Services Memorandum, from SMART Program Administrator, dated 11.3.2022 <p>Observation:</p> <p>The agency's annual report is not currently available to the public through its website or other means.</p> <p>Action Plan:</p> <ul style="list-style-type: none"> • The facility to post the annual report on its website or provide a memorandum to the Auditor and any applicable personnel, from the agency head, providing a sustainable action plan of how the annual report will be made available to the public with supporting documentation sustaining the action plan. • The facility to email the memorandum to the PREA Auditor. <p>Post Audit the facility provided Travis County Community Justice Services Memorandum, from SMART Program Administrator to the Department of Justice PREA Auditor, Re: PREA Policy 115.222 - Policies to Ensure Referrals of Allegations for Investigations, PREA Policy 115.288 - Data Review for Corrective Action and PREA Policy 115.403 - Audit Contents and Findings, stating, "In response to the Travis County Post PREA Audit Action Plan, TCCJS has made the following documents available on our department website: https://www.traviscountytx.gov/tccjs/adult-probation/smart-program</p> <ul style="list-style-type: none"> • All SMART PREA Policies • All SMART PREA Annual Reports • All SMART PREA Audit Final Reports" <p>(a) The Travis County SMART Facility PAQ states the agency reviews data collected and aggregated pursuant to §115.287 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, response policies, and training, including: (a) identifying problem areas; (b) taking corrective action on an ongoing basis; and (c) preparing 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.</p> <p>Travis County PREA Community Confinement Standards 115.28, page 47, section A., states, "The agency shall review data collected and aggregated pursuant to § 115.287 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including: (a)</p> <ol style="list-style-type: none"> 1. Identifying problem areas; 2. Taking corrective action on an ongoing basis; 3. Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole. " <p>The facility provided a TCCJS PREA Annual Reports from years 2019-2021. The report is comprised of the following information:</p> <ul style="list-style-type: none"> • Background • Compliance • 2020 Survey of Sexual Violence • Definitions of outcomes • Inmate on Inmate Nonconsensual Sexual Acts • Inmate on Inmate Abusive Sexual Contact • Inmate on Inmate Sexual Harassment • Staff Sexual Misconduct • Staff Sexual Harassment • 2021 In Review • Outcomes for Calendar Years 2018, 2019, 2020, 2021 <ul style="list-style-type: none"> o Average Daily Population o Total Intakes o PREA Reports o Substantiated Sexual Abuse (penetration and abusive contact) cases

(b) The Travis County SMART Facility PAQ states the annual report includes a comparison of the current year's data and corrective actions to those from prior years. The annual report provides an assessment of the agency's progress in addressing sexual abuse.

Travis County PREA Community Confinement Standards 115.288, page 47, section B., states, "Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse."

(c) The Travis County SMART Facility PAQ states the agency makes its annual report readily available to the public, at least annually, through its website. Annual reports are approved by the agency head. The Annual report is available at Prison Rape Elimination Act (PREA) (tcsheriff.org)

Travis County PREA Community Confinement Standards 115.288, page 47, section C., states, "The agency's report shall be approved by the agency Director and made readily available to the public through its website or, if it does not have one, through other means."

(d) The Travis County SMART Facility PAQ states when the agency redacts material from an annual report for publication, the redactions are limited to specific materials where publication would present a clear and specific threat to the safety and security of the facility.

Travis County PREA Community Confinement Standards 115.288, page 47, section D., states, "The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of the facility but must indicate the nature of the material redacted."

Through such reviews, the facility meets the standard requirements.

115.289	<p>Data storage, publication, and destruction</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Travis County SMART Facility PAQ 2. Travis County PREA Community Confinement Standards, dated 12.2.2019 <p>(a) The Travis County SMART Facility PAQ states the agency ensures that incident-based and aggregate data are securely retained.</p> <p>Travis County PREA Community Confinement Standards 115.289, page 47, section A., states, “The agency shall ensure that data collected pursuant to § 115.287 are securely retained.”</p> <p>(b) The Travis County SMART Facility PAQ states the agency policy requires that aggregated sexual abuse data from facilities under its direct control and private facilities with which it contracts be made readily available to the public at least annually through its website.</p> <p>Travis County PREA Community Confinement Standards 115.289, page 47, section B., states, “The agency shall make all aggregated sexual abuse data readily available to the public at least annually through its website or, if it does not have one, through other means.”</p> <p>(c) The Travis County SMART Facility PAQ states before making aggregated sexual abuse data publicly available, the agency removes all personal identifiers.</p> <p>Travis County PREA Community Confinement Standards 115.289, page 47, section C., states, “The agency shall ensure that all personal identifiers are removed from sexual abuse data before it is made publicly available.”</p> <p>(d) Compliance can be found in provision (c) of this standard. Travis County PREA Community Confinement Standards page 30, section 36.04 Data Storage, Publication, and Destruction, last paragraph states, The Director or designee shall maintain sexual abuse data collected pursuant to section 31.02 for at least 10 years after the date of initial collection unless Federal, State, or local law requires otherwise.</p> <p>Travis County PREA Community Confinement Standards 115.289, page 47, section D., states, “The PREA Coordinator will maintain sexual abuse data collected for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.”</p> <p>Through such reviews, the facility meets the standard requirements.</p>
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115.401	Frequency and scope of audits
	Auditor Overall Determination: Meets Standard
	<p data-bbox="231 190 1508 257">Auditor Discussion</p> <p data-bbox="231 257 1508 313">(a) This standard is not applicable as the facility is a standalone facility and not part of an agency of facilities.</p> <p data-bbox="231 313 1508 369">(b) This is the second audit cycle for Travis County SMART Facility and the third year of the second audit cycle.</p> <p data-bbox="231 369 1508 425">(h) The Auditor was granted complete access to, and the ability to observe, all areas of the facility.</p> <p data-bbox="231 425 1508 526">(i) The Auditor was permitted to request and receive copies of any relevant documents (including electronically stored information).</p> <p data-bbox="231 526 1508 582">(m) The Auditor was permitted to conduct private interviews with residents.</p> <p data-bbox="231 582 1508 683">(n) Residents were permitted to send confidential information or correspondence to the Auditor in the same manner as if they were communicating with legal counsel.</p> <p data-bbox="231 683 1508 725">Through such reviews, the facility meets the standard requirements.</p>

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 208 451 237">Auditor Discussion</p> <p data-bbox="240 271 1453 331">(f) The agency shall ensure that the auditor’s final report is published on the agency’s website if it has one, or is otherwise made readily available to the public.</p> <p data-bbox="240 394 1481 423">Observation: The agency’s final PREA audit report is not currently available to the public through its website or other means.</p> <p data-bbox="240 454 363 483">Action Plan:</p> <ul data-bbox="240 488 1485 613" style="list-style-type: none"> • The facility to post the most current final PREA Audit report on its website or provide a memorandum to the Auditor and any applicable personnel, from the agency head, providing a sustainable action plan of how the PREA Audit report will be made available to the public with supporting documentation sustaining the action plan. • The facility to email the memorandum to the PREA Auditor. <p data-bbox="240 645 1453 837">Post Audit the facility provided Travis County Community Justice Services Memorandum, from SMART Program Administrator to the Department of Justice PREA Auditor, Re: PREA Policy 115.222 - Policies to Ensure Referrals of Allegations for Investigations, PREA Policy 115.288 - Data Review for Corrective Action and PREA Policy 115.403 - Audit Contents and Findings, stating, “In response to the Travis County Post PREA Audit Action Plan, TCCJS has made the following documents available on our department website: https://www.traviscountytx.gov/tccjs/adult-probation/smart-program</p> <ul data-bbox="240 842 639 945" style="list-style-type: none"> • All SMART PREA Policies • All SMART PREA Annual Reports • All SMART PREA Audit Final Reports” <p data-bbox="240 969 919 999">Through such reviews, the facility meets the standard requirements.</p>

Appendix: Provision Findings		
115.211 (a)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment?	yes
	Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment?	yes
115.211 (b)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	Has the agency employed or designated an agency-wide PREA Coordinator?	yes
	Is the PREA Coordinator position in the upper-level of the agency hierarchy?	yes
	Does the PREA Coordinator have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its community confinement facilities?	yes
115.212 (a)	Contracting with other entities for the confinement of residents	
	If this agency is public and it contracts for the confinement of its residents with private agencies or other entities, including other government agencies, has the agency included the entity's obligation to adopt and comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of residents.)	na
115.212 (b)	Contracting with other entities for the confinement of residents	
	Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of residents.)	na
115.212 (c)	Contracting with other entities for the confinement of residents	
	If the agency has entered into a contract with an entity that fails to comply with the PREA standards, did the agency do so only in emergency circumstances after making all reasonable attempts to find a PREA compliant private agency or other entity to confine residents? (N/A if the agency has not entered into a contract with an entity that fails to comply with the PREA standards.)	na
	In such a case, does the agency document its unsuccessful attempts to find an entity in compliance with the standards? (N/A if the agency has not entered into a contract with an entity that fails to comply with the PREA standards.)	na
115.213 (a)	Supervision and monitoring	
	Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring to protect residents against sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The physical layout of each facility?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the resident population?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors?	yes

115.213 (b)	Supervision and monitoring	
	In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (NA if no deviations from staffing plan.)	na
115.213 (c)	Supervision and monitoring	
	In the past 12 months, has the facility assessed, determined, and documented whether adjustments are needed to the staffing plan established pursuant to paragraph (a) of this section?	yes
	In the past 12 months, has the facility assessed, determined, and documented whether adjustments are needed to prevailing staffing patterns?	yes
	In the past 12 months, has the facility assessed, determined, and documented whether adjustments are needed to the facility's deployment of video monitoring systems and other monitoring technologies?	yes
	In the past 12 months, has the facility assessed, determined, and documented whether adjustments are needed to the resources the facility has available to commit to ensure adequate staffing levels?	yes
115.215 (a)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting any cross-gender strip searches or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?	yes
115.215 (b)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting cross-gender pat-down searches of female residents, except in exigent circumstances? (N/A if the facility does not have female inmates.)	yes
	Does the facility always refrain from restricting female residents' access to regularly available programming or other outside opportunities in order to comply with this provision? (N/A if the facility does not have female inmates.)	yes
115.215 (c)	Limits to cross-gender viewing and searches	
	Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?	yes
	Does the facility document all cross-gender pat-down searches of female residents?	yes
115.215 (d)	Limits to cross-gender viewing and searches	
	Does the facility have policies that enable residents to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility have procedures that enable residents to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility require staff of the opposite gender to announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing?	yes

115.215 (e)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from searching or physically examining transgender or intersex residents for the sole purpose of determining the resident's genital status?	yes
	If the resident's genital status is unknown, does the facility determine genital status during conversations with the resident, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner?	yes
115.215 (f)	Limits to cross-gender viewing and searches	
	Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes
	Does the facility/agency train security staff in how to conduct searches of transgender and intersex residents in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes

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

115.216 (c)	Residents with disabilities and residents who are limited English proficient	
	Does the agency always refrain from relying on resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties under §115.264, or the investigation of the resident's allegations?	yes
115.217 (a)	Hiring and promotion decisions	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with residents who: Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with residents who: Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with residents who: Has been civilly or administratively adjudicated to have engaged in the activity described in the two questions immediately above ?	yes
	Does the agency prohibit the enlistment of the services of any contractor who may have contact with residents who: Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the enlistment of the services of any contractor who may have contact with residents who: Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the enlistment of the services of any contractor who may have contact with residents who: Has been civilly or administratively adjudicated to have engaged in the activity described in the two questions immediately above ?	yes
115.217 (b)	Hiring and promotion decisions	
	Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with residents?	yes
	Does the agency consider any incidents of sexual harassment in determining to enlist the services of any contractor who may have contact with residents?	yes
115.217 (c)	Hiring and promotion decisions	
	Before hiring new employees who may have contact with residents, does the agency: Perform a criminal background records check?	yes
	Before hiring new employees who may have contact with residents, does the agency, consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse?	yes
115.217 (d)	Hiring and promotion decisions	
	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with residents?	yes
115.217 (e)	Hiring and promotion decisions	
	Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with residents or have in place a system for otherwise capturing such information for current employees?	yes

115.217 (f)	Hiring and promotion decisions	
	Does the agency ask all applicants and employees who may have contact with residents directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions?	yes
	Does the agency ask all applicants and employees who may have contact with residents directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees?	yes
	Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?	yes
115.217 (g)	Hiring and promotion decisions	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes
115.217 (h)	Hiring and promotion decisions	
	Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.)	na
115.218 (a)	Upgrades to facilities and technology	
	If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect residents from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012 or since the last PREA audit, whichever is later.)	na
115.218 (b)	Upgrades to facilities and technology	
	If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect residents from sexual abuse? (N/A if agency/facility has not installed or updated any video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012 or since the last PREA audit, whichever is later.)	na
115.221 (a)	Evidence protocol and forensic medical examinations	
	If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal or administrative sexual abuse investigations.)	yes
115.221 (b)	Evidence protocol and forensic medical examinations	
	Is this protocol developmentally appropriate for youth where applicable? (NA if the agency/facility is not responsible for conducting any form of criminal or administrative sexual abuse investigations.)	yes
	Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (NA if the agency/facility is not responsible for conducting any form of criminal or administrative sexual abuse investigations.)	yes

115.221 (c)	Evidence protocol and forensic medical examinations	
	Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate?	yes
	Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?	yes
	If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?	yes
	Has the agency documented its efforts to provide SAFEs or SANEs?	yes
115.221 (d)	Evidence protocol and forensic medical examinations	
	Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?	yes
	If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member?	yes
	Has the agency documented its efforts to secure services from rape crisis centers?	yes
115.221 (e)	Evidence protocol and forensic medical examinations	
	As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews?	yes
	As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?	yes
115.221 (f)	Evidence protocol and forensic medical examinations	
	If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.)	yes
115.221 (h)	Evidence protocol and forensic medical examinations	
	If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency attempts to make a victim advocate from a rape crisis center available to victims per 115.221(d) above).	yes
115.222 (a)	Policies to ensure referrals of allegations for investigations	
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse?	yes
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment?	yes

115.222 (b)	Policies to ensure referrals of allegations for investigations	
	Does the agency have a policy in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior?	yes
	Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?	yes
	Does the agency document all such referrals?	yes
115.222 (c)	Policies to ensure referrals of allegations for investigations	
	If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for conducting criminal investigations. See 115.221(a).)	yes
115.231 (a)	Employee training	
	Does the agency train all employees who may have contact with residents on: Its zero-tolerance policy for sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with residents on: How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?	yes
	Does the agency train all employees who may have contact with residents on: Residents' right to be free from sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with residents on: The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with residents on: The dynamics of sexual abuse and sexual harassment in confinement?	yes
	Does the agency train all employees who may have contact with residents on: The common reactions of sexual abuse and sexual harassment victims?	yes
	Does the agency train all employees who may have contact with residents on: How to detect and respond to signs of threatened and actual sexual abuse?	yes
	Does the agency train all employees who may have contact with residents on: How to avoid inappropriate relationships with residents?	yes
	Does the agency train all employees who may have contact with residents on: How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents?	yes
	Does the agency train all employees who may have contact with residents on: How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?	yes
115.231 (b)	Employee training	
	Is such training tailored to the gender of the residents at the employee's facility?	yes
	Have employees received additional training if reassigned from a facility that houses only male residents to a facility that houses only female residents, or vice versa?	yes

115.231 (c)	Employee training	
	Have all current employees who may have contact with residents received such training?	yes
	Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures?	yes
	In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies?	yes
115.231 (d)	Employee training	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes
115.232 (a)	Volunteer and contractor training	
	Has the agency ensured that all volunteers and contractors who have contact with residents have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes
115.232 (b)	Volunteer and contractor training	
	Have all volunteers and contractors who have contact with residents been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with residents)?	yes
115.232 (c)	Volunteer and contractor training	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes
115.233 (a)	Resident education	
	During intake, do residents receive information explaining: The agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do residents receive information explaining: How to report incidents or suspicions of sexual abuse or sexual harassment?	yes
	During intake, do residents receive information explaining: Their rights to be free from sexual abuse and sexual harassment?	yes
	During intake, do residents receive information explaining: Their rights to be free from retaliation for reporting such incidents?	yes
	During intake, do residents receive information regarding agency policies and procedures for responding to such incidents?	yes
115.233 (b)	Resident education	
	Does the agency provide refresher information whenever a resident is transferred to a different facility?	yes

115.233 (c)	Resident education	
	Does the agency provide resident education in formats accessible to all residents, including those who: Are limited English proficient?	yes
	Does the agency provide resident education in formats accessible to all residents, including those who: Are deaf?	yes
	Does the agency provide resident education in formats accessible to all residents, including those who: Are visually impaired?	yes
	Does the agency provide resident education in formats accessible to all residents, including those who: Are otherwise disabled?	yes
	Does the agency provide resident education in formats accessible to all residents, including those who: Have limited reading skills?	yes
115.233 (d)	Resident education	
	Does the agency maintain documentation of resident participation in these education sessions?	yes
115.233 (e)	Resident education	
	In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to residents through posters, resident handbooks, or other written formats?	yes
115.234 (a)	Specialized training: Investigations	
	In addition to the general training provided to all employees pursuant to §115.231, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators receive training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of criminal or administrative sexual abuse investigations. See 115.221(a)).	yes
115.234 (b)	Specialized training: Investigations	
	Does this specialized training include: Techniques for interviewing sexual abuse victims?(N/A if the agency does not conduct any form of criminal or administrative sexual abuse investigations. See 115.221(a)).	yes
	Does this specialized training include: Proper use of Miranda and Garrity warnings?(N/A if the agency does not conduct any form of criminal or administrative sexual abuse investigations. See 115.221(a)).	yes
	Does this specialized training include: Sexual abuse evidence collection in confinement settings?(N/A if the agency does not conduct any form of criminal or administrative sexual abuse investigations. See 115.221(a)).	yes
	Does this specialized training include: The criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of criminal or administrative sexual abuse investigations. See 115.221(a)).	yes
115.234 (c)	Specialized training: Investigations	
	Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of criminal or administrative sexual abuse investigations. See 115.221(a).)	yes

115.235 (a)	Specialized training: Medical and mental health care	
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: How to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: How to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: How to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: How and to whom to report allegations or suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
115.235 (b)	Specialized training: Medical and mental health care	
	If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency does not employ medical staff or the medical staff employed by the agency do not conduct forensic exams.)	na
115.235 (c)	Specialized training: Medical and mental health care	
	Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
115.235 (d)	Specialized training: Medical and mental health care	
	Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.231? (N/A for circumstances in which a particular status (employee or contractor/volunteer) does not apply.)	yes
	Do medical and mental health care practitioners contracted by and volunteering for the agency also receive training mandated for contractors and volunteers by §115.232? (N/A for circumstances in which a particular status (employee or contractor/volunteer) does not apply.)	yes
115.241 (a)	Screening for risk of victimization and abusiveness	
	Are all residents assessed during an intake screening for their risk of being sexually abused by other residents or sexually abusive toward other residents?	yes
	Are all residents assessed upon transfer to another facility for their risk of being sexually abused by other residents or sexually abusive toward other residents?	yes
115.241 (b)	Screening for risk of victimization and abusiveness	
	Do intake screenings ordinarily take place within 72 hours of arrival at the facility?	yes
115.241 (c)	Screening for risk of victimization and abusiveness	
	Are all PREA screening assessments conducted using an objective screening instrument?	yes

115.241 (d)	Screening for risk of victimization and abusiveness	
	Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: Whether the resident has a mental, physical, or developmental disability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: The age of the resident?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: The physical build of the resident?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: Whether the resident has previously been incarcerated?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: Whether the resident's criminal history is exclusively nonviolent?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: Whether the resident has prior convictions for sex offenses against an adult or child?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: Whether the resident is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the resident about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the resident is gender non-conforming or otherwise may be perceived to be LGBTI)?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: Whether the resident has previously experienced sexual victimization?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: The resident's own perception of vulnerability?	yes
115.241 (e)	Screening for risk of victimization and abusiveness	
	In assessing residents for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: prior acts of sexual abuse?	yes
	In assessing residents for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: prior convictions for violent offenses?	yes
	In assessing residents for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: history of prior institutional violence or sexual abuse?	yes
115.241 (f)	Screening for risk of victimization and abusiveness	
	Within a set time period not more than 30 days from the resident's arrival at the facility, does the facility reassess the resident's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening?	yes
115.241 (g)	Screening for risk of victimization and abusiveness	
	Does the facility reassess a resident's risk level when warranted due to a: Referral?	yes
	Does the facility reassess a resident's risk level when warranted due to a: Request?	yes
	Does the facility reassess a resident's risk level when warranted due to a: Incident of sexual abuse?	yes
	Does the facility reassess a resident's risk level when warranted due to a: Receipt of additional information that bears on the resident's risk of sexual victimization or abusiveness?	yes

115.241 (h)	Screening for risk of victimization and abusiveness	
	Is it the case that residents are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section?	yes
115.241 (i)	Screening for risk of victimization and abusiveness	
	Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the resident's detriment by staff or other residents?	yes
115.242 (a)	Use of screening information	
	Does the agency use information from the risk screening required by § 115.241, with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments?	yes
	Does the agency use information from the risk screening required by § 115.241, with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments?	yes
	Does the agency use information from the risk screening required by § 115.241, with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments?	yes
	Does the agency use information from the risk screening required by § 115.241, with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments?	yes
	Does the agency use information from the risk screening required by § 115.241, with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments?	yes
115.242 (b)	Use of screening information	
	Does the agency make individualized determinations about how to ensure the safety of each resident?	yes
115.242 (c)	Use of screening information	
	When deciding whether to assign a transgender or intersex resident to a facility for male or female residents, does the agency consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns residents to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)?	yes
	When making housing or other program assignments for transgender or intersex residents, does the agency consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether a placement would present management or security problems?	yes
115.242 (d)	Use of screening information	
	Are each transgender or intersex resident's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments?	yes
115.242 (e)	Use of screening information	
	Are transgender and intersex residents given the opportunity to shower separately from other residents?	yes

115.242 (f)	Use of screening information	
	Unless 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 lesbian, gay, bisexual, transgender, or intersex residents, does the agency always refrain from placing: lesbian, gay, and bisexual residents in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I residents pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless 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 lesbian, gay, bisexual, transgender, or intersex residents, does the agency always refrain from placing: transgender residents in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I residents pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless 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 lesbian, gay, bisexual, transgender, or intersex residents, does the agency always refrain from placing: intersex residents in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I residents pursuant to a consent decree, legal settlement, or legal judgement.)	yes
115.251 (a)	Resident reporting	
	Does the agency provide multiple internal ways for residents to privately report: Sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for residents to privately report: Retaliation by other residents or staff for reporting sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for residents to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?	yes
115.251 (b)	Resident reporting	
	Does the agency also provide at least one way for residents to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?	yes
	Is that private entity or office able to receive and immediately forward resident reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the resident to remain anonymous upon request?	yes
115.251 (c)	Resident reporting	
	Do staff members accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Do staff members promptly document any verbal reports of sexual abuse and sexual harassment?	yes
115.251 (d)	Resident reporting	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of residents?	yes

115.252 (a)	Exhaustion of administrative remedies	
	Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address resident grievances regarding sexual abuse. This does not mean the agency is exempt simply because a resident does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse.	yes
115.252 (b)	Exhaustion of administrative remedies	
	Does the agency permit residents to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)	yes
	Does the agency always refrain from requiring a resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.)	yes
115.252 (c)	Exhaustion of administrative remedies	
	Does the agency ensure that: a resident who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	yes
	Does the agency ensure that: such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	yes
115.252 (d)	Exhaustion of administrative remedies	
	Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by residents in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)	yes
	If the agency determines that the 90-day timeframe is insufficient to make an appropriate decision and claims an extension of time (the maximum allowable extension is 70 days per 115.252(d)(3)), does the agency notify the resident in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)	yes
	At any level of the administrative process, including the final level, if the resident does not receive a response within the time allotted for reply, including any properly noticed extension, may a resident consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)	yes
115.252 (e)	Exhaustion of administrative remedies	
	Are third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Are those third parties also permitted to file such requests on behalf of residents? (If a third party files such a request on behalf of a resident, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.)	yes
	If the resident declines to have the request processed on his or her behalf, does the agency document the resident's decision? (N/A if agency is exempt from this standard.)	yes

115.252 (f)	Exhaustion of administrative remedies	
	Has the agency established procedures for the filing of an emergency grievance alleging that a resident is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance alleging a resident is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)	yes
	Does the initial response and final agency decision document the agency's determination whether the resident is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
	Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
115.252 (g)	Exhaustion of administrative remedies	
	If the agency disciplines a resident for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the resident filed the grievance in bad faith? (N/A if agency is exempt from this standard.)	yes
115.253 (a)	Resident access to outside confidential support services	
	Does the facility provide residents with access to outside victim advocates for emotional support services related to sexual abuse by giving residents mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations?	yes
	Does the facility enable reasonable communication between residents and these organizations, in as confidential a manner as possible?	yes
115.253 (b)	Resident access to outside confidential support services	
	Does the facility inform residents, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws?	yes
115.253 (c)	Resident access to outside confidential support services	
	Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide residents with confidential emotional support services related to sexual abuse?	yes
	Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements?	yes
115.254 (a)	Third party reporting	
	Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment?	yes
	Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of a resident?	yes

115.261 (a)	Staff and agency reporting duties	
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against residents or staff who reported an incident of sexual abuse or sexual harassment?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation?	yes
115.261 (b)	Staff and agency reporting duties	
	Apart from reporting to designated supervisors or officials, do staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions?	yes
115.261 (c)	Staff and agency reporting duties	
	Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section?	yes
	Are medical and mental health practitioners required to inform residents of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services?	yes
115.261 (d)	Staff and agency reporting duties	
	If the alleged 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?	yes
115.261 (e)	Staff and agency reporting duties	
	Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators?	yes
115.262 (a)	Agency protection duties	
	When the agency learns that a resident is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the resident?	yes
115.263 (a)	Reporting to other confinement facilities	
	Upon receiving an allegation that a resident was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred?	yes
115.263 (b)	Reporting to other confinement facilities	
	Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?	yes
115.263 (c)	Reporting to other confinement facilities	
	Does the agency document that it has provided such notification?	yes
115.263 (d)	Reporting to other confinement facilities	
	Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?	yes

115.264 (a)	Staff first responder duties	
	Upon learning of an allegation that a resident was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser?	yes
	Upon learning of an allegation that a resident was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence?	yes
	Upon learning of an allegation that a resident was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes
	Upon learning of an allegation that a resident was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes
115.264 (b)	Staff first responder duties	
	If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff?	yes
115.265 (a)	Coordinated response	
	Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse?	yes
115.266 (a)	Preservation of ability to protect residents from contact with abusers	
	Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes
115.267 (a)	Agency protection against retaliation	
	Has the agency established a policy to protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff?	yes
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes
115.267 (b)	Agency protection against retaliation	
	Does the agency employ multiple protection measures, such as housing changes or transfers for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations?	yes

115.267 (c)	Agency protection against retaliation	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of residents or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any resident disciplinary reports?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency:4. Monitor resident housing changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor resident program changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignment of staff?	yes
	Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?	yes
115.267 (d)	Agency protection against retaliation	
	In the case of residents, does such monitoring also include periodic status checks?	yes
115.267 (e)	Agency protection against retaliation	
	If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?	yes
115.271 (a)	Criminal and administrative agency investigations	
	When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.221(a).)	yes
	Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.221(a).)	yes
115.271 (b)	Criminal and administrative agency investigations	
	Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.234?	yes

115.271 (c)	Criminal and administrative agency investigations	
	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
	Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
	Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes
115.271 (d)	Criminal and administrative agency investigations	
	When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?	yes
115.271 (e)	Criminal and administrative agency investigations	
	Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as resident or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes
115.271 (f)	Criminal and administrative agency investigations	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes
	Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?	yes
115.271 (g)	Criminal and administrative agency investigations	
	Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?	yes
115.271 (h)	Criminal and administrative agency investigations	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
115.271 (i)	Criminal and administrative agency investigations	
	Does the agency retain all written reports referenced in 115.271(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	yes
115.271 (j)	Criminal and administrative agency investigations	
	Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the facility or agency does not provide a basis for terminating an investigation?	yes
115.271 (l)	Criminal and administrative agency investigations	
	When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.221(a).)	yes
115.272 (a)	Evidentiary standard for administrative investigations	
	Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?	yes

115.273 (a)	Reporting to residents	
	Following an investigation into a resident's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	yes
115.273 (b)	Reporting to residents	
	If the agency did not conduct the investigation into a resident's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the resident? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)	yes
115.273 (c)	Reporting to residents	
	Following a resident's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the resident's unit?	yes
	Following a resident's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility?	yes
	Following a resident's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility?	yes
	Following a resident's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility?	yes
115.273 (d)	Reporting to residents	
	Following a resident's allegation that he or she has been sexually abused by another resident, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility?	yes
	Following a resident's allegation that he or she has been sexually abused by another resident, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?	yes
115.273 (e)	Reporting to residents	
	Does the agency document all such notifications or attempted notifications?	yes
115.276 (a)	Disciplinary sanctions for staff	
	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes
115.276 (b)	Disciplinary sanctions for staff	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes

115.276 (c)	Disciplinary sanctions for staff	
	Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories?	yes
115.276 (d)	Disciplinary sanctions for staff	
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies, unless the activity was clearly not criminal?	yes
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?	yes
115.277 (a)	Corrective action for contractors and volunteers	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with residents?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?	yes
115.277 (b)	Corrective action for contractors and volunteers	
	In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with residents?	yes
115.278 (a)	Disciplinary sanctions for residents	
	Following an administrative finding that a resident engaged in resident-on-resident sexual abuse, or following a criminal finding of guilt for resident-on-resident sexual abuse, are residents subject to disciplinary sanctions pursuant to a formal disciplinary process?	yes
115.278 (b)	Disciplinary sanctions for residents	
	Are sanctions commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories?	yes
115.278 (c)	Disciplinary sanctions for residents	
	When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether a resident's mental disabilities or mental illness contributed to his or her behavior?	yes
115.278 (d)	Disciplinary sanctions for residents	
	If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending resident to participate in such interventions as a condition of access to programming and other benefits?	yes
115.278 (e)	Disciplinary sanctions for residents	
	Does the agency discipline a resident for sexual contact with staff only upon a finding that the staff member did not consent to such contact?	yes

115.278 (f)	Disciplinary sanctions for residents	
	For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation?	yes
115.278 (g)	Disciplinary sanctions for residents	
	Does the agency always refrain from considering non-coercive sexual activity between residents to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between residents.)	yes
115.282 (a)	Access to emergency medical and mental health services	
	Do resident victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?	yes
115.282 (b)	Access to emergency medical and mental health services	
	If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.262?	yes
	Do security staff first responders immediately notify the appropriate medical and mental health practitioners?	yes
115.282 (c)	Access to emergency medical and mental health services	
	Are resident victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate?	yes
115.282 (d)	Access to emergency medical and mental health services	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
115.283 (a)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?	yes
115.283 (b)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody?	yes
115.283 (c)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility provide such victims with medical and mental health services consistent with the community level of care?	yes
115.283 (d)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are resident victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if "all-male" facility. Note: in "all-male" facilities, there may be residents who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	yes

115.283 (e)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If pregnancy results from the conduct described in paragraph § 115.283(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if “all-male” facility. Note: in “all-male” facilities, there may be residents who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	yes
115.283 (f)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are resident victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes
115.283 (g)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
115.283 (h)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners?	yes
115.286 (a)	Sexual abuse incident reviews	
	Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded?	yes
115.286 (b)	Sexual abuse incident reviews	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes
115.286 (c)	Sexual abuse incident reviews	
	Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?	yes
115.286 (d)	Sexual abuse incident reviews	
	Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?	yes
	Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility?	yes
	Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?	yes
	Does the review team: Assess the adequacy of staffing levels in that area during different shifts?	yes
	Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?	yes
	Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.286(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?	yes
115.286 (e)	Sexual abuse incident reviews	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes

115.287 (a)	Data collection	
	Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions?	yes
115.287 (b)	Data collection	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes
115.287 (c)	Data collection	
	Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice?	yes
115.287 (d)	Data collection	
	Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?	yes
115.287 (e)	Data collection	
	Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its residents? (N/A if agency does not contract for the confinement of its residents.)	na
115.287 (f)	Data collection	
	Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)	na
115.288 (a)	Data review for corrective action	
	Does the agency review data collected and aggregated pursuant to § 115.287 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas?	yes
	Does the agency review data collected and aggregated pursuant to § 115.287 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?	yes
	Does the agency review data collected and aggregated pursuant to § 115.287 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole?	yes
115.288 (b)	Data review for corrective action	
	Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse?	yes
115.288 (c)	Data review for corrective action	
	Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means?	yes
115.288 (d)	Data review for corrective action	
	Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility?	yes
115.289 (a)	Data storage, publication, and destruction	
	Does the agency ensure that data collected pursuant to § 115.287 are securely retained?	yes

115.289 (b)	Data storage, publication, and destruction	
	Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means?	yes
115.289 (c)	Data storage, publication, and destruction	
	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes
115.289 (d)	Data storage, publication, and destruction	
	Does the agency maintain sexual abuse data collected pursuant to § 115.287 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise?	yes
115.401 (a)	Frequency and scope of audits	
	During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.)	yes
115.401 (b)	Frequency and scope of audits	
	Is this the first year of the current audit cycle? (Note: a "no" response does not impact overall compliance with this standard.)	yes
	If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.)	na
	If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)	na
115.401 (h)	Frequency and scope of audits	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes
115.401 (i)	Frequency and scope of audits	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes
115.401 (m)	Frequency and scope of audits	
	Was the auditor permitted to conduct private interviews with residents?	yes
115.401 (n)	Frequency and scope of audits	
	Were inmates, residents, and detainees permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes
115.403 (f)	Audit contents and findings	
	The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or, in the case of single facility agencies, there has never been a Final Audit Report issued.)	yes